

OCTOBER 21, 2013

Title

PC 13-13

Petitioner

Village of Lombard

Property Location

All O Office Zoning Districts

Approval Sought

The Village requests text amendments to Section 155.412 (C) and Section 155.802 (and any other relevant sections for clarity) of the Village of Lombard Zoning Ordinance.

Prepared By

Jennifer Ganser, Assistant Director

DESCRIPTION

On August 1, 2013, Governor Quinn signed HB 1, the Compassionate Use of Medical Cannabis Pilot Program Act (PA 098-0122). The law creates a four-year pilot medical marijuana program that will go into effect on January 1, 2014. It was created with a “sunset” provision so that if the legislature does not renew the program or create a new law the program will cease to operate four years from the date it went into effect.

This allows for individuals with thirty-three serious diseases including cancer, HIV and multiple sclerosis to obtain a special ID card allowing them to buy limited amounts, up to two-and-a-half ounces during a 14 day period, of medical marijuana from one of 60 state-licensed dispensaries.

The Act also allows local units of government to establish regulations that provide for reasonable zoning regulations for the cultivation and dispensing of medical marijuana. It states that no unit of local government may regulate registered medical cannabis organizations other as provided for in this Act and may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis authorized by the Act. The Act provides extensive discussions as to the use, regulation and description of medical cannabis.

Cultivation Centers

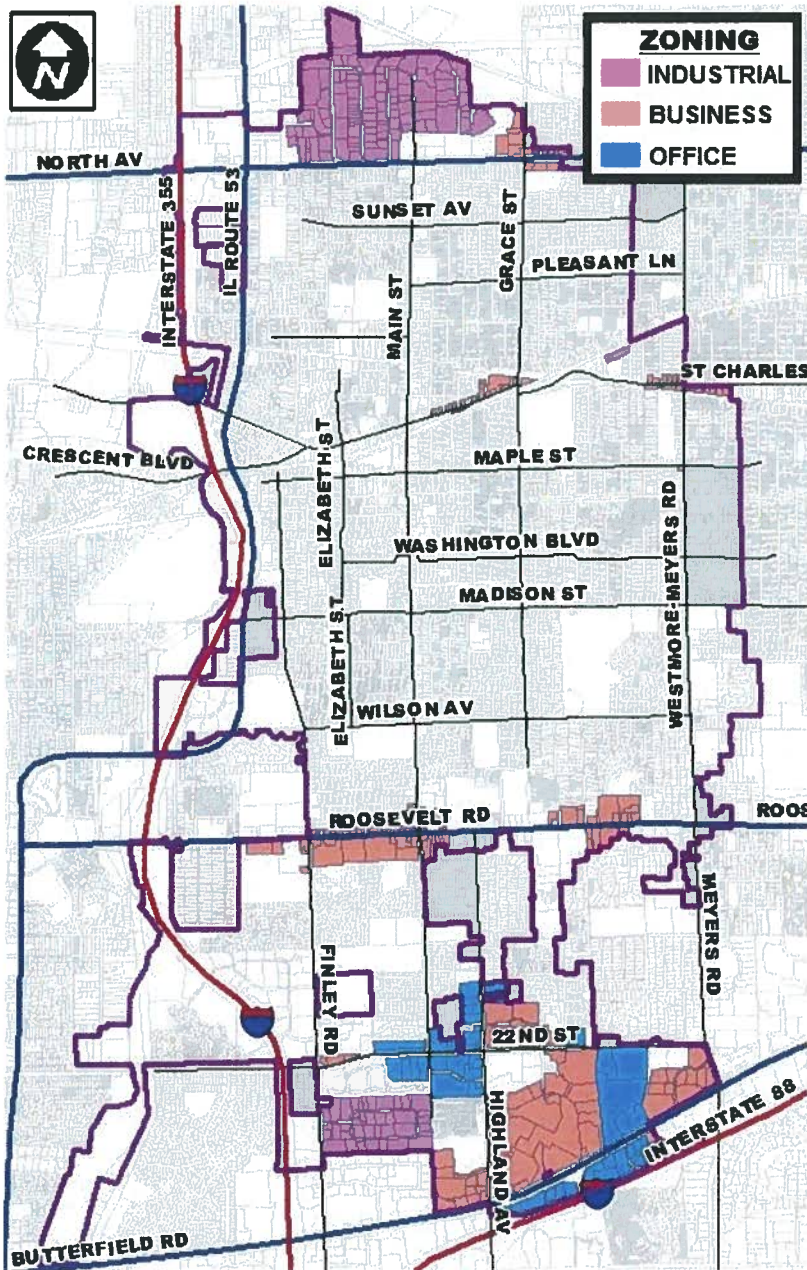
A registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool, elementary school, secondary school, day school, day care center, day care home, group care home, part day child care facility, or area zoned for residential use. The Act will allow for 22 centers in the State. Patients cannot grow their own medical cannabis. Only state-regulated cultivation centers would be allowed to grow cannabis.

Using Geographic Information Systems (GIS) mapping software, staff was able to create 2,500 foot buffers of the above-mentioned area to determine a cultivation center would not be permitted in Lombard per the Act’s regulations.

Dispensaries

According to the Act, registered dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part day child care facility. Additionally, dispensaries may not be located in a house, apartment, condominium, or area zoned for residential use. The 60 dispensaries are to be located throughout Illinois to allow for patients reasonable access to dispensaries. Dispensaries will be licensed by the State and subject to rules by the Department of Financial and Professional Regulation. All dispensary staff will undergo a background check.

Using GIS mapping software, staff was able to create 1,000 feet buffers of the above-mentioned area to determine where a dispensary could locate in Lombard per the Act's regulations.



INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

EXISTING REGULATIONS

MEDICAL CANNABIS DISPENSING ORGANIZATION

None

SMOKING ESTABLISHMENT

An establishment, which, as its principal business purpose, is dedicated to the on-premises smoking of tobacco products or other legal substances and is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

PROPOSED TEXT AMENDMENTS

The following text amendments to the Zoning Ordinance would meet the Act provisions. Since this is an emerging land use the current Zoning Ordinance does not have a definition for a medical cannabis dispensing organization. Although the State does not allow for medical cannabis to be smoked at smoking establishments, staff feels additional clarity could be needed.

Section 155.802 – Rules and Definitions

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 education materials to registered qualifying patients.

SMOKING ESTABLISHMENT

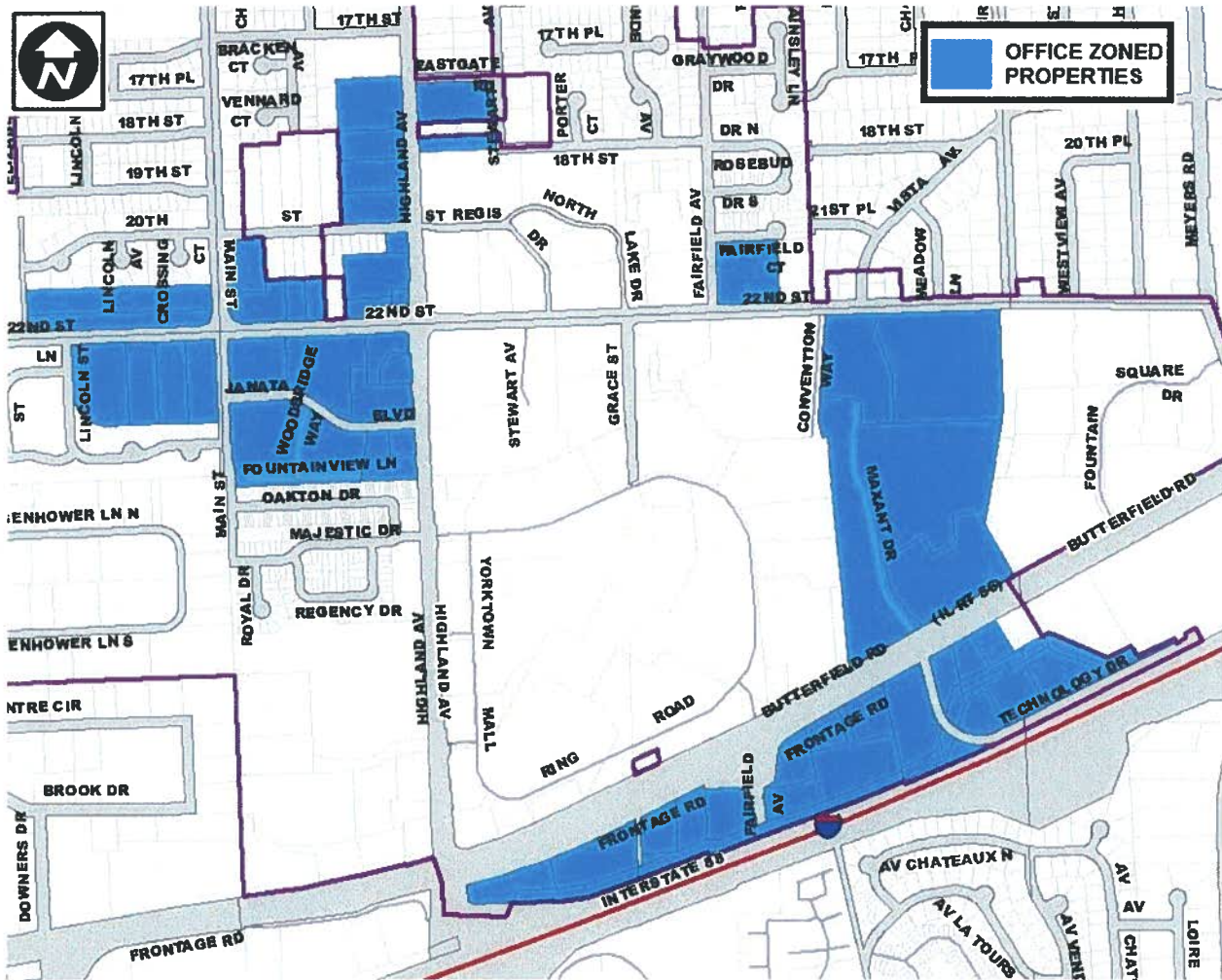
An establishment, which, as its principal business purpose, is dedicated to the on-premises smoking of tobacco products or other legal substances, *excluding medical cannabis*, and is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

Section 155.420 (C) – Conditional Uses within the O Office Zoning District

Medical Cannabis Dispensing Organization: Conditional Use

Staff proposes to amend Section 155.412 (C) –Conditional Uses within the O Office Zoning District to allow for Medical Cannabis Dispensing Organizations with a Conditional Use. The below map show the locations in

Lombard zoned O and not within the buffer that could be deemed appropriate for medical cannabis dispensaries.



STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff comments are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments will be applicable in areas zoned O Office, provided a conditional use is granted.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

This is an emerging land use with no current zoning regulations.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendments would not create nonconformities as the proposed regulations are an addition to current conditional uses and not an alteration or deletion of existing uses.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendments will make the ordinance more permissive by allowing an additional conditional use in the Office District.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or by recognizing a desire to amend the code to address desired code regulations. The proposed amendments are consistent with established Village policy in this regard. As this is an emerging land use staff feels it is important to amend the Zoning Ordinance as such.

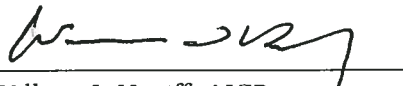
FINDINGS & RECOMMENDATIONS

Staff has prepared the requisite responses to standards for text amendments. Staff finds that the proposed amendments are consistent with the objectives of the Zoning Ordinance. The amendments are also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 13-13.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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