

**VILLAGE OF PEORIA HEIGHTS
ORDINANCE NO. 2013 - 1397**

**“AN ORDINANCE AMENDING THE PEORIA HEIGHTS ZONING ORDINANCE
FOR THE PURPOSE OF REGULATING THE LOCATION OF MEDICAL
CANNABIS CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS”**

**ADOPTED BY THE BOARD OF TRUSTEES
THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS**

On December 17, 2013

**Published in pamphlet form by authority of the Board of Trustees of the Village of
Peoria Heights, Peoria County, Illinois this 17th day of December, 2013.**

ORDINANCE NO. 2013 - 1397

AN ORDINANCE AMENDING THE PEORIA HEIGHTS ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION OF MEDICAL CANNABIS CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS

WHEREAS, the Compassionate Use of Medical Cannabis Pilot Program Act provides for and regulates the cultivation and distribution of medical cannabis to registered qualifying patients; and

WHEREAS, the Village of Peoria Heights has proposed amendments to certain zoning regulations found in the Peoria Heights Zoning Ordinance which proposed amendments are hereinafter set forth; and

WHEREAS, after hearing pursuant to duly published notice, the Peoria Heights Zoning Board of Appeals has recommended to amend the Peoria Heights Zoning Code; and

WHEREAS, the Village Board finds that adoption of the proposed amendments would be in the best interests of the Village of Peoria Heights and its citizens;

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, THAT:

Section 1. Section 3 of the Peoria Heights Zoning Ordinance pertaining to definitions of terms used in said ordinance is hereby amended by the insertion of the following definitions at the alphabetically appropriate locations:

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only medical cannabis dispensing organizations with usable medical cannabis.

MEDICAL CANNABIS DISPENSING ORGANIZATION: 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 cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Section 2. Section 12.3 of the Peoria Heights Zoning Ordinance pertaining to special uses authorized in the B-2, General Retail Business District is hereby amended to read as follows (additions are indicated by underline; deletions by):

12.3 **Special Uses:** The following uses may be allowed by Special Use Permit upon application to and approved by the governing body.

- (1) Gasoline filling stations.
- (2) Used car sales lots.
- (3) Drive-in restaurants.
- (4) Roadside markets, landscape nursery sales yard, building material sales yard or similar use where the products are primarily displayed outside of a building.
- (5) Medical cannabis dispensing organization but only under the following conditions:

(a) No such dispensing organization shall be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility,

public park, public library, residential substance abuse treatment facility, or place of worship.

- (b) No dispensing organization shall be located in a house, apartment, condominium or physician's office.
- (c) No person shall reside in or permit any person to reside in a dispensing organization.
- (d) No person under the age of 18 shall be allowed to enter a dispensing organization unless accompanied by a parent or guardian.
- (e) Drive through services shall be prohibited.
- (f) Outdoor seating areas shall be prohibited.
- (g) Consumption of medical cannabis on the premises, including the parking area shall be prohibited.
- (h) Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.
- (i) Any such dispensing organization shall be operated in compliance with applicable federal, state and local laws and regulations.

In its deliberation, the governing body shall give due consideration to the probable effect the proposed Special Use would have on surrounding land uses:

- the location of access drives into the site with respect to their creating traffic hazards,
- the adequacy of on-site parking,
- lighting of the premises,
- adequacy of supervision and
- hours of operation.

Section 3. Section 14.2 of the Peoria Heights Zoning Ordinance pertaining to permitted uses in the I-1 Industrial District is hereby amended to read as follows (additions are indicated by underline; deletions by):

14.2 **Permitted Uses:** No building or premises shall be used and no building shall hereafter be erected or altered within any Industrial District, unless otherwise provided in this Ordinance, except for the following:

- (1) Any use permitted in any other district.
- (2) Public utility substations, distribution centers, gas regulator stations.
- (3) Wholesale business establishments, warehouses, storage or household goods.
- (4) Building material storage yards, contractors' plants or storage yards, lumber yards.
- (5) Laboratories.
- (6) Manufacturing, fabricating, assembly and processing of materials, articles and products, subject to the performance stands of the I-3 District of the Peoria County Zoning Ordinance,

which standards are hereby adopted by reference.

- (7) Offices, display rooms, as an accessory use to any of the above permitted uses.
- (8) Medical cannabis cultivation center but only under the following conditions:
 - (a) No such cultivation center shall be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public park, public library, residential substance abuse treatment facility, place of worship, or an area zoned for residential use.
 - (b) No person shall reside in or permit any person to reside in a cultivation center.
 - (c) No person under the age of 18 shall be allowed to enter a cultivation center unless accompanied by a parent or guardian.
 - (d) Drive through services shall be prohibited.
 - (e) Outdoor seating areas shall be prohibited.
 - (f) Consumption of medical cannabis on the premises, including the parking area shall be prohibited.
 - (g) Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.
 - (h) Any such cultivation center shall be operated in compliance with applicable federal, state and local laws and regulations.

Section 4. This Ordinance is hereby ordered to be published in pamphlet form by the Peoria Heights Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 5. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

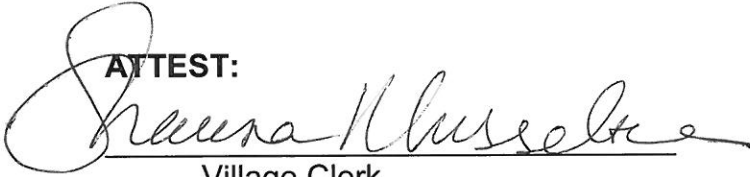
PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION AND APPROVED BY ITS PRESIDENT THIS 17th DAY OF December, 2013.

APPROVED:



President

ATTEST:



Village Clerk

CERTIFICATION OF DOCUMENTS

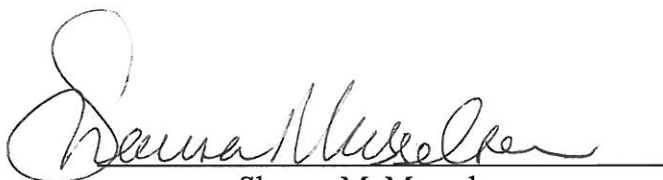
**STATE OF ILLINOIS
COUNTY OF PEORIA
VILLAGE OF PEORIA HEIGHTS**

I, Shauna Musselman, certify that I am the duly elected Municipal Clerk of the Village of Peoria Heights, Peoria County, Illinois which is a municipality organized under the laws of the State of Illinois.

By law I have custody of the seal and all of the records, books, ordinances, documents and papers pertaining to the Village of Peoria Heights, Illinois. The Ordinance attached to this Certificate is a true copy of said Ordinance on file and of record in the office of the Village Clerk of the Village of Peoria Heights. I further certify that on December 17th, 2013, the Corporate Authorities of the Village of Peoria Heights, Peoria County, Illinois passed and approved Ordinance Number 2013-1397 entitled "An Ordinance Amending the Peoria Heights Zoning Ordinance for the Purpose of Regulating the Location of Medical Cannabis Cultivation Centers and Dispensing Organizations", which Ordinance by its terms provided that it was to be published in pamphlet form as provided by law.

I have compared the attached copy of Ordinance 2013-1397 with the original in the office of the Village Clerk and such copy comprises a true full, true and correct copy of the Ordinance and the whole of such Ordinance of which is a copy.

Witness under my hand and seal this 17th day of December, 2013.



Shauna M. Musselman
Village Clerk

[Seal]