

From: [William G. O'Brien](#)
To: [Mesaros, Angela](#)
Cc: [moandroy@aol.com](#); [seth.bransky@comcast.net](#); [mcapm11@gmail.com](#); [lizohal@gmail.com](#); [djohnson@mallonandjohnson.com](#); [fas18065@yahoo.com](#); [Berstene, Valerie](#); ["Jackie Wells"](#)
Subject: Homewood Zoning Ordinance - Draft dated 11/8/22
Date: Thursday, November 17, 2022 8:58:19 AM
Attachments: [Scan0232.pdf](#)

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Angela – I have made it a point to review a good portion, thus far, of the 149-page draft I was sent for the meeting last Thursday 11/10/22. Two other commissioners had drafts of 153-pages and Jackie Wells, at the podium, was referring to yet a different draft. I do not know how that sort of mix-up can occur, but it wasted time trying to follow her presentation.

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I have also included six (6) pages related to Case 14-24 Text Amendment, Medical Cannabis. The Plan Commission minutes of 5/28/14 quotes the Director of Community Development, at the time, Paula J. Wallrich, as follows, “Ms. Wallrich stated that if the Village allowed cultivation centers and dispensing organizations as a Special Use in the M zoning district, there would not be a property in the village where a cultivation center could be located due to the State Act distance restriction of 2,500 feet from residentially zoned properties. The Plan Commission approved a Special Use which was referred to the Zone Board of Appeals. The minutes of the Zone Board of Appeals will need to be referenced.

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As always, let me know if you have any questions.

Re: **Authority**

- Article 1 44-01-02 Purpose and Intent
T To designate and define the powers and duties of the officials and bodies administering this ordinance.
- Article 2 44-02-04 Interpretation of Boundaries
B The **Director of Economic and Community Development** is correctly identified. However, throughout the rest of the Update, in many places, the position title is incorrectly identified as Economic and Community Director. The title is first, before the department.

Re: **Miscellaneous**

Article 1 44-01-05

- A Correct the word judgment to judgement
- B Correct the word judgment to judgement

Article 2 44-02-02

- A Reinstate "**which consists of relatively large lots**"
No changes to lot sizes have been made.

Article 3 44-03-04

Service and Office Uses

Replace Animal Hospital, Veterinarian with Veterinary Clinic

We have had two (2) cases within the past year that the PZC approved as "Veterinary Clinic".

Case 22-04 Homewood Veterinary Care formerly Markham Animal Clinic

Case 22-16 Petco Veterinary Clinic in the B-4 Shopping Center District

Veterinary Clinic encompassess all of the services provided by a veterinarian.

44-03-04 **Cannabis Related Uses**

Cannabis Cultivation Center is listed as a Permitted Use in the M-1 District.

Case 14-24 was approved 5/28/14 by the Plan Commission for a **Special Use** of a Medical Cannabis Cultivation Center in the M-1, Limited Manufacturing District.

The minutes of the Zone Board of Appeals needs to checked as to how they voted. At the time the votes were for a Medical Cannabis Cultivation Center.

Article 4 44-04-06 Service and Office Use Standards

- B **Replace Animal Hospital, Veterinarian with Veterinary Clinic**

44-04-14 Accessory Use Standards

- N Electric Vehicle Charging Stations

Electric (Electricity) is a new Fuel for vehicles specially built to operate on it.

Under 44-04-09 Vehicle Related Use Standards "The minimum lot size shall be at least fifteen thousand (15,000) square feet in area".

There is no lot size given for any type of Electric Vehicle Charging Station.

The entrepreneurial Electric Vehicle Charging Station, in other parts of the country, is like that of a gas station.

Re: **Definitions - Removed** Page 1 of 4

15.1 General Rules of Construction

Tense and Form

Number

Gender

Person

Shall and May

Time

Undefined Terms

Illustrations and Tables

15.2 Rules For Generic Use Definitions

Purpose of Generic Use Definitions

Components of Generic Use Definitions

Uses Not Listed

15.3 Definitions

A Abandonment

Abut

Accessory Building, Attached

Accessory Building, Detached

Agriculture, Growing of Crops

B Boarder

Boardinghouse

Boat Showroom

Building Line

Building, Principal

Building, Residential

Bulk - C - Gross Floor Area of the building in relation to lot lines, streets or to other bldgs.

Bulk - D - All Open Spaces allocated to the building

C Cellar

Child Care Home

Club or Lodge, Private

College/Universities

Co-Location

Congregate Housing

Cultural Facilities

Re: Definitions - Removed Page 2 of 4

D Dog House
Domestic Pet Service
Drive Through Facilities
Dwelling, Attached
Dwelling, Detached
Dwelling Unit Above Ground Floor
Dwelling Unit On Ground Floor

E Efficiency Unit
Exhibit Hall

F Fee Simple
Flood Plain
Floor Area Parking
Floor Area Ratio
Foot Candle
Funeral Home

G Garage, Public
Ground Floor Area

H Handicapped
Handicapped Accessible Ramp
Health Club
Heavy Equipment or Supplies Establishment
Heliport
High-Water Elevation

I Independent Elderly Housing
Indoor Amusement
Indoor Recreation

J 0

K 0

L Learning Center
Lighting Non-Cut-Off
Live Entertainment/Dancing

Re: **Definitions - Removed** Page 3 of 4

M Manufacturing, Light
Marquee
Medical Cannabis Cultivation Center
Medical Cannabis Dispensary Organization
Medical/Dental Clinics
Mini-Warehouse, Personal Storage
Mobile Home Park
Municipally Operated Health Center
Museum

N Nursery Home, Sanitarium

O Office, Government
Office, Professional
Open Sales Lot
Outdoor Amusement
Outdoor Living Area
Outdoor Recreation
Outdoor Seating
Outdoor Storage
Outline Lighting

P Parking, Garage
Parks, Playgrounds
Post Office
Pre-School, Nursery
Public Property

Q 0

R Recreational Vehicle

S Salon/Spa Establishments
Satellite Dish
Schools
School, Boarding
School, Trade or Business
Specialty Residential Use
Sports Arena
Stairs
Story, Half
Structure, Accessory

Re: **Definitions - Removed**

Page 4 of 4

T Tattoo
 Tavern/Bar
 Temporary Structure
 Trailer, Boat
 Truck Terminal, Repair

U Utilities

V Veterinarian Clinic
 Village
 Village Board

W Warehouse Distribution
 Wireless Communication Facility

X 0

Y 0

Z 0

Re: **Definitions - Changes**

Page 1 of 2

A	Additions or Expansion
B	Building Height
C	Carry-Out Facilities
D	Deck Driveway Dry Cleaning Plant Dwelling, Two-Family Dwelling, Single-Family Dwelling, Townhouse Dwelling Unit
E	0
F	Fast Food Restaurant Fence Floor Area
G	Garage, Private Guest
H	Height Hospital Hotel Household Recreational Facilities
I	0
J	0
K	0
L	Landing Lot Area Lot Corner Lot Line, Front

Re: **Definitions - Changes** Page 2 of 2

M Manufacturing, Light
Marquee
Medical/Dental Clinics
Motel
Motor Vehicle Sales & Rental
Motor Vehicle Service and Repair
Municipally Operated Health Center
Museum

N Non-Conforming Structure

O Outdoor Storage, Permanent

P Parking Lot
Parking Space
Parking Structure/Deck
Plat of Survey

Q 0

R 0

S Story

T 0

U 0

V 0

W 0

X 0

Y 0

Z 0

Re: **Definitions - Additions** Page 1 of 2

A	0
B	0
C	Check Cashing/Pay Day Loan Store Civic Uses of Public Property Commercial Kitchen Community Garden Coworking Space Electric Vehicle Charging Station Electric Vehicle Ready
D	0
E	0
F	Food Cart or Truck Fuel Sales
G	0
H	Household Recreational Facilities
I	0
J	0
K	0
L	Light Manufacturing, Assembly, Fabrication Lot Line, Side Lot Line, Area
M	Massage Therapy Medical Office Motor Vehicle Rental Motor Vehicle Sales Motor Vehicle Service Multi-Tenant Shopping Center

Re: **Definitions - Additions** Page 2 of 2

N Non-Conforming Building

O Outline Lighting

P Personal Service
Place of Assembly, Indoor Commercial
Place of Assembly, Indoor Non-Commercial
Place of Assembly, Outdoor Commercial
Place of Assembly, Outdoor Non-Commercial
Principal Building
Professional Office

Q 0

R 0

S Senior Housing, Development
Senior Housing, Independent
Significant
Solar Energy Collection System, Canopy
Solar Energy Collection System, Ground
Solar Energy Collection System, Roof

T Transition Zone

U Use, Limited

V 0

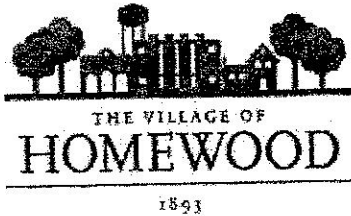
W 0

X 0

Y Yard, Exterior Side

Z Zoning Map Amendment
Zoning Text Amendment

MEMORANDUM



Date: August 12, 2014

To: Jim Marino, Village Manager *JM*

From: Paula J. Wallrich, Director of Community Development *PJW* ←

Re: Case 14-24, Text Amendment, Medical Cannabis

BACKGROUND

The Compassionate Use of Medical Cannabis Pilot Program Act took effect on January 1, 2014. The new law provides for the cultivation of medical cannabis and its distribution and use by those who have a medical need, meet the requirements of a 'qualifying patient' per the Illinois statute and are registered with the Illinois Department of Public Health. Specific requirements regarding the location of cultivation centers and dispensing organizations are provided in the new law; however, municipalities are given the authority to adopt reasonable zoning as long as they do not conflict with the State Act and do not prohibit the facilities outright. (The complete act can be viewed online at www.ilga.gov under 'legislation' and then 'public acts'; search for Public Act 098-0122.)

Under the Act, twenty-two cultivation centers are allowed (not more than one in each State Police District). Sixty dispensing organizations are permitted throughout the state but are not limited in number in each State Police District.

The State Act defines medical cannabis cultivation centers and dispensing organizations as follows:

→ *Medical Cannabis Cultivation Center.* 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, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, 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

MEMORANDUM

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 effective January 1, 2014, as may be amended from time to time.

The State Act also limits the location of medical cannabis cultivation centers and dispensing organizations in the following manner:

Medical Cannabis Cultivation Centers are limited to areas that are 2,500 feet from the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, day care home, group day care home, part day childcare facility, or an area zoned for residential use.

Medical Cannabis Dispensing Organizations are limited to areas that are 1,000 feet from 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 childcare facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

The Village is able to zone registered cultivation centers and dispensing organizations, both by identifying the appropriate (or inappropriate) zoning districts for such uses, as well as determining whether these uses should be allowed as permitted uses or as a special use in certain districts. Public hearings were held at the Plan Commission and Zone Board of Appeals. Minutes of these meetings are attached for your review.

DISCUSSION

As with any zoning consideration the analysis contemplates the impact of the use on adjacent uses. Staff researched this issue through various professional journals and papers, ordinances adopted by other municipalities as well as those communities that are currently considering adoption of ordinances. As with any new land use with unknown impacts staff's recommendation reflects a prudent approach that can adequately and appropriately provide for the new use while minimizing potential impacts on existing uses.

The review of location restrictions in the State Act for *Medical Cannabis Cultivation Centers* revealed no available sites in Homewood in any non-residential district. The analysis for *Medical Cannabis Dispensing Organizations* in non-residential districts was more complex and resulted in an array of issues and concerns. There was discussion at the ZBA and PC regarding the requirement of additional land use separation conditions and staff has identified lot size, parking availability and access uses in non-residential zoning districts. The majority of the B-1 district is precluded from allowing *Medical Cannabis Dispensing Organizations* due to the existing distance requirements of the Act. The properties zoned B-2 and B-3 are primarily smaller lots

MEMORANDUM

with minimal parking and complex access configurations. These districts are located in close proximity to residential areas and are not located on major transportation roadways, therefore they may result in greater impacts on adjacent land uses. The B-4 district includes some properties that are larger in size that can accommodate more parking and provide better access however the B-4 district also includes areas with smaller lots, with complex access issues and the potential for economic development impact on adjacent uses.

The Manufacturing District provides greater flexibility in considering potential impacts of these new land uses. The Manufacturing District is comprised of larger lots with minimal adjacency to schools and daycare centers. The majority of these lots can accommodate adequate parking and provide for the traffic volumes that may result from *Medical Cannabis Dispensing Organizations*. The Manufacturing District is located along 175th Street, Ashland Avenue and on Bretz Drive. These areas have access to major commercial corridors including I-80. Designating *Medical Cannabis Dispensing Organizations* as a permitted use in the Limited Manufacturing District (M) provides greater opportunity to allow for this use in an area that can accommodate site requirements with good access to major transportation areas without the complexities and time constraints of a special use.

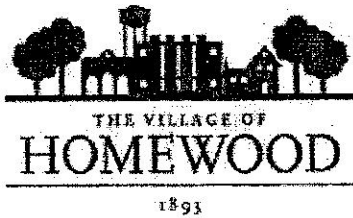
Staff is recommending providing for these uses (*Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations*) as permitted uses in the Manufacturing District. As part of staff's recommendation the following definitions are recommended:

Medical Cannabis Cultivation Center. A facility operated by an organization or business licensed by the Illinois Department of Agriculture as a medical cannabis cultivation center pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, 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 effective January 1, 2014, as may be amended from time to time, operating between the hours of 9:00 a.m. and 9:00 p.m. without any images of cannabis or the devices by which cannabis is smoked or consumed displayed in windows, nor advertised by signs or posters viewable from the building exterior.

The definition for *Medical Cannabis Dispensing Organization* is consistent with the Act with the addition of restricting the hours of operation from 9:00 a.m. to 9:00 p.m., and restricting the graphic display of cannabis and smoking devices in windows or advertising visible from the

MEETING MINUTES



Village Of Homewood
Plan Commission
Wednesday, May 28, 2014

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

EXCERPT OF MINUTES PREPARED FOR VILLAGE BOARD REVIEW

As of 7:40 p.m., there was not a quorum of the Plan Commission. Chairman Planera asked that staff begin an informal presentation of Case 14-22.

→ Director of Community Development Paula Wallrich stated that the proposed project includes the demolition of the former Applebee's building and the construction of a new multi-tenant building. Ms. Wallrich stated that staff has considered this a major Planned Unit Development (PUD) amendment, because the proposed building is larger than the existing building. The property will remain platted as an outlot, and the building will continue to be a commercial structure; therefore, the property will be in substantial conformity with the final plat of the PUD and will not need to be reviewed by the Zone Board of Appeals. Ms. Wallrich introduced Andrew Goodman, representative of GMX Midland Homewood I, LLC.

Mr. Goodman introduced Mike Colombo and Scott Shust of JTS Architects, Scott DiGilio, civil engineer, and Greg Orput of The Orput Companies, a partner on the project. Mr. Goodman stated that the partnership purchased the property a few months ago, and the proposed building is a multi-tenant building with 3 units. He said that they have commitments on two of the units. The end-cap on the north will be occupied by Potbelly Sandwich Works with a drive-through around the building. The other commitment they have is Mattress Firm on the south end-cap, which is the largest retail unit. Mr. Goodman said they are talking to prospects to fill the last open unit in the middle. He said their goal is to break ground in summer 2014 with first quarter 2015 openings.

CALL TO ORDER: Chairman Planera called the meeting to order at 7:55 p.m.

ROLL CALL: Members Reid, Stultz, Alfonso, Wlodarski and Chairman Planera were in attendance. Members Lites and Clark were absent. Present from the Village were Village Trustee Lisa Purcell and Director of Community Development Paula Wallrich. There were 5 people in the audience.

APPROVAL OF MINUTES: Chairman Planera asked if there were any corrections or changes to the minutes of March 26, 2014. There being no corrections or changes, a motion was made by Member Alfonso to approve the minutes of March 26, 2014; seconded by Member Stultz.

AYES: Members Reid, Stultz, Alfonso, Wlodarski and Chairman Planera

NAYS: None

ABSTENTIONS: None

MEETING MINUTES

Motion passed unanimously.

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

PUBLIC HEARING – CASE NO. 14-24: A request filed by Village of Homewood to amend the text of the Homewood Zoning Ordinance to regulate medical cannabis dispensary and cultivation sites.

Ms. Wallrich indicated that the State of Illinois adopted the Compassionate Use of Medical Cannabis Pilot Program in January 2014, which provides for the cultivation of medical cannabis and its distribution and use by those who have a medical need. The law has specific requirements regarding the location of cultivation centers and dispensing organizations, and also gives municipalities the authority to adopt reasonable zoning as long as it does not conflict with the State Act and does not prohibit the facilities.

Ms. Wallrich stated that some communities have passed ordinances regulating them, there have been some moratoriums, and many communities are waiting to see what other communities do. About 95% of the communities that have passed ordinances are permitting them in their Manufacturing district and looking at the medical cannabis dispensaries and cultivation centers as a special use so that additional conditions can be placed on them. Ms. Wallrich stated that Naperville is allowing it in their Business district, because their Board questioned how this use differed from pharmacies.

Ms. Wallrich said that the subject has been discussed internally by staff, and we have looked to the Police Department for their advice, and the major concern was the impact these uses may have on economic development of existing businesses if they were to be permitted in the Business district. Ms. Wallrich said that there are some security issues, and it is a large unknown as to whether it will be accepted by our culture. Therefore, it is staff's recommendation to look at these uses as a Special Use in the M District.

Ms. Wallrich indicated that the State Act defines two uses: the medical cannabis cultivation center where it can be grown and the dispensing organization where it can be distributed. The Act limits the number of cultivation centers to one in each Sheriff's district in the State. Ms. Wallrich stated that in reading the State Act, it is clear that the overriding concern is about children, because distance perimeters are established to schools and daycare centers. If challenged, courts would look at additional restrictions the Village may place on these uses to determine if we were following the intent of the law. Some of the changes recommended are just to translate to the nomenclature in our zoning ordinance; however, we have also recommended adding playground or the P-1 Public Lands zoning district, because those are locations where children gather, and also churches and other places of worship. Ms. Wallrich stated that if the Village allowed cultivation centers and dispensing organizations as a Special Use in the M zoning district, there would not be a property in the village where a cultivation center could be located due to the State Act distance restriction of 2,500 from residentially zoned properties. The distance requirement for dispensing organizations is less at 1,000 feet therefore a dispensing organization could be located on Bretz Drive despite the daycare located on Ridge Road.. Ms. Wallrich indicated that the Police Department has indicated that they are comfortable with that location.

MEETING MINUTES

Chairman Planera said that we have not identified a potential area for a cultivation center because one does not exist. Ms. Wallrich responded that is acceptable, because we have not prohibited it and uses can change.

Member Wlodarski said that the proposed amendment states hours of operation from 9:00 a.m. to 9:00 p.m. but does not state what days of the week operation is permitted. He asked whether those hours of operation would be appropriate for a cultivation center that may possibly need to be staffed more than 12 hours a day, but were not open to the general public for business.

Member Reid said that typically in an indoor environment where you are growing plants, the plants still follow a light cycle. The lights are on for a set amount of hours in a day, and they are off for a period to allow the plant to sleep.

Member Wlodarski suggested that the term "open for business" be used versus "hours of operation." Ms. Wallrich said that the reference to hours of operation was intended for a dispensing site. Ms. Wallrich said that in discussions with staff, it was recommended that this ordinance reflect the conditions of the firearm ordinance, and the firearm ordinance does not regulate days of operation. Chairman Planera said that he did not see a reason why it would need to be limited to certain days of the week. Ms. Wallrich indicated she would discuss this with the Village Attorney.

Member Reid asked how the distances of 2,500 feet for cultivation centers and 1,000 feet for dispensing organizations were determined. Ms. Wallrich said that is in the State Act.

Member Reid asked if there is an end date for the Compassionate Use of Medical Cannabis Pilot Program. Ms. Wallrich responded that she does not know why it has been called a pilot program, and she is not aware of any end date to the program.

Member Alfonso asked how large a State police district is. Member Wlodarski said that he believes that they are based on population densities, i.e. they are smaller in highly populated areas.

→ Motion by Member Wlodarski to approve Case 14-24 for a text amendment to the Homewood Zoning Ordinance creating a definition and special use in the M, Limited Manufacturing, zoning district for medial cannabis cultivation centers and dispensing organizations. The Findings of Fact shall be included as part of the record and recommendation to the Zone Board of Appeals and the Village Board of Trustees. Member Alfonso seconded the motion. ←

AYES: Members Stultz, Alfonso, Wlodarski and Chairman Planera

NAYS: Member Reid

ABSTENTIONS: None

Motion to recommend approval was passed by a majority of the members present.

Ms. Wallrich asked Member Reid why he voted no. Member Reid responded that he is not comfortable yet about what the State Act allows municipalities to regulate, because he has not had an opportunity to review the Compassionate Use of Medical Cannabis Program Act.

NEW BUSINESS: There was no new business discussed.

From: [Mesaros, Angela](#)
To: 70879806181@comcast.net
Cc: moandroy@aol.com; seth.bransky@comcast.net; mcapm11@gmail.com; lizohal@gmail.com; djohnson@mallonandjohnson.com; fas18065@yahoo.com; [Berstene, Valerie](#); ["Jackie Wells"](#)
Subject: RE: Homewood Zoning Ordinance - Draft dated 11/8/22
Date: Thursday, November 17, 2022 9:28:59 AM
Attachments: [VB Agenda 2014-08-12.Cannabis.pdf](#)

Bill,

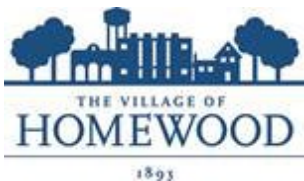
Thank you. We will look at your comments and revisions.

As background on cannabis – the Village Board approved medical cannabis as a Permitted Use in the M-1 district in 2014. I was not on Village Staff at the time, so I do not know the reason, but I have attached background information.

Angela

Angela M. Mesaros, AICP

Director of Economic and Community Development
2020 Chestnut Road | Homewood, IL 60430
t. (708) 206-3387 | m. (773) 991-7740



From: William G. O'Brien <70879806181@comcast.net>
Sent: Thursday, November 17, 2022 8:58 AM
To: Mesaros, Angela <amesaros@homewoodil.gov>
Cc: moandroy@aol.com; seth.bransky@comcast.net; mcapm11@gmail.com; lizohal@gmail.com; djohnson@mallonandjohnson.com; fas18065@yahoo.com; [Berstene, Valerie](#) <vberstene@homewoodil.gov>; 'Jackie Wells' <JWells@hlplanning.com>
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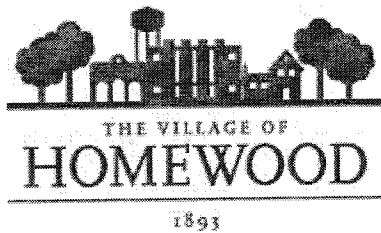
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The obvious question is – Why are we considering it and including it as a Permitted (P) Use in the M-1 District.

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As always, let me know if you have any questions.



Date: August 12, 2014

To: Jim Marino, Village Manager *JM*

From: Paula J. Wallrich, Director of Community Development *PJW*

Re: Case 14-24, Text Amendment, Medical Cannabis

BACKGROUND

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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

MEMORANDUM

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 effective January 1, 2014, as may be amended from time to time.

The State Act also limits the location of medical cannabis cultivation centers and dispensing organizations in the following manner:

Medical Cannabis Cultivation Centers are limited to areas that are 2,500 feet from the property line of a pre-existing public or private preschool or elementary or secondary school or daycare center, day care home, group day care home, part day childcare facility, or an area zoned for residential use.

Medical Cannabis Dispensing Organizations are limited to areas that are 1,000 feet from 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 childcare facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

The Village is able to zone registered cultivation centers and dispensing organizations, both by identifying the appropriate (or inappropriate) zoning districts for such uses, as well as determining whether these uses should be allowed as permitted uses or as a special use in certain districts. Public hearings were held at the Plan Commission and Zone Board of Appeals. Minutes of these meetings are attached for your review.

DISCUSSION

As with any zoning consideration the analysis contemplates the impact of the use on adjacent uses. Staff researched this issue through various professional journals and papers, ordinances adopted by other municipalities as well as those communities that are currently considering adoption of ordinances. As with any new land use with unknown impacts staff's recommendation reflects a prudent approach that can adequately and appropriately provide for the new use while minimizing potential impacts on existing uses.

The review of location restrictions in the State Act for *Medical Cannabis Cultivation Centers* revealed no available sites in Homewood in any non-residential district. The analysis for *Medical Cannabis Dispensing Organizations* in non-residential districts was more complex and resulted in an array of issues and concerns. There was discussion at the ZBA and PC regarding the requirement of additional land use separation conditions and staff has identified lot size, parking availability and access uses in non-residential zoning districts. The majority of the B-1 district is precluded from allowing *Medical Cannabis Dispensing Organizations* due to the existing distance requirements of the Act. The properties zoned B-2 and B-3 are primarily smaller lots

with minimal parking and complex access configurations. These districts are located in close proximity to residential areas and are not located on major transportation roadways, therefore they may result in greater impacts on adjacent land uses. The B-4 district includes some properties that are larger in size that can accommodate more parking and provide better access however the B-4 district also includes areas with smaller lots, with complex access issues and the potential for economic development impact on adjacent uses.

The Manufacturing District provides greater flexibility in considering potential impacts of these new land uses. The Manufacturing District is comprised of larger lots with minimal adjacency to schools and daycare centers. The majority of these lots can accommodate adequate parking and provide for the traffic volumes that may result from *Medical Cannabis Dispensing Organizations*. The Manufacturing District is located along 175th Street, Ashland Avenue and on Bretz Drive. These areas have access to major commercial corridors including I-80. Designating *Medical Cannabis Dispensing Organizations* as a permitted use in the Limited Manufacturing District (M) provides greater opportunity to allow for this use in an area that can accommodate site requirements with good access to major transportation areas without the complexities and time constraints of a special use.

Staff is recommending providing for these uses (*Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations*) as permitted uses in the Manufacturing District. As part of staff's recommendation the following definitions are recommended:

Medical Cannabis Cultivation Center. A facility operated by an organization or business licensed by the Illinois Department of Agriculture as a medical cannabis cultivation center pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

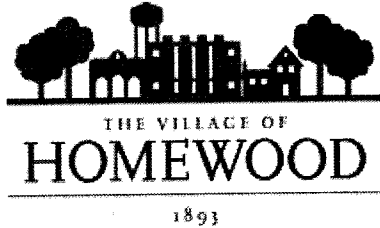
Medical Cannabis Dispensing Organization. A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time, operating between the hours of 9:00 a.m. and 9:00 p.m. without any images of cannabis or the devices by which cannabis is smoked or consumed displayed in windows, nor advertised by signs or posters viewable from the building exterior.

The definition for *Medical Cannabis Dispensing Organization* is consistent with the Act with the addition of restricting the hours of operation from 9:00 a.m. to 9:00 p.m., and restricting the graphic display of cannabis and smoking devices in windows or advertising visible from the

building's exterior. These issues were discussed at prior public hearings and were identified areas of concern.

Absent approval of staff's recommendation for the zoning of these uses as a permitted use in a Manufacturing District, zoning for these uses would default to the State Act allowing them to be located in any non-residential district as a permitted use. The State of Illinois designates the location of *Medical Cannabis Dispensing Organizations* by township. One dispensary can be located in Bloom or Thornton Township and one can be located in Rich, Bremen or Orland Township. The Manufacturing District is located in Thornton Township only. If *Medical Cannabis Dispensing Organizations* are allowed in any business district, or if the Village Board does not impose any restriction on where a dispensary can locate, there could potentially be two dispensaries located in Homewood.

MEETING MINUTES



Village Of Homewood
Plan Commission
Wednesday, May 28, 2014

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

As of 7:40 p.m., there was not a quorum of the Plan Commission. Chairman Planera asked that staff begin an informal presentation of Case 14-22.

Director of Community Development Paula Wallrich stated that the proposed project includes the demolition of the former Applebee's building and the construction of a new multi-tenant building. Ms. Wallrich stated that staff has considered this a major Planned Unit Development (PUD) amendment, because the proposed building is larger than the existing building. The property will remain platted as an outlot, and the building will continue to be a commercial structure; therefore, the property will be in substantial conformity with the final plat of the PUD and will not need to be reviewed by the Zone Board of Appeals. Ms. Wallrich introduced Andrew Goodman, representative of GMX Midland Homewood I, LLC.

Mr. Goodman introduced Mike Colombo and Scott Shust of JTS Architects, Scott DiGilio, civil engineer, and Greg Orput of The Orput Companies, a partner on the project. Mr. Goodman stated that the partnership purchased the property a few months ago, and the proposed building is a multi-tenant building with 3 units. He said that they have commitments on two of the units. The end-cap on the north will be occupied by Potbelly Sandwich Works with a drive-through around the building. The other commitment they have is Mattress Firm on the south end-cap, which is the largest retail unit. Mr. Goodman said they are talking to prospects to fill the last open unit in the middle. He said their goal is to break ground in summer 2014 with first quarter 2015 openings.

CALL TO ORDER: Chairman Planera called the meeting to order at 7:55 p.m.

ROLL CALL: Members Reid, Stultz, Alfonso, Wlodarski and Chairman Planera were in attendance. Members Lites and Clark were absent. Present from the Village were Village Trustee Lisa Purcell and Director of Community Development Paula Wallrich. There were 5 people in the audience.

APPROVAL OF MINUTES: Chairman Planera asked if there were any corrections or changes to the minutes of March 26, 2014. There being no corrections or changes, a motion was made by Member Alfonso to approve the minutes of March 26, 2014; seconded by Member Stultz.

AYES: Members Reid, Stultz, Alfonso, Wlodarski and Chairman Planera

NAYS: None

ABSTENTIONS: None

Motion passed unanimously.

MEETING MINUTES

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

A. PUBLIC HEARING – CASE NO. 14-22: A request filed by GMX Midland Homewood I, LLC for an amendment to the Park Place Plaza Planned Unit Development to allow for redevelopment of the parcel with a multi-tenanted outlot building for the property located at 17575 Halsted Street.

Chairman Planera swore in Andrew Goodman, Mike Columbo, Scott Shust, Scott DiGilio and Greg Orput.

Mr. Orput stated that the entire parking lot will be retained, and the curb cuts will remain the same. The building will be demolished, the first layer of asphalt will be scraped off the lot, and the building will be rebuilt in the center of it. The number of parking stalls will meet the current PUD. Engineering has been done, and there will be no increase in the amount of water run-off. Mr. Orput said that they will also conform to the Halsted Street corridor landscaping plan. Mr. Orput said that the most dramatic change to the site is the size of the building, which is 8,365 square feet, and the introduction of a drive-through. Potbelly will be located on the north side, and cars will circulate around the building. The drive-through meets the Village's stacking requirements. Mr. Orput said that there will be a dumpster in the back, accessible parking in the front and a small outdoor patio surrounded by a wrought iron fence in the front for Potbelly. Potbelly does not serve alcohol.

Member Wlodarski asked how the new building will compare to the existing building. Mr. Orput responded that the size of the existing building is 4,200 s.f. and the new building will be 8,365 s.f.

Chairman Planera said that the parking area to the south is double-loaded. Ms. Wallrich said that there is a shared parking easement in the covenants, and there will be ample parking there. Mr. Orput said that the parking spaces to the south belong to Dunkin Donuts, but this property has the ability to share parking with Dunkin Donuts.

Member Alfonso asked if the vehicles will have to circulate around the building to get out. Mr. Orput said that vehicles will circulate in a counterclockwise direction all the way around the building. He indicated that they do not anticipate the one entrance to be used as heavily as the signalized entrance from Target especially at high peak hours.

Ms. Wallrich said that the drive-through circulation was discussed at the Site Plan Review Committee; however, Potbelly has stated that they have used this circulation plan in other locations and that it is important to the success of their business in this location.

Member Alfonso said that she was concerned about pedestrian safety.

Member Wlodarski said that it is common to see drive-through circulation in a counterclockwise direction. Mr. Orput said that you need to have the driver's side of the vehicle at the window and try to keep stacking away from where the pedestrians are crossing.

MEETING MINUTES

Ms. Wallrich said that it is an initiative of the Village to revitalize the Halsted Street corridor with a new master plan for landscaping, and we have contracted with PRI to develop a landscape plan. Ms. Wallrich said that we are fortunate to have a wave of new development on the north end of the corridor with Wal-Mart, Menard's, Washington Square and Arby's, as well as this new development, and this provides the Village with the opportunity to have the landscaping renewed at the north end where it will have the largest impact as people enter our community off of I-80. In our negotiations with the petitioner, we have asked them to implement this Halsted corridor landscaping master plan.

Member Reid asked how they envision product and supply deliveries. Scott DiGilio responded that deliveries are scheduled for off-peak hours when there is limited traffic in the drive-through, and the area in the rear can be used for deliveries.

Member Alfonso asked if the delivery truck would be able to pull up to the building. Mr. Orput responded said that typically most deliveries are made by a dolly truck.

Member Alfonso asked if the dumpster is enclosed. Mr. Orput responded that it will be a CMU concrete block enclosure with a thin face brick on the outside.

Chairman Planera asked where the order pylon and menu boards would be located. Mr. Orput showed the location of the order pylon on the plan on the east side of the building. He said he was not sure about the location of the menu board but thought it was to be placed on the building.

Member Alfonso made a motion for Case 14-22 for approval of a major planned unit development change to the Park Place Plaza Planned Unit Development to construct an 8,365 square foot commercial structure conditioned upon approval by the Appearance Commission and implementation of the Halsted Street Landscape Master Plan. Motion seconded by Member Reid.

AYES: Member Reid, Stultz, Alfonso, Wlodarski and Chairman Planera

NAYS: None

ABSTENTIONS: None

Motion passed unanimously.

PUBLIC HEARING – CASE NO. 14-24: A request filed by Village of Homewood to amend the text of the Homewood Zoning Ordinance to regulate medical cannabis dispensary and cultivation sites.

Ms. Wallrich indicated that the State of Illinois adopted the Compassionate Use of Medical Cannabis Pilot Program in January 2014, which provides for the cultivation of medical cannabis and its distribution and use by those who have a medical need. The law has specific requirements regarding the location of cultivation centers and dispensing organizations, and also gives municipalities the authority to adopt reasonable zoning as long as it does not conflict with the State Act and does not prohibit the facilities.

Ms. Wallrich stated that some communities have passed ordinances regulating them, there have been some moratoriums, and many communities are waiting to see what other communities do. About 95% of the communities that have passed ordinances are permitting them in their Manufacturing district and looking at the medical cannabis dispensaries and cultivation centers as a special use so

MEETING MINUTES

that additional conditions can be placed on them. Ms. Wallrich stated that Naperville is allowing it in their Business district, because their Board questioned how this use differed from pharmacies.

Ms. Wallrich said that the subject has been discussed internally by staff, and we have looked to the Police Department for their advice, and the major concern was the impact these uses may have on economic development of existing businesses if they were to be permitted in the Business district. Ms. Wallrich said that there are some security issues, and it is a large unknown as to whether it will be accepted by our culture. Therefore, it is staff's recommendation to look at these uses as a Special Use in the M District.

Ms. Wallrich indicated that the State Act defines two uses: the medical cannabis cultivation center where it can be grown and the dispensing organization where it can be distributed. The Act limits the number of cultivation centers to one in each Sheriff's district in the State. Ms. Wallrich stated that in reading the State Act, it is clear that the overriding concern is about children, because distance perimeters are established to schools and daycare centers. If challenged, courts would look at additional restrictions the Village may place on these uses to determine if we were following the intent of the law. Some of the changes recommended are just to translate to the nomenclature in our zoning ordinance; however, we have also recommended adding playground or the P-1 Public Lands zoning district, because those are locations where children gather, and also churches and other places of worship. Ms. Wallrich stated that if the Village allowed cultivation centers and dispensing organizations as a Special Use in the M zoning district, there would not be a property in the village where a cultivation center could be located due to the State Act distance restriction of 2,500 from residentially zoned properties. The distance requirement for dispensing organizations is less at 1,000 feet therefore a dispensing organization could be located on Bretz Drive despite the daycare located on Ridge Road.. Ms. Wallrich indicated that the Police Department has indicated that they are comfortable with that location.

Chairman Planera said that we have not identified a potential area for a cultivation center because one does not exist. Ms. Wallrich responded that is acceptable, because we have not prohibited it and uses can change.

Member Wlodarski said that the proposed amendment states hours of operation from 9:00 a.m. to 9:00 p.m. but does not state what days of the week operation is permitted. He asked whether those hours of operation would be appropriate for a cultivation center that may possibly need to be staffed more than 12 hours a day, but were not open to the general public for business.

Member Reid said that typically in an indoor environment where you are growing plants, the plants still follow a light cycle. The lights are on for a set amount of hours in a day, and they are off for a period to allow the plan to sleep.

Member Wlodarski suggested that the term "open for business" be used versus "hours of operation." Ms. Wallrich said that the reference to hours of operation was intended for a dispensing site. Ms. Wallrich said that in discussions with staff, it was recommended that this ordinance reflect the conditions of the firearm ordinance, and the firearm ordinance does not regulate days of operation. Chairman Planera said that he did not see a reason why it would need to be limited to certain days of the week. Ms. Wallrich indicated she would discuss this with the Village Attorney.

MEETING MINUTES

Member Reid asked how the distances of 2,500 feet for cultivation centers and 1,000 feet for dispensing organizations were determined. Ms. Wallrich said that is in the State Act.

Member Reid asked if there is an end date for the Compassionate Use of Medical Cannabis Pilot Program. Ms. Wallrich responded that she does not know why it has been called a pilot program, and she is not aware of any end date to the program.

Member Alfonso asked how large a State police district is. Member Wlodarski said that he believes that they are based on population densities, i.e. they are smaller in highly populated areas.

Motion by Member Wlodarski to approve Case 14-24 for a text amendment to the Homewood Zoning Ordinance creating a definition and special use in the M, Limited Manufacturing, zoning district for medial cannabis cultivation centers and dispensing organizations. The Findings of Fact shall be included as part of the record and recommendation to the Zone Board of Appeals and the Village Board of Trustees. Member Alfonso seconded the motion.

AYES: Members Stultz, Alfonso, Wlodarski and Chairman Planera

NAYS: Member Reid

ABSTENTIONS: None

Motion to recommend approval was passed by a majority of the members present.

Ms. Wallrich asked Member Reid why he voted no. Member Reid responded that he is not comfortable yet about what the State Act allows municipalities to regulate, because he has not had an opportunity to review the Compassionate Use of Medical Cannabis Program Act.

NEW BUSINESS: There was no new business discussed.

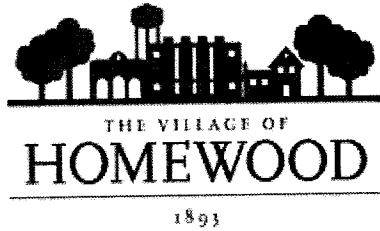
OLD BUSINESS: There was no old business discussed.

ADJOURNMENT: There being no further discussion, Member Alfonso moved to adjourn the meeting at 8:35 p.m.; seconded by Member Stultz. All in favor; none opposed. Motion passed unanimously.

Respectfully submitted,

Paula J. Wallrich
Director of Community Development

MEETING MINUTES



Village Of Homewood
Zone Board of Appeals
Thursday, June 12, 2014

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

CALL TO ORDER: Chairman Pro Tem O'Brien called the meeting to order at 7:32 p.m.

ROLL CALL: Members Ogden, Bulfer, Bransky, Cap and Chairman Pro Tem O'Brien were in attendance. Member Hayes and Chairman Sierzega were absent. Present from the Village were Village Trustee Jay Heiferman and Director of Community Development Paula Wallrich. There were no people in the audience.

APPROVAL OF MINUTES: Chairman Pro Tem O'Brien asked if there were any corrections or changes to the minutes of May 12, 2014. Member Cap said on the approval of the minutes of April 24, 2014, he had abstained, because he was not present at that meeting. A motion was made by Member Bulfer to approve the minutes of May 12, 2014, as corrected; seconded by Member Bransky.

AYES: Members Ogden, Bulfer, Bransky, Cap and Chairman Pro Tem O'Brien

NAYS: None

ABSTENTIONS: None

Motion passed unanimously.

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

A. PUBLIC HEARING – CASE NO. 14-24: A request filed by Village of Homewood to amend the text of the Homewood Zoning Ordinance to regulate medical cannabis dispensary organizations and cultivation sites.

Ms. Wallrich indicated that the State of Illinois adopted the Compassionate Use of Medical Cannabis Pilot Program in January 2014, which provides for the cultivation of medical cannabis and its distribution and use by those who have a medical need. The law has specific requirements regarding the location of cultivation centers and dispensary organizations, and also gives municipalities the authority to adopt reasonable zoning as long as it does not conflict with the State Act and does not prohibit the facilities. She stated that the Act provides for 22 cultivation centers, one per police district, and 60 dispensary organizations within the State. Cultivation centers cannot be located closer than 2,500 feet to a daycare center, school and property that is zoned for residential use. The dispensary organizations cannot be located closer than 1,000 feet to a daycare center or school. Dispensary organizations cannot be located in a residence or on a property zoned for residential use; however, there is not a distance restriction for its proximity to a residential district.

MEETING MINUTES

Ms. Wallrich stated that a small number of communities have passed ordinances regulating these uses, and most of those have placed them in their heaviest industrial district and are allowing them only as a special use so additional conditions may be placed upon them. She stated that Naperville is allowing them in their business district as a special use.

Ms. Wallrich said that this has been discussed among staff, including the Police Chief, and as a result staff has recommended that the cultivation and dispensary sites be allowed as a special use, so that these may be reviewed on a case-by-case basis, in the M, Limiting Manufacturing, zoning district. Ms. Wallrich said that the Act attempts to protect and ensure a distance between any locations where children under the age of 18 may be involved. Therefore, staff also recommends that for cultivation centers and dispensary organizations that the Village expands the uses that apply to these distance requirements to certain other uses, including public parks, playgrounds, property zoned for public lands/open space, and churches and other places of worship. Ms. Wallrich stated that the Village is following the State Act for dispensary organizations in which there is no minimum distance requirement from residentially zoned property that a dispensary organization may be located, but it may not be located on a residential property. She noted that the addition of public parks and churches to the ordinance reflects the restrictions placed on other special uses approved by the village for fire arm stores, tattoo parlors and adult uses.

Based on these zoning restrictions and the distances outlined by the Act, there is not a site in the Village where a cultivation center would be eligible to locate, and there is only one place where a dispensary organization would be eligible to locate. That site would be on the north part of Bretz Drive; if the daycare facility near Ridge Road were to leave, all of Bretz Drive would be eligible.

Member Ogden had no questions or comments.

Member Bulfer stated that she understands why it may be in the best interest of the Village to limit the cultivation centers. She said that she is not sure why the Village is limiting the location of dispensary locations any more than the Act, since they are restricted to dispensing to patients for medical reasons only. She said that cannabis has been around and has been used in beneficial ways by many people in the world for a long time. Member Bulfer said that although it has a bad reputation in the law in the U.S. in the last 70 years, she has read that medical community has identified approximately 30 medical conditions where the use of medical cannabis can be helpful, and she feels that these people should have access to it if needed. She said that in limiting the locations, it seems that we are trying to address a more recreational rather than medical use. She said that she would not be opposed to staff's recommendation, but would like it to be accessible to the people who need it. She said she questions why medical cannabis cannot be dispensed through a traditional pharmacy.

Ms. Wallrich responded that from an Economic Development perspective she has concerns that a dispensary organization may have a negative impact on the recruitment of other businesses to a business district if there were to be a dispensary center in that location. She said that although in the future the attitude toward this use may change, currently as stated by member Bulfer, cannabis has a negative reputation with some people and organizations.

MEETING MINUTES

Member Bulfer responded that from an economic view it is also a possible booming business where there could be a sales tax benefit.

Member Bransky said that it is a small, controlled pool of resources to buy the product, so he does not see this being a big economic impact if it goes into a shopping center. The general public cannot just go in and buy it. Member Bransky asked whether something needs to be written into the zoning ordinance in case the State does not renew the program at the end of the pilot in four years. Ms. Wallrich responded that if the State withdraws the Act, then there would not be any medical dispensaries allowed and it would be moot. He stated that if a medical dispensary was to locate here and then the program is not renewed, then we will just have another vacancy. He said that he had concerns about a dispensary organization selling paraphernalia. Ms. Wallrich said that a registration card is required to enter the shop.

Member Cap said that the Act allows 60 dispensary organizations, and they are licensed by the Department of Financial and Professional Regulation. He said that there are 102 counties in the State, so there are not enough locations allowed to serve every country. He questioned whether the licenses would be granted by the State on a first come, first serve basis. He said that although the Village is creating the ability for one to operate here, the odds are that one would not locate here. Member Cap said that since only some communities have enacted zoning restriction presumably those interested in this type of business may flock to the 7 or 8 communities that have enacted the necessary changes to zoning to permit a dispensary.

Ms. Wallrich said that the Act does not preclude them from being anywhere, but the path of least resistance may be to go to communities who have regulated them. She said that we have already had two inquiries about how they are regulated and where they could be located.

Trustee Heiferman said that as far as the locations for the dispensary organizations, there will be 13 allowed in Chicago, 11 in suburban Cook County, there are a couple of collar counties that between the two of them they would get one, and then the rest would be dispersed among the police districts along with the cultivation centers.

Member O'Brien asked what was meant by a comment made by Ms. Wallrich in the Plan Commission minutes about "security and culture." Ms. Wallrich responded that the security concerns would be theft and possibly people trying to procure without the proper registration card. She said that her comment about culture was with regard to public acceptance of marijuana in general.

Member O'Brien asked if the Act restricts the sale of paraphernalia and supplies for the consumption of medical cannabis to other retail outlets, such as a 7-Eleven. Ms. Wallrich responded that the Act does not address the sale of paraphernalia in other locations but it does permit the sale of paraphernalia and supplies for the consumption of medical cannabis in the dispensary organization, because it recognizes that there is a need to provide a means to intake or infuse the cannabis. She noted that food such as brownies infused with cannabis will be regulated by the Public Health Department.

Motion by Member Cap to approve Case 14-24 to recommend approval of a text amendment to the Homewood Zoning Ordinance creating a special use, definitions and use standards in the M,

MEETING MINUTES

Limited Manufacturing, zoning district for medical cannabis cultivation centers and dispensary organizations. The Findings of Fact shall be included as part o the record and recommendation to the Village Board of Trustees. Member Bransky seconded the motion.

AYES: Members Ogden, Bulfer, Bransky, Cap and Chairman Pro Tem O'Brien

NAYS: None

ABSTENTIONS: None

Motion passed unanimously.

NEW BUSINESS: There was no new business discussed.

OLD BUSINESS: There was no old business discussed.

ADJOURNMENT: There being no further discussion, Member Cap moved to adjourn the meeting at 8:10 p.m.; seconded by Member Bulfer. All in favor; none opposed. Motion passed unanimously.

Respectfully submitted,

Paula J. Wallrich
Director of Community Development

ORDINANCE NO. MC- 911

**AN ORDINANCE AMENDING THE HOMEWOOD ZONING ORDINANCE
DESIGNATING MEDICAL CANNABIS CULTIVATION CENTERS AND
DISPENSING ORGANIZATIONS AS A PERMITTED USE IN THE LIMITED
MANUFACTURING ZONING DISTRICT AND PROVIDING
SPECIFIC STANDARDS GOVERNING SAID USE**

WHEREAS, the Illinois Municipal Code authorizes the President and Board of Trustees of the Village of Homewood to regulate by ordinance the use and development of land within the Village to promote public health, safety, comfort and welfare; and

WHEREAS, the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/5 *et al.*, referred to as the "Act") on August 1, 2013, and said Act became effective on January 1, 2014; and

WHEREAS, under the Act, State-licensed medical cannabis cultivation centers may grow, harvest and distribute cannabis to State-licensed medical cannabis dispensing organizations for sale to qualifying patients or to State-approved caregivers of qualifying patients; and

WHEREAS, Section 140 of the Act authorizes units of local government to enact reasonable zoning ordinances regulating registered medical cannabis cultivation centers and dispensing organizations, provided they do not conflict with the Act or with State administrative rules; and

WHEREAS, the President and Board of Trustees wish to uphold and preserve the public health, safety, comfort and welfare by imposing reasonable zoning restrictions as authorized by the Act; and

WHEREAS, the President and Board of Trustees find it to be in the best interests of the citizens and businesses within the Village of Homewood to amend the Zoning Ordinance ; and

WHEREAS, notice of a meeting of the Plan Commission called to consider such changes was published on May 11, 2014, in accordance with 65 ILCS 5/11-12-7; and

WHEREAS, a public hearing was held before the Plan Commission on May 28, 2014, and the Plan Commission recommended approval of the following amendments by a 4-1 vote; and

WHEREAS, notice of a meeting of the Zone Board of Appeals called to consider such changes was published on May 28, 2014, in accordance with 65 ILCS 5/11-13-14; and

WHEREAS, a public hearing was held before the Zone Board of Appeals on June 12, 2014, and the Zone Board of Appeals recommended approval of the following amendments by a 5-0 vote.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, that:

SECTION ONE - AMENDMENTS TO ZONING ORDINANCE:

The Village's Zoning Ordinance is amended as follows:

- A. Table 6.1, Summary Table of Permitted and Special Uses, in the Limited Manufacturing District is amended by addition of the following under "Other Uses":

Use	M Zoning District
Medical Cannabis Cultivation Center	P
Medical Cannabis Dispensing Organization	P

- B. Section 15.3, Definitions, is amended by adding the following terms and definitions to be inserted alphabetically:

Medical Cannabis Cultivation Center. A facility operated by an organization or business licensed by the Illinois Department of Agriculture as a medical cannabis cultivation center pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act enacted by the State of Illinois effective January 1, 2014, 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 effective January 1, 2014, as may be amended from time to time, operating between the hours of 9:00 a.m. and 9:00 p.m. without any images of cannabis or the devices by which cannabis is smoked or consumed displayed in windows, nor advertised by signs or posters viewable from the building exterior.

C. Appendix C: Summary Table of Permitted and Special Uses, is amended by adding the following under "Other Uses":

Use	R1	R2	R3	R4	PL1	PL2	B1	B2	B3	B4	M
Medical Cannabis Cultivation Center											P
Medical Cannabis Dispensing Organization											P

SECTION TWO - EFFECTIVE DATE:

This Ordinance shall be effective from and after its passage and approval as provided by law.

PASSED and APPROVED this 12th day of August, 2014.


Village President

ATTEST:


Village Clerk

AYES: 4 NAYS: 2 ABSTENTIONS: 0 ABSENCES: 0



Today is August 08, 2014

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Common Questions Concerning Medical Cannabis

By [Brian Day](#)Share: [f](#) [t](#) [g+](#) [e](#) [p](#)

Illinois' medical-cannabis law took effect on January 1, 2014. The new law, titled the Compassionate Use of Medical Cannabis Pilot Program Act, allows the use of cannabis by residents who have a medical need and have obtained a permit. The new law also sets forth procedures to license and regulate where cannabis may be grown and where it may be sold.

As the new law begins to be implemented, the IML has received a number of questions about the medical cannabis law and the extent to which communities have any authority or duty to regulate cannabis use under the medical-cannabis law. Municipalities are given the authority to adopt reasonable zoning controls with respect to cultivation centers and dispensaries. Most of the regulation on this issue, however, is conducted by the State government. The purpose of this article is to cover some of the contents of the medical-cannabis law and discuss some areas of concern to communities.

1. Who may use medical cannabis?

A "Qualifying Patient" may obtain up to 2.5 ounces of cannabis every two weeks. The Department of Public Health may grant a waiver for a patient to obtain additional amounts.

In order to be designated as a "Qualifying Patient" a person must be diagnosed by a physician as having a debilitating medical condition. The statute lists 33 medical conditions that qualify. The Department of Public Health may approve additional conditions. The patient must be diagnosed by a doctor of medicine or osteopathy who has a current controlled substances license. Other medical professionals are not authorized to recommend a patient for medical cannabis.

A Qualifying Patient may not:

- Be under the age of 18;
- Have a felony drug conviction; or
- work in certain professions, including law enforcement personnel, firefighters, and commercial drivers.

Once the physician has diagnosed the patient and recommended him or her for medical cannabis, the patient may apply to the Department of Public Health for status as a medical-cannabis patient. The Department will issue registry cards to Qualifying Patients and maintain a registry of those patients. Law enforcement agencies will have access to the registry.

2. How is the cannabis grown and sold?

A qualifying patient must obtain his or her medical cannabis from a dispensary, which, in turn must get the cannabis from a cultivation center.

A dispensary is operated by a business or organization that is licensed and regulated by the Illinois Department of Financial and Professional Regulation. The statute allows for up to 60 dispensaries "geographically dispersed throughout the State."

A cultivation center is operated by a business or organization that is licensed and regulated by the Illinois Department of Agriculture. Cultivation centers are subject to a strict set of rules to be developed by the Department of Agriculture, including labeling and cannabis testing requirements, 24-hour video surveillance, photo IDs for staff, cannabis tracking systems, and inventory control measures. The statute allows for up to 22 cultivation centers (one for each Illinois State Police district).

3. Are there restrictions on the use medical cannabis anywhere?

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1. Chandler v. City of Arvada, 292 F.3d 1236 (10th Cir. 2002)
2. Municipal Case Law
3. Home Rule Municipalities

There are limitations on how and where medical cannabis may be used. A registered qualifying patient or designated caregiver must keep their registry identification card on his or her possession at all times when engaging in the medical use of cannabis.

It is illegal to **possess** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle, except in a sealed, tamper-evident medical cannabis container
- in a residence used to provide licensed child care or similar social service care.

It is illegal to **use** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle
- in a residence used to provide licensed child care or similar social service care
- In a public place where the user could be observed by others
- In proximity to a minor.

It is illegal to **smoke** medical cannabis:

- in a public place where the user could be observed by others
- in a healthcare facility
- in any location where smoking is prohibited under the Smoke-Free Illinois Act.

A private business and a college or university may prohibit or restrict the use of medical cannabis on its property.

4. Can communities control where cannabis is grown and sold?

There are statutory restrictions on where a dispensary or a cultivation center may be located. In addition, municipalities have the authority to enact reasonable zoning restrictions on cultivation centers or dispensaries.

A cultivation center may not be located within 2,500 feet of a pre-existing school, day care, or any residential district. Similarly, a dispensary may not be located within 1,000 feet from a school or day care. Dispensaries are also prohibited in a house, apartment, condominium, or an area zoned for residential use. These distance requirements are measured from the property line of the prohibited properties rather than the buildings. These restrictions severely limit where a facility might be located. In many cases, due to the location of schools and daycare properties and, particularly, residential zoned property, there may be few (if any) locations open to medical-cannabis facilities. Legislation is currently being considered in the Illinois General Assembly that would only prohibit these facilities in areas that are zoned exclusively or **predominately** residential. It would allow these facilities to be located in areas that are mixed residential and commercial use. Municipal officials should familiarize themselves with the location of schools, daycares, or residentially-zoned property so that they will be aware of the potential locations where a dispensary or cultivation center could legally locate.

In addition to the distance limitations, the statute authorizes municipalities to enact "reasonable zoning ordinances or resolutions" regulating registered medical cannabis cultivation centers or medical cannabis dispensing organizations. The zoning regulations may not conflict with the statute, Act, or the administrative rules of the Department of Agriculture or Department of Public Health. Home rule powers are preempted, so they have the same zoning authority as non-home rule communities.

The statute is silent on the nature of the zoning restrictions. Municipalities have taken or considered the following measures with respect to zoning and medical cannabis:

- Identifying the zoning district or districts in which cultivation centers and dispensaries are permitted.
- Requiring special-use permits for cultivation centers and dispensaries rather than allowing them as a permitted use.
- Imposing reasonable conditions on any special-use permit to mitigate the impacts of their activities.

The statute prohibits municipalities from unreasonably prohibiting the cultivation, dispensing, and use of medical cannabis. This provision would appear to prevent the municipality from banning medical cannabis entirely from the municipality. Some municipalities, however, have enacted a temporary moratorium on medical cannabis facilities while it reviews its zoning regulations so that a new facility does not become a "preexisting use" before the cannabis zoning regulations are adopted. This approach should be used with caution. An extended duration of a moratorium may lead to legal challenges.

5. Can communities regulate medical cannabis use by public employees?

Just because a Qualifying Patient is allowed to use medical cannabis, they do not have carte blanche authority to use the drug while at work. An employer can prohibit the employee from using drugs or being under the influence of drugs while on the job.

An employer may not discriminate against an employee solely for being a qualified patient. The employer,

however, can adopt and enforce a drug-free workplace policy, so long as the policy is applied in a non-discriminatory manner. The employer can also enact reasonable regulations concerning the consumption, storage, or timekeeping requirements for Qualified Patients. Employers can discipline an employee for failing a drug test if that failure would put the employer in violation of federal law or jeopardize federal contracting or funding.






One potential challenge to enforcing a drug-free workplace policy is the determination of when an employee is impaired while at work. Unlike alcohol, where impairment can be presumed by a specific blood-alcohol level, there is no objective standard for measuring cannabis impairment. The statute provides that an employer cannot be sued for actions taken upon a good-faith belief that the employee used or possessed cannabis or was impaired by cannabis during work hours. The Act also states that an employer cannot be sued over an injury or loss to a third party if the employer did not know or have reason to know that the employee was impaired.

Municipalities should evaluate their existing employment policies with respect to drug use and possession. If a written policy is not currently in place, one should be enacted and incorporated into the appropriate personnel rules.

There are still many questions concerning the implementation of medical cannabis. It is advisable to consult your municipal attorney with respect to any rules or regulations concerning medical cannabis.

6. Additional resources.

You can find more information on medical cannabis at the following:

- [The Compassionate Use of Medical Cannabis Pilot Program Act](#) 
- [Public Act 98-122](#)  (includes the Act and additional statutory changes).
- [Draft Administrative Rules of the Department of Financial and Professional Regulation](#) 
- [Draft Administrative Rules of the Department of Agriculture](#) 
- [Draft Administrative Rule of the Department of Public Health](#) 

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Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130 et seq.

- Authorizes the use of cannabis grown and distributed by state-licensed facilities for patients diagnosed with a qualifying "debilitating medical condition"
- Effective from January 1, 2014 to December 31, 2017
- Patients who are diagnosed with a qualifying condition and receive a physician's recommendation for cannabis use can apply for an ID card from the Illinois Department of Public Health (IDPH)
- If their application is approved, patients may obtain cannabis from one of 60 state-licensed dispensaries, regulated by the Illinois Department of Finance and Professional Regulation (IDFPR)
- Dispensaries can only distribute cannabis grown by one of 22 state-licensed cultivation centers, regulated by the Illinois Department of Agriculture (IDA)

Location of Cannabis Organizations

- Cultivation centers: one per police district
- Dispensaries: Must be "geographically dispersed throughout the State to allow all registered qualifying patients reasonable proximity and access"
- IDFPR regulations specifically distribute the locations across the state (see attached list)
- Cultivation centers cannot be located within 2,500 feet of a pre-existing public or private preschool or elementary or secondary school, a pre-existing day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, cannot be located within 1,000 feet of another cultivation center or dispensary – Because there are no sites in Homewood that would meet this criteria a cultivation center cannot locate in Homewood
- Dispensaries cannot be located within 1,000 feet of a pre-existing public or private preschool or elementary or secondary school, a day care center, day care home, group day care home, or part day child care facility, or another dispensary or cultivation center

Local Regulation of Cannabis Organizations

- The Act contains the following language regarding local regulation:

*410 ILCS 130/140 local ordinances. A unit of local government may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or with Department of Agriculture or Department of Public Health rules, regulating registered medical cannabis cultivation center or medical cannabis dispensing organizations. **No unit of local government, including a home rule unit, or school district may regulate***

registered medical cannabis organizations other than as provided in this Act and may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis authorized by this Act.

- Local zoning regulation is expressly permitted
- **The zoning regulation must be reasonable, it cannot be arbitrary, discriminatory, or otherwise constitute an abuse of zoning power**
- The zoning regulation cannot conflict with the Act or implementing regulations
- Local governments may only regulate cannabis organizations as provided in the Act
- **Local regulation may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis**
- **Local regulations cannot effectively prevent the operation of cannabis organizations**

Department of Financial and Professional Regulation rules on local dispensary regulation

The IDFPR's administrative rules provide: "No local municipality or jurisdiction shall impose zoning ordinances, special use permits, conditions or requirements that conflict with the Act or this Part, that concern or address issues or subject matters that are within the regulatory jurisdiction of the Division, or that would otherwise place unreasonable restrictions on the location of dispensaries contrary to the mandate of the Act that dispensing organizations shall be geographically dispersed throughout the State to allow all registered qualified patients reasonable proximity and access to a dispensing organization." 68 Ill. Reg. 1290.465.

Illinois' medical marijuana law was signed by Governor Quinn on August 1, 2013 and became effective January 1, 2014. The law draws from the best standards and practices of 20 other states who preceded Illinois in allowing citizens to use cannabis as medicine.

Main points of the law:

- Cardholding patients with “debilitating medical conditions” may purchase and use cannabis medicine.
- Physicians must comply with procedures for certifying patients to use cannabis medicine.
- After receiving a physician’s written certification, a patient must apply for a registration card through Illinois’ Department of Public Health.
- A patient may designate one “caregiver” to assist with purchasing and administering cannabis medicine.
- Rules for safe use and possession keep cannabis away from public places and traffic.
- Private businesses have the right to restrict or prohibit cannabis on their property.
- Employers have the right to make and enforce reasonable policies that restrict or prohibit cannabis at work.
- Patients may use (but not smoke) cannabis medicine at health care facilities, including hospitals, nursing homes, hospice care centers, and long-term care facilities.

Implementing the law through administrative agencies

Beginning January 1, four agencies of Illinois’ government began the process of adopting regulations to govern activities under the Compassionate Use of Medical Cannabis Pilot Program Act. Following a public commentary period and necessary First Notice and Second Notice procedural formalities, final versions of regulations were certified by the Joint Committee on Administrative Rules (JCAR) on July 15, 2014.

1. Illinois Department of Public Health: Regulations for Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946)

- Defines elements of the patient-physician relationship that must exist before a physician can issue a written certification.
- Special rules apply to veterans and VA hospitals in lieu of a physician’s written certification.
- Explains the process for registering as a patient or caregiver.

- Contains mechanisms to ensure patient information is kept confidentially by the Health Department and dispensaries.
- Includes a petition and review process through which the Health Department may consider expanding the list of debilitating medical conditions.
- Contains rules giving the Health Department powers to regulate and inspect infused products and edibles at licensed cultivation centers.

2. Illinois Department of Agriculture: Regulations for Compassionate Use of Medical Cannabis Pilot Program (8 Ill. Adm. Code 1000)

- Sets technical rules for the safe and efficient operation of “cultivation centers”– closely regulated facilities for growing cannabis plants and manufacturing medicines and edibles derived from cannabis.
- Spatial requirements prohibit a cultivation center from locating within 2500 feet of residential zones, schools, and child care facilities.
- Requires extensive security measures, including comprehensive video surveillance, alarm systems, smart layout design, appropriate locks, and more.
- Requires extensive inventory and recordkeeping measures, including a “cannabis plant monitoring system” that can monitor nutrient inputs and plant growth (from seed to sale).
- Requires that samples of all harvested cannabis be tested by an independent, state-licensed laboratory to determine the proportion of cannabinoids and to detect the presence of mold, fungus, bacteria, and other contaminants.
- Sets rules for the safe packaging and labeling of cannabis medicine.
- Sets rules for the conduct of agents and employees of a cultivation center.
- Sets marketing and advertising rules for cultivation centers.
- Contains the rules for the competitive application process and the scoring criteria which shall be used to distinguish the relative strengths of competing applicants.

3. Illinois Department of Financial and Professional Regulation (DFPR): Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290)

- Sets technical rules for the safe and efficient sale of cannabis medicines to card carrying patients and caregivers.
- Sets rules to protect the confidentiality of patient information.
- Requires clear, logical demarcation between limited access areas and restricted access areas.

- Sets rules for the conduct of agents and employees of a dispensary.
- Sets rules for effective inventory management.
- Sets marketing and advertising rules for dispensaries.
- Contains the rules for the competitive application process and the scoring criteria which shall be used to distinguish the relative strengths of competing applicants.

4. Illinois Department of Revenue: Retailers' Occupation Tax (86 Ill. Adm. Code 130)

- Cannabis products are classified as "prescription and nonprescription medicines and drugs," so that dispensaries must pay tax of 1% under the Retailers' Occupation Tax.
- Cannabis paraphernalia is subject to the general merchandise rate of 6.25%.

APPENDIX

Outside of Chicago metropolitan area		22 dispensaries
	Police Districts 1, 6-7, 12-14 & 17-22	1 per District
	Police Districts 8-11 & 16	2 per District
Within Chicago metropolitan area, outside of Cook County		14 dispensaries
	DeKalb County	1
	DuPage County	3
	Grundy & Kendall Counties	1
	Kane County	2
	Lake County	3
	McHenry County	1
	Will County	3
Within Cook County, outside of City of Chicago		11 dispensaries
	Barrington, Hanover, & Palatine Townships	1
	Elk Grove & Schaumburg Townships	1
	Maine & Wheeling Townships	1
	New Trier & Northfield Townships	1
	Evanston & Niles Townships	1
	Leyden, Norwood Park, & Proviso Townships	1
	Berwyn, Cicero, Oak Park, River Forest, & Riverside Townships	1
	Lemont, Lyons, & Palos Townships	1
	Calumet, Stickney, & Worth Townships	1
	Bremen, Orland, & Rich Townships	1
	Bloom & Thornton Townships	1
Within City of Chicago		13 dispensaries
	Jefferson Township	2
	Hyde Park Township	2
	Lake Township	2
	Lakeview Township	2
	North Township	1
	Rogers Park Township	1
	South Township	1
	West Township	2