

ORDINANCE NO. 4 -2014

**AN ORDINANCE AMENDING THE EVERGREEN PARK ZONING
CODE BY PROVIDING FOR THE REGULATION OF MEDICAL
MARIJUANA FACILITIES**

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AN ORDINANCE AMENDING THE EVERGREEN PARK ZONING CODE BY PROVIDING FOR THE REGULATION OF MEDICAL MARIJUANA FACILITIES

WHEREAS, legal notice of a public hearing to be conducted by the Zoning Board of Appeals concerning proposed amendments to the Evergreen Park Zoning Code was duly published and posted in accordance with the law;

WHEREAS, the Zoning Board of Appeals conducted a public hearing on January 14, 2014 at which time it considered the proposed amendments to the Evergreen Park Zoning Code; and

WHEREAS, the Zoning Board of Appeals has recommended that the Corporate Authorities for the Village of Evergreen Park pass an ordinance incorporating the proposed amendments into the Evergreen Park Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

That Article II, Terms, of the Evergreen Park Zoning Code, be amended by changing Section 25-21, Definitions, to read as follows:

"Sec. 25-21. Definitions.

When used in this Code, the following terms shall have the meanings herein ascribed to them:

...

Medical Cannabis Cultivation Center. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois, as may be amended from time to time.

Medical Cannabis Dispensing Organization. A facility operated by an organization or business that is registered by the Department of Financial and Professional

Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois, as may be amended from time to time.

Medical Cannabis Facilities. Both Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

..."

Section 2

That Article VI, Special Uses, Planned Developments, Section 25-60, Special Use Permits, of the Evergreen Park Zoning Code, be amended by changing Subsection B, Special Uses in "C" Commercial Districts, to read as follows:

"Sec. 25-60. **Special Use Permits.**

...

B. *Special Use in "C" Commercial District.*

...

50. Medical Cannabis Dispensing Organizations, provided the facilities otherwise comply with the provisions of Article X.

..."

Section 3

That the Evergreen Park Zoning Ordinance be amended by Adding Article X, Medical Cannabis Cultivation and Dispensaries, to read as follows:

ARTICLE X. MEDICAL CANNABIS CULTIVATION AND DISPENSARIES

Sec. 25-100. Purpose and Applicability.

It is the intent and purpose of this article to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of

the Village of Evergreen Park. Such facilities shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, as may be amended from time to time (the "Act"), regulations enacted pursuant to authority granted through the Act, and the regulations provided herein. In the event that the Act is amended, the more restrictive of the state or Village regulations shall apply.

Sec. 25-101. Procedure.

Medical Cannabis Dispensing Organizations shall be a special use in the "C" Commercial District and processed in accordance with the provisions of Article VI of the Evergreen Park Zoning Code and this article. No Medical Cannabis Dispensing Organization shall be opened or operated unless specifically authorized under and pursuant to the Act and this Evergreen Park Zoning Code.

Sec. 25-102. Medical Cannabis Dispensing Organization Components.

In determining compliance with Article VI of the Evergreen Park Zoning Code, the following components of the Medical Cannabis Dispensing Organization shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of other properties in the vicinity:

- A. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- B. Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
- C. Hours of operation and anticipated number of customers/employees.
- D. Anticipated parking demand based and available private parking supply.
- E. Traffic generation and adjacent roadway capacity.
- F. Site design, including access points, internal site circulation and commercial vehicle loading, unloading and parking.
- G. Proposed signage plan.

- H. Compliance with all requirements provided in Section 25-104 (Medical Cannabis Dispensing Organization).
- I. Other criteria determined to be necessary to assess compliance with Article VI of the Evergreen Park Zoning Code.

Sec. 25-103. Medical Cannabis Cultivation Center.

It shall be unlawful to locate or operate a Medical Cannabis Cultivation Center in any residential, commercial, cemetery or open space recreation zoning district in the Village of Evergreen Park.

Sec. 25-104. Medical Cannabis Dispensing Organization.

In those zoning districts in which a Medical Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home or public park.
- B. Facility may not be located within 1,000 feet of the property line for any property used residentially or zoned for a residential use.
- C. Facility may not have drive-thru service.
- D. Facility must be a free standing structure not occupied by any other business or tenant, or used for any other purpose other than a Medical Cannabis Dispensing Organization.
- E. Retail sales occurring within said facility shall be accessory to the facility's intended use as a dispensing organization and shall not occupy greater than 10% of the total square footage of the facility. For purposes of calculating the total square footage dedicated to retail sales, that portion of the floor area dedicated to the distribution of medical cannabis or medical cannabis infused products shall be excluded from this calculation; all floor area dedicated to the sale of other medical cannabis products and/or paraphernalia shall be included.
- F. For purposes of determining required parking, said facilities shall be classified as a "Health Service Office" per Section 25-80 of the

Evergreen Park Zoning Code except that the number shall be calculated based on Medical Cannabis Dispensing Organization Agents working on the property, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 25-102 of this article.

Sec. 25-105. Additional Requirements.

Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the Medical Cannabis Dispensing Organization. Said improvements may be required by the Village in excess of those security measures required by the Act.

Section 4

This ordinance was passed pursuant to the Village of Evergreen Park's home rule powers under the Illinois Constitution.

Section 5

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

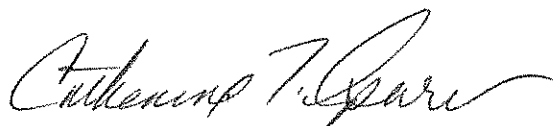
Section 6

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 7

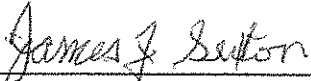
This ordinance shall be immediately in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in my office the 3rd day of February, 2014.



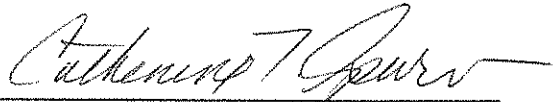
CATHERINE T. APARO, Village Clerk

APPROVED by me this 3rd
day of February, 2014.



JAMES J. SEXTON, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 3rd day of February, 2014.



CATHERINE T. APARO, Village Clerk