

ORDINANCE # 2017-28

**TEXT AMENDMENTS TO SECTIONS 3.02, 10.01.C.10 AND 10.01.C.11 OF THE  
KENDALL COUNTY ZONING ORDINANCE TO EXTEND THE EXPIRATION  
DEADLINE FROM JANUARY 1, 2018 TO JULY 1, 2020 FOR KENDALL  
COUNTY'S MEDICAL CANNABIS DISPENSING ORGANIZATIONS AND  
MEDICAL CANNABIS CULTIVATION CENTERS RELATED ZONING  
REGULATIONS**

*WHEREAS*, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. January 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and contained a repeal date of January 1, 2018; and,

*WHEREAS*, the Illinois General Assembly amended the Act by changing the repeal date to July 1, 2020 through P.A. 99-519 (eff. June 30, 2016); and,

*WHEREAS*, Section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers and medical cannabis dispensing organizations; and,

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers through Ordinance 2014-28 (adopted September 16, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

*WHEREAS*, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the "Zoning Ordinance" to regulate medical cannabis dispensing organizations through Ordinance 2014-31 (adopted November 18, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

*WHEREAS*, the Kendall County Board originally desired to automatically repeal Ordinance 2014-28 and Ordinance 2014-31 on January 1, 2018; and

*WHEREAS*, the Kendall County Board now desires to automatically repeal Ordinances 2014-28 and Ordinance 2014-31 concurrently with the repeal of the Act, on July 1, 2020; and

*WHEREAS*, all administrative procedures required prior to passing amendments to the

Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on October 30, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02- "Definitions", 10.01.C.10 & 10.01.C.11 "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: All references to a repeal date of January 1, 2018 are deleted and replaced with a repeal date of July 1, 2020.
- III. All references to a repeal date of January 1, 2018 found within Ordinance 2014-28 are deleted and replaced with a repeal date of July 1, 2020.
- IV. All references to a repeal date of January 1, 2018 found within Ordinance 2014-31 are deleted and replaced with a repeal date of July 1, 2020.
- V. All of the provisions and regulations contained within Ordinances 2014-28 and Ordinance 2014-31 shall remain effective until July 1, 2020 at which time both Ordinances shall be automatically repealed.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 19<sup>th</sup> day of December, 2017.

Attest:

  
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Kendall County Clerk  
Debbie Gillette

  
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Kendall County Board Chairman  
Scott R. Gryder