

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 Subsection 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 Subsection 6-2-32:4 (Medical Cannabis Cultivation Center) or Subsection 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 two thousand five hundred (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 two thousand five hundred (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 Subsection 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 Subsection 6-2-32:2 (Medical Cannabis: Conditional Use) herein.

- 4.5. Petitioner shall file an affidavit with the City affirming compliance with Subsections 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 one thousand (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 two hundred fifty (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 Subsection 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 Subsection 6-2-32:2 (Medical Cannabis: Conditional Use) herein.
 - 5.5. Petitioner shall file an affidavit with the City affirming compliance with Subsections 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.

(Ord. No. 13-162, § 3, 12-17-2013)