

ORDINANCE 2019-

ORDINANCE AMENDING APPENDIX B ZONING ORDINANCE OF THE NILES CODE OF ORDINANCES PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the Village of Niles, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, on August 27, 2019, the Village Board initiated an amendment to Appendix B Zoning Ordinance to review and consider additional amendments to further regulate adult-use cannabis facilities within the Village of Niles; and

WHEREAS, the Planning and Zoning Board conducted public hearings, as required by law, on September 16, 2019, in regards to the proposed amendments to Appendix B Zoning Ordinance of the Niles Code of Ordinances pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Board recommended approval of the proposed amendments to Appendix B Zoning Ordinance on September 16, 2019.

NOW, THEREFORE, BE IT ORDAINED, by the President and the Board of Trustees of the Village of Niles, Cook County, Illinois, as follows:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Appendix B Zoning Ordinance of the Niles Code of Ordinances is hereby amended by adding the underlined language and deleting the stricken language, as follows:

APPENDIX B ZONING ORDINANCE

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SECTION 3. ZONING DISTRICTS

3.1 - DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the Village of Niles is divided into the following zoning districts:

A. Residential Districts.

R-1 Single-Family Residential District

R-2 Single-Family Residential District

R-2-35 Single-Family Residential District

R-3 Two-Family and Townhouse Residential District

R-4 Multi-Family Residential District

B. Commercial Districts.

C-1 Corridor Commercial District

C-2 General Commercial District

C-3 Milwaukee Avenue Form-Based District

C-4 Milwaukee Avenue Mixed-Use District

C-5 Urban Village District

C. Industrial Districts.

M Limited Industrial District

ENT-MU Office, Industrial, and Cultural/Entertainment Mixed-Use District

OR Office/Research District

D. Special Purpose Districts.

P-I Public/Institutional Lands District

C-E Cannabis Establishment Overlay District

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SECTION 7. - SPECIAL PURPOSE DISTRICTS

7.1 - PURPOSE STATEMENTS

A. P-I Public/Institutional Lands District

The P-I Public/Institutional Lands District is intended to provide a zoning designation to accommodate public lands and institutions and quasi-public institutions within the Village.

B. C-E Cannabis Establishment Overlay District

The C-E Cannabis Establishment Overlay District is intended to establish areas where Adult-Use Cannabis Craft Grower Organizations, Adult-Use Cannabis Dispensing Organizations, and Medical Cannabis Dispensing Organizations may be allowed within the Village.

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7.3 - GENERAL STANDARDS OF APPLICABILITY – P-I PUBLIC INSTITUTIONAL LANDS DISTRICT

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7.4 – C-E CANNABIS ESTABLISHMENT OVERLAY DISTRICT

A. Boundaries

The C-E Overlay District is comprised of three areas and are described as follows:

Northern area:

The parcels fronting the north property lines of Golf Rd between Western Ave and Greenwood Ave, the parcel to the west of Greenwood Ave north of Gregory Lane and south of Milwaukee Ave., and the parcels that are bounded by Greenwood Avenue to the west, Golf Rd to the south and the Commonwealth Edison Company R.O.W. to the north and east.



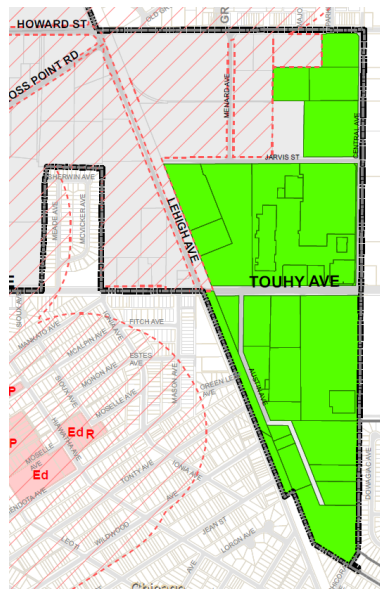
Central area:

The parcels north of Howard St and south of the Village Boundary, from the centerline of Melvina Ave west approximately 982 feet and approximately 514 feet east of the centerline of Merrimac Avenue and two parcels south of Howard Street commonly known as 6143 and 6151 Howard Street.



Southern area:

The parcels fronting the west side Central Ave between Howard St and Jarvis St, the parcels bounded by Jarvis St to the north, Central Ave to the east, Touhy Ave to the south and Railroad to the west, and all parcels south of Touhy Ave between Lehigh Ave and Central Ave.



B. Uses

Section 8 lists permitted and special principal uses and temporary uses for the C-E Overlay District. All uses allowed within the underlying zoning district or districts are also allowed in the C-E Overlay District.

C. Dimensional Standards

The dimensional standards within the C-E Overlay District shall be those development standards in effect in the underlying zoning district or districts.

C. General Standards of Applicability

1. Site Development Standards

The development standards within the C-E Overlay District shall be those development standards in effect in the underlying zoning district or districts. See Section 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

2. Off-Street Parking and Loading

See Section 10 for off-street parking and loading standards and requirements.

3. Landscape

See Section 11 for landscape, buffering and screening standards and requirements.

4. Signs

See Chapter 78 of the Village Code for sign standards.

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SECTION 8 USES

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8.2 USE MATRIX

A. Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. P indicates that the use is permitted in the district. S indicates that the use is a special use in the district and requires special use permit approval. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a P indicates the temporary use is allowed in the district and the standards may indicate that it requires temporary use permit approval in accordance with the standards of Section 8.4.

B. Within the C-2, C-3, and C-4 Districts, ground floor uses on corner lots are limited to those listed under the "Retail" category in Table 8-1: Use Matrix. This limitation extends for 250 feet along the lot lines along each intersecting street and applies to any ground floor space where 50% or more of the space's frontage is located within this 250 foot measurement.

TABLE 8-1: USE MATRIX																
Use	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	C-E OVERLAY	Use Standard
<u>Adult-Use Cannabis Craft Grower Organization</u>															P	Sec. 8.3.Z
<u>Adult-Use Cannabis Cultivation Center</u>											P					Sec. 8.3.Z
<u>Adult-Use Cannabis Dispensing Organization</u>															P	Sec. 8.3.Z
<u>Adult-Use Cannabis Infuser Organization</u>											P					Sec. 8.3.Z
<u>Adult-Use Cannabis Processing Organization</u>											P					Sec. 8.3.Z
<u>Adult-Use Cannabis Transporting Organization</u>											P					Sec. 8.3.Z
<u>Medical Cannabis Cultivation Center</u>											S P					Sec. 8.3.L
<u>Medical Cannabis Dispensing Organization</u>											S P				P	Sec. 8.3.K

8.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

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K. Medical Cannabis Dispensing Organization

1. In accordance with state law, medical cannabis dispensing organizations must comply with the required spacing and location requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.

- a. A licensed medical ~~marijuana~~ cannabis dispensary may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center.
- b. A licensed medical ~~marijuana~~ cannabis dispensary may not be located within 500 feet of any place of worship, ~~amusement facility~~, or park/playground.
- c. A licensed medical ~~marijuana~~ cannabis dispensary may not be located within a residential dwelling or within a residential district.

2. ~~An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.~~ The following components of the Medical Cannabis Dispensing Organization shall be provided to the Director of Community Development and approved by the appropriate Village Departments prior to the issuance of a Certificate of Occupancy:

- a. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, and building code compliance.
- b. Security installations/security plan approved by the Chief of Police, or his designee.
- c. An operation plan must be submitted, which includes the days and hours of operation, a delivery plan, a sign plan, and a site plan that describes access points and internal site circulation, exterior lighting, and parking capacity.

L. Medical Cannabis Cultivation Center

1. In accordance with state law, medical cannabis dispensing organizations must comply with the required facility design and spacing requirements. Any subsequent amendment to state law that is more restrictive that this standard will control.

- a. A licensed medical cannabis cultivation center must be located within an enclosed, locked facility, defined as a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.
- b. A licensed medical cannabis cultivation center may not be located within ~~2,500~~ 1,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, ~~amusement facility~~, or park/playground.

2. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity. The following components of a Medical Cannabis Cultivation Center shall be provided to the Director of Community Development and approved by the appropriate Village Departments prior to the issuance of a Certificate of Occupancy:

- a. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, and building code compliance.
- b. Security installations/security plan approved by the Chief of Police, or his designee.
- c. An operation plan must be submitted, which includes the days and hours of operation, a delivery plan, a sign plan, and a site plan that describes access points and internal site circulation, exterior lighting, and parking capacity.

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Z. Adult-Use Cannabis:

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Niles. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Adult-Use Cannabis Facility Components: The following components of the Adult-Use Cannabis Facility must be provided to the Director of Community Development and approved by the appropriate Village Departments prior to the issuance of a Certificate of Occupancy:

- a. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, and building code compliance.
- b. Security installations/security plan approved by the Chief of Police, or his designee.
- c. An operation plan must be submitted, which includes the days and hours of operation, a delivery plan, a sign plan, and a site plan that describes access points and internal site circulation, exterior lighting, and parking capacity.
- d. Compliance with all requirements provided in Section 8.3(Z)(4) Adult-Use Cannabis Craft Grower; Section 8.3(Z)(5) Adult-Use Cannabis Dispensing Organization; Section 8.3(Z)(6) Adult-Use Cannabis Cultivation Center; Section 8.3(Z)(7) Adult-Use Cannabis Infuser Organization; Section 8.3(Z)(8) Adult-Use Cannabis Processing Organization; Section 8.3(Z)(9) Adult-Use Cannabis Transporting Organization; as applicable.

- e. Compliance with all requirements of the State Cannabis Regulation and Tax Act.

3. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- a. A facility may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center.
- b. A facility may not be located within 500 feet of any place of worship, or park/playground.
- c. A facility may not be located within a residential dwelling or within a residential district.
- d. A facility may only be allowed within the C-E Cannabis Establishment Overlay District.
- e. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- f. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles' regulations regarding Adult-Use Cannabis Facility Components, Adult-Use Cannabis Craft Growers, and all other requirements of the Act.

4. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- a. A facility may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center.
- b. A facility may not be located within 500 feet of any place of worship, or park/playground.
- c. A facility may not be located within a residential dwelling or within a residential district.
- d. A facility may only be allowed within the C-E Cannabis Establishment Overlay District.
- e. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.
- f. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- g. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles' regulations regarding Adult-Use Cannabis Facility Components, Adult-Use Cannabis Dispensing Organizations, and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- a. Facility may not be located within 1,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, or park/playground.
- b. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- c. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles' regulations regarding Adult-Use Facility Components, Adult-Use Cannabis Cultivation Centers, and all other requirements of the Act.

6. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- a. Facility may not be located within 1,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, or park/playground.
- b. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- c. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles' regulations regarding Adult-Use Cannabis Facility Components, Adult-Use Cannabis Infuser Organizations, and all other requirements of the Act.

7. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- a. Facility may not be located within 1,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, or park/playground.
- b. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- c. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles' regulations regarding Adult-Use Cannabis Facility Components, Adult-Use Cannabis Processing Organizations, and all other requirements of the Act.

8. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

- a. Facility may not be located within 1,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, or park/playground.

- b. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- c. Petitioner shall file an affidavit (provided by the Village) with the Village affirming compliance with the Village of Niles’ regulations regarding Adult-Use Cannabis Facility Components, Adult-Use Cannabis Transporting Organizations, and all other requirements of the Act.

9. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs.

10. Co-Location of Cannabis Business Establishments. The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, in an area properly zoned for said uses, subject to the provisions of the Act and the criteria within the Village of Niles Code of Ordinances. In a co-location, the floor space requirements of Section 5(d) and 7(b) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

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8.5 USE DEFINITIONS

All uses found within Table 8-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

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Adult-Use Cannabis Business Establishment. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-Use Cannabis Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and

Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Dispensing Organization. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. No on-site consumption is allowed.

Adult-Use Cannabis Infuser Organization or Infuser. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization or Processor. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization or Transporter. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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SECTION 10. OFF-STREET PARKING AND LOADING

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TABLE 10-2: OFF-STREET PARKING REQUIREMENTS

USE	PARKING SPACES REQUIRED
*	*
RETAIL	
<u>Adult-Use Cannabis Dispensing Organization</u>	<u>3 per 1,000 s.f of GFA</u>
*	*

MEDICAL	
Hospital	3 spaces per bed
Medical/Dental Clinic	5 per 1,000 s.f. of GFA
Medical Cannabis Dispensing Organization	5 per 1,000 s.f. of GFA 3 per 1,000 s.f. of GFA
INDUSTRIAL	
Adult-Use Cannabis Uses: Craft Grower, Cultivation Center, Infuser Organization, Processing Organization, or Transporting Organization	1 per 1,000 s.f. of GFA up to 40,000 s.f. then 1 per 2,500 s.f. for additional GFA above 40,000 s.f.

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SECTION 3: Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED: This xx day of xx, 2019.
AYES:
NAYS:
ABSENT:
ABSTAIN:

APPROVED by me this xx day of xx, 2019.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this xx day of xx, 2019, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk