

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2015-11

AN ORDINANCE AMENDING TITLE 11 OF THE VILLAGE CODE OF MAPLE PARK, ILLINOIS "ZONING REGULATIONS," BY ADDING CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS TO SECTION 11-1-3 "RULES AND DEFINITIONS;" AMENDING SECTION 11-5-2 C TO ADD CULTIVATION CENTERS AS A SPECIAL USE; AMENDING SECTION 11-8-2 C TO ADD DISPENSING ORGANIZATIONS AS A SPECIAL USE; AND TO AMEND TITLE 11 BY ADDING SECTION 11-14-1 "SUPPLEMENTAL REVIEW STANDARDS"

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK**

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WHEREAS, on August 1, 2013, the Governor of the State of Illinois signed into law Public Act 98-0122, establishing the Compassionate Use of Medical Cannabis Pilot Program Act ("*Act*"); and

WHEREAS, pursuant to the Act, qualifying patients that have been diagnosed by a physician as having a debilitating medical condition, as defined by the Act, to use cannabis without being subject to arrest, prosecution, or denial of any right or privilege for the medical use of cannabis in accordance with the Act; and

WHEREAS, under the Act, cultivation centers, as defined by the Act ("*Cultivation Centers*"), will be authorized to grow, harvest, and distribute cannabis; and

WHEREAS, under the Act, medical cannabis dispensing organizations, as defined by the Act ("*Dispensing Organizations*"), will be authorized to dispense cannabis to qualifying patients; and

WHEREAS, the Act permits the operation of a limited number of Cultivation Centers and Dispensing Organizations throughout the State, and provides that municipalities may enact reasonable zoning regulations for these facilities, but prohibits municipalities from completely prohibiting the location of Cultivation Centers and Dispensing Organizations; and

WHEREAS, the Village of Maple Park Village Code as amended, does not plainly address uses that would encompass Cultivation Centers, Dispensing Organizations, or related operations; and

WHEREAS, on April 14, 2015 the Planning Commission of the Village of Maple Park conducted a public hearing, and made a recommendation to the President and Board of Trustees, on the question of whether the Zoning Ordinance should be amended to include Cultivation Centers or Dispensing Organizations as Special Uses, along with any other conditions that should be attached to the zoning of Cultivation Centers and Dispensing Organizations; and

WHEREAS, pursuant to notice duly published and provided as required by law, on April 14, 2015, the Planning Commission held a public hearing to consider amendments to the Zoning Ordinance regarding: (i) definitions of Cultivation Centers and Dispensing Organizations; and (ii) special use permits and supplemental standards for Cultivation Centers and Dispensing Organizations within specific Zoning Districts of the Village; and

WHEREAS, on April 14, 2015, the Planning Commission voted to recommend that the President and Board of Trustees amend the Zoning Ordinance to allow Cultivation Centers and

Dispensing Organizations in the specific Zoning Districts of the Village, but only upon issuance of special use permits; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments and the recommendation of the Planning Commission, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, as follows:

RECITALS.

SECTION 1: The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: Adding Section 11-1-3, titled "Rules and Definitions," of the Zoning Ordinance is hereby amended to add new definitions in alphabetical order that read as follows:

The following terms, phrases, words and their derivations shall have the meanings as set forth herein:

"Cultivation center" has the meaning set forth in Section 10 of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10, as may be amended.

"Medical cannabis dispensing organization" has the meaning set forth in Section 10 of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10, as may be amended.

SECTION 3: Amending Chapter 5, Section 11-5-2 of the Zoning Ordinance is hereby amended to add read as follows:

11-5-2 USES

C. Special Use

1. Airports.
2. Agriculturally related research and facilities.
3. Animal and poultry husbandry.
4. Cemeteries, including crematoriums and mausoleums, provided any building is located at least one hundred feet (100') from side and rear property lines.
5. Commercial feedlots.
6. Fertilizer production, sales, storage, mixing and distribution.
7. Fishing, hunting and game preserves.
8. Grain elevators and storage, commercial.
9. Kennels.
10. Livestock depots, sales yards and auction barns.
11. Medical Cannabis Cultivation Centers.
12. Milk depots.
13. Milk processing and distribution, including pasteurizing and manufacturing of ice cream and cheese.

14. Practice pistol and rifle ranges, skeet or trap shooting.
15. Radio and television towers, commercial.
16. Recreational areas or campgrounds.
17. Sales of feed and seed provided these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
18. Riding academies and commercial stables.
19. Sewage treatment facilities and other public utilities (i.e., electrical substations and distribution centers, transmission towers, etc.).
20. Other rural business uses not specifically listed above, when determined to be compatible with established uses on adjoining property.

SECTION 4: Amending Chapter 8, Section 11-8-2C as follows:

C. Special Uses:

1. Air, motor, and railroad freight terminals.
2. Airports.
3. Automobile service stations.
4. Daycare centers.
5. Drug and pharmaceutical supplies manufacturing.
6. Food manufacture, packaging and processing.
7. Medical Cannabis Dispensing Organization.
8. Parks and playgrounds.
9. Planned unit development.
10. Plating establishments.
11. Vegetable and grain processing, drying, packaging, storage and sales.
12. Vehicle repair and service facilities.
13. Adult uses: adult bookstores, body piercing, modeling studios, massage parlors, tattoo parlors, etc.
14. Dry cleaning establishments, with no limitation on number of employees.

SECTION 5: Amending Title 11 to add Section 11-14-1 to read as follows:

11-14-1 SUPPLEMENTAL REVIEW STANDARDS.

A. Supplemental standards for cultivation centers:

1. A cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or area zoned for residential use.
2. A cultivation center may not be located within 1,000 feet of the property line of a pre-existing cultivation center or medical cannabis dispensing organization.
3. In accordance with State statutes and regulations, cultivation centers are prohibited from advertising through any public medium. Therefore, a cultivation center may not install, construct, erect, alter, enlarge, replace, or move any signs other than site-relevant incidental signs, building memorial markers, and nameplates.

4. Cultivation centers must be constructed, maintained, and operated in strict compliance with all applicable State statutes and regulations.

B. Supplemental standards for medical cannabis dispensing organizations:

1. A medical cannabis dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
2. A medical cannabis dispensing organization may not be located in a house, apartment, or condominium.
3. A medical cannabis dispensing organization may not permit any person to consume cannabis on the property of a medical cannabis dispensing organization.
5. A medical cannabis dispensing organization may not share office space with or refer patients to a physician.
6. No drive-through facility may be constructed or operated in conjunction with any medical cannabis dispensing organization.
7. No medical cannabis dispensing organization may be open for business before 6:00 a.m. or after 8:00 p.m. on any day.
8. A sufficient number of parking spaces for the medical cannabis dispensing organization must be provided in compliance with Village Code. Additionally, the parking provided for a medical cannabis dispensing organization must be reserved for the exclusive use of dispensing organization employees and patrons, and may not be shared with other businesses.
9. Cultivation centers must be constructed, maintained, and operated in strict compliance with all applicable State statutes and regulations.

SECTION 6: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 7: EFFECTIVE DATE. The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

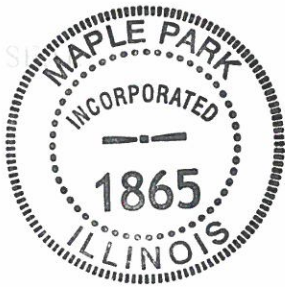
PASSED this 5th day of May 2015, pursuant to roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 5th day of May, 2015.



Kathleen Curtis

Kathleen Curtis, Village President

ATTEST:

Elizabeth E. Peerboom

Elizabeth Peerboom, Village Clerk

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PUBLICATION IN PAMPHLET FORM

I, Elizabeth Peerboom, certify that I am the Village Clerk of the Village of Maple Park, Kane and DeKalb Counties, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 2015-11, adopted by the corporate authorities on **May 5, 2015**, entitled “AN ORDINANCE AMENDING TITLE 11 OF THE VILLAGE CODE OF MAPLE PARK, ILLINOIS “ZONING REGULATIONS,” BY ADDING CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS TO SECTION 11-1-3 “RULES AND DEFINITIONS;” AMENDING SECTION 11-5-2 C TO ADD CULTIVATION CENTERS AS A SPECIAL USE; AMENDING SECTION 11-8-2 C TO ADD DISPENSING ORGANIZATIONS AS A SPECIAL USE; AND TO AMEND TITLE 11 BY ADDING SECTION 11-14-1 “SUPPLEMENTAL REVIEW STANDARDS,” has been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this **5th** day of **May, 2015**.



Elizabeth E. Peerboom
Elizabeth Peerboom, Village Clerk
Village of Maple Park
Kane and DeKalb Counties, IL