

ORDINANCE NO. 1645

**AN ORDINANCE AMENDING ORDINANCE NO. 727, AS AMENDED,
OF THE MUNICIPAL CODE OF THE CITY OF CREST HILL, ILLINOIS
(MEDICAL CANNABIS)**

WHEREAS, the Illinois General Assembly has passed, and the Governor has signed into law, Public Act 98-122, effective January 1, 2014 regarding medical cannabis; and

WHEREAS, the purpose of P.A. 98-122 “is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties, and property forfeiture if the patients engage in the medical use of cannabis;” and

WHEREAS, P.A. 98-122 allows The Department of Financial and Professional Regulation to issue up to 60 dispensing organization registrations for operation and The Department of Agriculture to register up to 22 cultivation center registrations for operation, one per State Police District; and

WHEREAS, the City Council has deemed it to be in the best interest of the City of Crest Hill, Illinois to amend certain portions of Ordinance No. 727, as amended, in order to create a zoning classification for these facilities as none currently exist within the Zoning Ordinance; and

WHEREAS, the Crest Hill City Council has determined that permitting establishment of these facilities in conformity with this Ordinance will not interfere with the health, safety and welfare of City residents; and

WHEREAS, a public hearing was held before the Crest Hill Plan Commission on September 11, 2013 for the purpose of soliciting public comment on the Ordinance amendments, with the Findings of Fact attached hereto as “Exhibit A” and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

SECTION 1: That the preamble of this ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

SECTION 2: That Section 2.01 of Ordinance No. 727, as amended, shall be amended to add the following definitions:

Medical Cannabis Cultivation Center: means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical Cannabis Dispensing Organization: means 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.

SECTION 3: That Section 7.3-3 of Ordinance No. 727 shall be amended to add Medical Cannabis Dispensing Facilities as a B-3 Special Use in section 5(b) as follows:

5. HEALTH MEDICAL AND CARE FACILITIES
 - a. Hospitals.
 - b. Medical Cannabis Dispensing Organizations.

SECTION 4: That Section 9.1-3 of Ordinance No. 727 shall be amended to add Medical Cannabis Cultivation Center as an M-1 Special Use in section 2(b) as follows:

2. WHOLESALE AND WAREHOUSE USES
 - a. Storage and sale on an open lot.
 - b. Medical Cannabis Cultivation Center.

SECTION 5: That each Section and part hereof of this Ordinance is deemed to be severable and should any section or part thereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity or the constitutionality of the remaining portions of this Ordinance.

SECTION 6: All ordinances, resolutions or orders or parts thereof, which conflict with the provisions of this ordinance, are to the extent of such conflict hereby repealed.


SECTION 7: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication according to law.

PASSED THIS 7TH DAY OF OCTOBER, 2013.

AYES: Duke, Vershaw, Gazal, Sklare, Oberlin, Thuringer, Convery and Inman

NAYES: None

ABSENT: None




Vicki Hackney, City Clerk

APPROVED THIS 7TH DAY OF OCTOBER, 2013.



Raymond R Soliman, Mayor

ATTEST:


Vicki Hackney, City Clerk

“EXHIBIT A”

BEFORE THE PLAN COMMISSION
OF THE CITY OF CREST HILL, ILLINOIS

IN RE:)
)
Medical Cannabis)
)
Text Amendment to the Zoning Ordinance)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO.
FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the proposed text amendment at a regularly scheduled meeting held on September 11, 2013, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

- A. That the City of Crest Hill, through the City Council or Plan Commission, is authorized to initiate amendments to the Zoning Ordinance pursuant to section 12.8-2;
- B. That the application seeks a text amendment to the Zoning Ordinance regarding classification of medical cannabis facilities, including Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations;
- C. The State of Illinois passed Public Act 98-122, effective January 1, 2014 which will permit the limited operation of Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations within the state;
- D. That no classifications currently exist within the Zoning Ordinance for such facilities;
- E. That the City wishes to classify medical cannabis facilities as follows:
 - a. Medical Cannabis Cultivation Centers: M-1 Special Use
 - b. Medical Cannabis Dispensing Organization: B-3 Special Use
- F. That the application for the text amendment was properly submitted and notice of the application and the public hearing were properly made;
- G. That no interested parties filed their appearances herein;
- H. That the public hearing was called into order, the City presented its evidence and arguments in support of its application;

- I. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;
- J. That the Plan Commission has considered all of the criteria set forth in subsections 12.8-4(1)-(7) regarding a proposed text amendment.


THEREFORE, IT IS THE DECISION OF THE PLAN COMMISSION OF THE CITY OF CREST HILL, ILLINOIS, BASED UPON THE EVIDENCE HEARD BY SAME AND ARGUMENTS AND SUGGESTIONS HEARD AT THE PUBLIC HEARING, AND HAVING DULY CONSIDERED THE MANDATES AND STANDARDS AS SET FORTH IN THE CITY OF CREST HILL, ILLINOIS ZONING ORDINANCE FOR THE GRANTING OF TEXT AMENDMENTS, AS FOLLOWS:

- 1. That the text amendment to create zoning classifications for Medical Cannabis Cultivation Centers as an M-1 Special Use and Medical Cannabis Dispensing Organizations as a B-3 Special Use was approved and is supported by the evidence adduced;
- 2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the text amendment be granted.

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 11th day of September, 2013 upon the following voice vote:

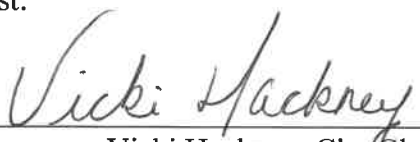
AYES: Commissioners Butler, Stryzik, Izquierdo, Stanton and Evans.
NAYES: None
ABSENT: Commissioners Carroll and Casagrande

Approved:



Ken Carroll, Chairman

Attest:



Vicki Hackney, City Clerk 