

**Item #5:**  
**Ord. Amending Zoning Code Re: Medical Cannabis**

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2014-O-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 5-4-5 OF THE LONG GROVE ZONING CODE  
REGARDING MEDICAL CANNABIS DISPENSARIES AND CULTIVATION CENTERS**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this \_\_\_\_ day of \_\_\_\_\_, 2014

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this \_\_\_\_ day of \_\_\_\_\_, 2014

VILLAGE OF LONG GROVE

ORDINANCE NO. 2014-O-\_\_\_

**AN ORDINANCE AMENDING SECTION 5-4-5 OF THE LONG GROVE ZONING CODE REGARDING MEDICAL CANNABIS DISPENSARIES AND CULTIVATION CENTERS**

**WHEREAS**, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130 (the "**Act**"), effective January 1, 2014; and

**WHEREAS**, the Act sets forth a statewide regulatory scheme for a medical cannabis pilot program, including regulations for the establishment and operation of medical cannabis dispensaries and cultivation centers; and

**WHEREAS**, Section 140 of the Act, 410 ILCS 130/140, authorizes all municipalities to enact reasonable local zoning and land use ordinances regulating state-registered medical cannabis dispensaries and cultivation centers, provided that such local regulations do not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis in accordance with the Act; and

**WHEREAS**, the Village has determined that, pursuant to the authority granted by Section 140 of the Act, the Long Grove Zoning Code ("**Zoning Code**") should be amended to establish reasonable zoning regulations for the establishment and maintenance of medical cannabis dispensary and cultivation center uses within certain non-residential areas in the Village; and

**WHEREAS**, pursuant to notice duly published, the Plan Commission and Zoning Board of Appeals (the "**PCZBA**") conducted a public hearing that commenced on June 3, 2014 and concluded on October 7, 2014 to consider proposed amendments to the Zoning Code concerning medical cannabis dispensaries and cultivation centers; and

**WHEREAS**, at the conclusion of the public hearing, the PCZBA recommended that Section 5-4-5 of the Zoning Code be amended to allow medical cannabis dispensaries and cultivation centers as special uses in the Village's B2 Suburban Business, HR Highway Retail,

and HR-1 Highway Retail districts subject to certain conditions, as set forth in the PCZBA's recommendation to the President and Board of Trustees; and

**WHEREAS**, the President and Board of Trustees have considered the PCZBA's recommendation and determined that amendments to Section 5-4-5 of the Zoning Code as set forth in this Ordinance are necessary, desirable, and appropriate;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:**

**SECTION ONE.**      **Recitals.**      The foregoing recitals are incorporated into this Ordinance as the findings of the President and Board of Trustees.

**SECTION TWO.**      **Amendment to Section 5-4-5.**      Section 5-4-5, titled "Special Uses," of Chapter 4, titled "Business Districts," of the Long Grove Zoning Code is hereby amended in part as follows:

**5-4-5 Special Uses.**

The uses listed in the following subsections may be permitted in the applicable business districts subject to the issuance of a special use permit as provided in section 5-11-17 of this title:

\* \* \*

(B) B2 District:

1. Uses:

\* \* \*

**(h) Medical cannabis dispensaries operating pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq. ("Medical Cannabis Act"), provided that:**

**(1) "Medical cannabis dispensary" means a facility operated by an organization or business that is registered by the Illinois 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.**

(2) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) Location.

- i. No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.
- ii. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.
- iii. A dispensary shall be located a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.

(i) Medical cannabis cultivation centers operating pursuant to the Medical Cannabis Act, provided that:

(1) "Medical cannabis cultivation center" means a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with useable medical cannabis.

(2) Each medical cannabis cultivation center shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the cultivation center shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) No cultivation center may be located within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care child facility, or an area zoned for residential use.

(4) All cultivation center operations and activities must be conducted in fully-enclosed buildings.

**(5) All cultivation center buildings shall be set back a minimum of 250 feet from any lot line that borders one or more properties zoned in the R-1, R-2, or R-3 Residential District.**

(C) HR District:

1. Home improvement stores, retail stores, and restaurants, if approved pursuant to an ordinance granting approval of a planned unit development.

**2. Medical cannabis dispensaries, operating pursuant to Medical Cannabis Act, if approved pursuant to an ordinance granting approval of a planned unit development, provided that:**

**(a) "Medical cannabis dispensary" means a facility operated by an organization or business that is registered by the Illinois 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.**

**(b) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.**

**(c) Location.**

**i. No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.**

**ii. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.**

**iii. A dispensary shall be located a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.**

**3. Medical cannabis cultivation centers operating pursuant to the Medical Cannabis Act, provided that:**

**(1) "Medical cannabis cultivation center" means a facility operated by an organization or business that is registered**

by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with useable medical cannabis.

(2) Each medical cannabis cultivation center shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the cultivation center shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) No cultivation center may be located within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care child facility, or an area zoned for residential use.

(4) All cultivation center operations and activities must be conducted in fully-enclosed buildings.

(5) All cultivation center buildings shall be set back a minimum of 250 feet from any lot line that borders one or more properties zoned in the R-1, R-2, or R-3 Residential District.

2.4. Such other uses as may be consistent with the village's comprehensive plan and expressly authorized pursuant to an ordinance granting approval of a planned unit development.

(D) HR-1 District

1. Grocery stores, drugstores, retail stores, coffee shops, dry cleaning plant and store, restaurants, community centers, and outdoor dining, if approved pursuant to an ordinance granting approval of a planned unit development, which planned unit development may only include either: a) property located exclusively within the HR-1 district or b) property located within the HR-1 and one or more of the OS districts.

2. Medical cannabis dispensaries, operating pursuant to the Medical Cannabis Act, if approved pursuant to an ordinance granting approval of a planned unit development, provided that:

(a) "Medical cannabis dispensary" means a facility operated by an organization or business that is registered by the Illinois 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.

(b) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(c) Location.

- i. No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.
- ii. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.
- iii. A dispensary shall be located a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.

3. Medical cannabis cultivation centers operating pursuant to the Medical Cannabis Act, provided that:

(1) “Medical cannabis cultivation center” means a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with useable medical cannabis.

(2) Each medical cannabis cultivation center shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the cultivation center shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) No cultivation center may be located within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care child facility, or an area zoned for residential use.

(4) All cultivation center operations and activities must be conducted in fully-enclosed buildings.

**(5) All cultivation center buildings shall be set back a minimum of 250 feet from any lot line that borders one or more properties zoned in the R-1, R-2, or R-3 Residential District.**

**2.4.** Such other uses as may be consistent with the village's comprehensive plan and expressly authorized pursuant to an ordinance granting approval of a planned unit development.

\* \* \*

**SECTION THREE. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS \_\_\_\_ DAY OF OCTOBER, 2014.

AYES: ( )

NAYS: ( )

ABSENT: ( )

ABSTAIN: ( )

APPROVED THIS \_\_\_\_ DAY OF OCTOBER, 2014.

\_\_\_\_\_  
Angela Underwood, Village President

ATTEST:

\_\_\_\_\_  
Heidi Locker-Scheer, Village Clerk