

**PREPARED BY:**

**CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:**

**CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
P.O. BOX 3020  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60566-7020**

**PC Case # 13-1-126**

**ORDINANCE NO. 13 – 162**

**AN ORDINANCE AMENDING CHAPTER 1 (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER 2 (GENERAL ZONING PROVISIONS), CHAPTER 7 (BUSINESS DISTRICTS), AND CHAPTER 8 (INDUSTRIAL DISTRICTS) OF TITLE 6 (ZONING ORDINANCE) OF THE NAPERVILLE MUNICIPAL CODE PERTAINING TO MEDICAL MARIJUANA**

**WHEREAS**, the City of Naperville, in its authority as a Home Rule community, 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**, in August 2013, the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (hereinafter referred to as the “Act”), which pertains to the cultivation and dispensing of medical marijuana for use in serious diseases causing chronic pain and debilitating conditions, which will become effective January 1, 2014; and

**WHEREAS**, per the Act, cultivation centers and dispensing facilities will be permitted to locate within any municipality, subject to the only those limitations imposed by the State Act, unless the local municipality adopts additional restrictions; and

**WHEREAS**, on October 1, 2013, the City Council initiated an amendment to Title 6 (Zoning Ordinance) to review and consider additional amendments to further regulate cultivation centers and dispensing facilities within the City of Naperville; and

**WHEREAS**, the Planning and Zoning Commission conducted public hearings, as required by law, on November 6, 2013 and November 20, 2013, in regards to the proposed amendments to Title 6 (Zoning Ordinance) of the Naperville Municipal Code pertaining to medical marijuana; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the proposed amendments to Title 6 (Zoning Ordinance) on November 20, 2013, subject to a minor amendment which has been incorporated into the ordinance amendments included herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS**, in exercise of its home rule authority, as follows:

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

**SECTION 2:** Chapter 1 (Zoning Title, Purpose, Definitions) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

|  |  |
|--|--|
| ACCESSORY BUILDING OR STRUCTURE – LOT, ZONING: | * * *  |
| <u>MEDICAL CANNABIS CULTIVATION CENTER:</u>    | <u>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</u> |

|  |  |
|--|--|
|  | <u>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.</u>   |
| <u>MEDICAL CANNABIS DISPENSING ORGANIZATION:</u> | <u>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.</u> |
| MOBILE HOME: - ZONING DISTRICT MAP:              | * * *  |

**SECTION 3:** Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**6-2-1: USES - 6-2-31: 5TH AVENUE STUDY OVERLAY DISTRICT:**

\* \* \*

**6-2-32: MEDICAL CANNABIS:**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the City of Naperville. Such facilities shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, as may be amended from time to time (hereinafter referred to as the "Act"), as well as those additional regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Conditional Use: Medical Cannabis facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 6-3-8 (Conditional Uses) of this Title and Section 6-2-32:3 (Medical Cannabis Facility Components) as provided herein.

3. Medical Cannabis Facility Components: In determining compliance with Section 6-3-8 (Conditional Uses) of this Title, the following components of the Medical Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- 3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan, and building code compliance.
  - 3.3 Hours of operation and anticipated number of customers/employees.
  - 3.4 Anticipated parking demand based on Section 6-2-32:3.3 and available private parking supply.
  - 3.5 Traffic generation and adjacent roadway capacity.
  - 3.6 Site design, including access points and internal site circulation.
  - 3.7 Proposed signage plan.
  - 3.8 Compliance with all requirements provided in Section 6-2-32:4 (Medical Cannabis Cultivation Center) or Section 6-2-32:5 (Medical Cannabis Dispensing Organization), as applicable.
  - 3.8 Other criteria determined to be necessary to assess compliance with Section 6-3-8 of this Title.
4. Medical Cannabis Cultivation Center: In those zoning districts in which a Medical Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
- 4.1 Facility may not be located within 2,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - 4.2 Facility may not be located within 2,500 feet of the property line of a pre-existing property zoned for residential use.
  - 4.3 Facility may not conduct any retail sales.
  - 4.4 For purposes of determining required parking, Medical Cannabis Cultivation Centers shall be classified as "General Manufacturing" per Section 6-9-3:2 (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Section 6-2-32:2 (Medical Cannabis: Conditional Use) herein.
  - 4.5 Petitioner shall file an affidavit with the City affirming compliance with Section 6-2-32:4.1 – 4.4 as provided herein and all other requirements of the Act.
5. Medical Cannabis Dispensing Organization: In those zoning districts in which a Medical Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
- 5.1 Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - 5.2 Facility may not be located in a home, apartment, condominium or within 250 feet of any area zoned for residential use.
  - 5.3 The dispensing organization shall be the primary use of the tenant space in which it is located. Retail sales occurring within said facilities shall be accessory to the facility's intended use as a dispensing organization.
  - 5.4 For purposes of determining required parking, said facilities shall be classified as "medical office/clinic" per Section 6-9-3:5 (Schedule of Off-Street Parking Requirements: Services and Institutions) of the Naperville Municipal Code, provided, however, that the

City may require that additional parking be provided as a result of the analysis completed through Section 6-2-32:2 (Medical Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City affirming compliance with Section 6-2-32:5.1 – 5.4 as provided herein and all other requirements of the Act.

6. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the City, to ensure the safety of employees and customers of the medical cannabis cultivation center and dispensing organizations. Said improvements may be required by the City in excess of those security measures required by the Act.

**SECTION 4:** Chapter 7 (Business Districts) of Title 6 (Zoning Ordinance) of the Naperville

Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE B. B2 COMMUNITY SHOPPING CENTER DISTRICT**

**6-7B-2: PERMITTED USES:**

\* \* \*

**6-7B-3: CONDITIONAL USES -**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. Amusement establishments including, but not limited to, bowling alleys, pool halls, dance halls, skating rinks. - 13. Pet care establishments, accessory to a principal permitted use, where the pet care establishment exceeds twenty-five percent (25%) of the gross floor area of the building, structure or premises. All activity shall be conducted completely within any building or structure; outdoor areas shall be prohibited. \* \* \*

14. Medical Cannabis Dispensing Organization.

**ARTICLE J. HS HEALTH SERVICES DISTRICT**

**6-7J-2: PERMITTED USES: \* \* \***

**6-7J-3: CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. Antennas in excess of sixty (60) feet in height as measured under Chapter 13 of this Title. –

4. Planned unit developments. \* \* \*

5. Medical Cannabis Dispensing Organization per Section 6-2-32 of this Title.

**SECTION 5:** Chapter 8 (Industrial Districts) of Title 6 (Zoning Ordinance) of the

Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE A. RD RESEARCH AND DEVELOPMENT DISTRICT**

**6-8A-2: PERMITTED USES:**

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. Banks and financial institutions. – 12. Fitness facility. \* \* \*
- 13. Medical Cannabis Dispensing Organization per Section 6-2-32 of this Title.

**6-8A-3: CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

- 1. Airports and heliports. - 9. Public assembly uses per Section 6-2-29 of this Title. \* \* \*
- 10. Medical Cannabis Cultivation Center per Section 6-2-29 of this Title.

**ARTICLE B. ORI OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT**

**6-8B-2: PERMITTED USES:**

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. Banks and financial institutions. – 12. Fitness facility.
- 13. Medical Cannabis Dispensing Organization per Section 6-2-32 of this Title.

**6-8B-3: CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

- 1. Airports and heliports. - 18. Public assembly uses per Section 6-2-29 of this Title. \* \* \*
- 19. Medical Cannabis Cultivation Center per Section 6-2-29 of this Title.

**ARTICLE C. I INDUSTRIAL DISTRICT**

**6-8C-2: PERMITTED USES:**

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. Abrasive manufacture. – 39. Automobile repair facility and car washes used in conjunction with an automobile repair facility. \* \* \*
- 40. Medical Cannabis Dispensing Organization per Section 6-2-32 of this Title.

**6-8C-3: CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

- 1. Airports and heliports. – 34. Pet care establishments, when the principal use of the building, structure or premises. Outdoor areas may be permitted. All outdoor activity shall be

conducted as described in Section 6-2-25, "Veterinary Office And Pet Care Establishment",  
of this Title. \* \*

35. Medical Cannabis Cultivation Center per Section 6-2-29 of this Title.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval  
as required by law.

PASSED this 17<sup>th</sup> day of December, 2013.

AYES: HINTERLONG, KRAUSE, WEHRLI, WENTZ, PRADEL, BRODHEAD,  
CHIRICO, FIESELER

NAYS: NONE

ABSENT: McELROY

APPROVED this 18<sup>th</sup> day of December, 2013.

*A. George Pradel*

A. George Pradel  
Mayor

ATTEST:

*Pam LaFaber*

Pam LaFaber, Ph.D.  
City Clerk

