

**ORDINANCE NO. 13-29**

**AN ORDINANCE AMENDING THE MANTENO ZONING  
ORDINANCE BY PROVIDING FOR THE REGULATION OF  
MEDICAL CANNABIS FACILITIES**

TIMOTHY O. NUGENT

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Prepared by  
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Village Attorney

**ORDINANCE NO. 13-29**

**AN ORDINANCE AMENDING THE MANTENO ZONING ORDINANCE BY PROVIDING FOR THE REGULATION OF MEDICAL CANNABIS FACILITIES**

WHEREAS, the Village of Manteno is a non-home rule municipality duly created and existing under the laws of the State of Illinois;

WHEREAS, on January 14, 2014, pursuant to notice, a public hearing was held before the Plan Commission of the Village of Manteno on an amendment to the Manteno Zoning Ordinance in order to provide for the regulation of Medical Cannabis Facilities. The Plan Commission did consider all testimony and exhibits and, thereafter, recommended that the amendment be adopted through Plan Commission Recommendation No. PC-TEX-13-01;

WHEREAS, the corporate authorities of the Village of Manteno, having Plan Commission Recommendation No. PC-TEX-13-01, do hereby find that the proposed amendments to the Manteno Zoning Ordinance are in its best interests.

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

**Section 1**

The findings set forth in Plan Commission Recommendation No. PC-TEX-13-01 are adopted as the findings of the corporate authorities of the Village of Manteno and are incorporated herein as a part of this Ordinance.

**Section 2**

That Title 9, Zoning, Chapter 2, Rules and Definitions, of the Municipal Code for the Village of Manteno, be amended by changing Section 9-2-3, Definitions, to read as follows:

"9-2-3: DEFINITIONS: The following words and terms, when used in this title, shall have the meanings set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by the common dictionary definition.

...

**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 registered medical cannabis dispensing organizations with usable medical cannabis per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois, as may be amended from time to time.

**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 educational materials to registered qualifying patients, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois, as may be amended from time to time.

**MEDICAL CANNABIS FACILITIES.** Both Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

..."

## **Section 2**

That Title 9, Zoning, Chapter 9, Industrial Districts, Article 9A, I-1 Light Industrial District, of the Municipal Code for the Village of Manteno, be amended by changing Section 9-9A-4, Special Uses Permitted, to read as follows:

"9-9A-4: **SPECIAL USES PERMITTED:** The following uses shall be permitted only if specifically authorized by the board as allowed in Chapter 14 of this title:

...

Medical Cannabis Facilities provided the facilities otherwise comply with the provisions of Chapter 17 of this title.

..."

## **Section 3**

That Title 9, Zoning, Chapter 9, Industrial Districts, Article 9B, I-2 Heavy Industrial District, of the Municipal Code for the Village of Manteno, be amended by changing Section 9-9B-4, Special Uses Permitted, to read as follows:

"9-9A-4: SPECIAL USES PERMITTED: The following uses shall be permitted only if specifically authorized by the board as allowed in Chapter 14 of this title:

...

Medical Cannabis Facilities provided the facilities otherwise comply with the provisions of Chapter 17 of this title.

..."

#### **Section 4**

That Title 9, Zoning, of the Municipal Code for the Village of Manteno, be amended by adding Chapter 17, Medical Cannabis Cultivation and Dispensaries, to read as follows:

### **CHAPTER 17**

#### **MEDICAL CANNABIS CULTIVATION AND DISPENSARIES**

##### **SECTION:**

- 9-17-1: Purpose and Applicability
- 9-17-2: Process
- 9-17-3: Medical Cannabis Facility Components
- 9-17-4: Medical Cannabis Cultivation Center
- 9-17-5: Medical Cannabis Dispensing Organization
- 9-17-6: Additional Requirements

9-17-1 **PURPOSE AND APPLICABILITY:** It is the intent and purpose of this chapter to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the Village of Manteno. 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, as may be amended from time to time (the "Act"), regulations enacted pursuant to authority granted through the Act, and the regulations provided herein. In the event that the Act is amended, the more restrictive of the state or Village regulations shall apply.

9-17-2 **PROCESS:** Medical Cannabis Facilities shall be a special use in the I-1 Light Industrial District and I-2 Heavy Industrial District and processed in

accordance with the provisions of Section 9-14-12 of the Manteno Zoning Ordinance. No Medical Cannabis Facility shall be opened or operated unless specifically authorized under and pursuant to the Act and this Manteno Zoning Ordinance.

9-17-3 MEDICAL CANNABIS FACILITY COMPONENTS: In determining compliance with Section 9-14-12 of the Manteno Zoning Ordinance, 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 other properties in the vicinity:

- (A) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (B) Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
- (C) Hours of operation and anticipated number of customers/employees.
- (D) Anticipated parking demand based and available private parking supply, including any unique demand for handicapped parking.
- (E) Traffic generation and adjacent roadway capacity.
- (F) Site design, including access points, internal site circulation and commercial vehicle loading, unloading and parking.
- (G) Proposed signage plan.
- (H) Compliance with all requirements provided in Section 9-17-4 (Medical Cannabis Cultivation Center) or Section 9-17-5 (Medical Cannabis Dispensing Organization), as applicable.
- (I) Other criteria determined to be necessary to assess compliance with Section 9-14-12 of the Manteno Zoning Ordinance.

9-17-4 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:

- (A) Facility (the enclosed, locked facility where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for

distribution) 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.

- (B) Facility may not be located within 2,500 feet of the property line for an area zoned residential.
- (C) Facility may not conduct any retail sales.
- (D) For purposes of determining required parking, Medical Cannabis Cultivation Centers shall be classified under "Class 24" per Section 9-12-7 of the Manteno Zoning Ordinance.

9-17-5 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:

- (A) 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, residential care home, or public park.
- (B) Facility may not be located within 2,500 feet of the property line for any property used residentially or zoned for a residential, commercial or specialty use.
- (C) Facility may not have drive-thru service.
- (D) Facility must be a free standing structure not occupied by any other business or tenant, or used for any other purpose other than a Medical Cannabis Dispensing Organization.
- (E) Retail sales occurring within said facility shall be accessory to the facility's intended use as a dispensing organization and shall not occupy greater than 10% of the total square footage of the facility. For purposes of calculating the total square footage dedicated to retail sales, that portion of the floor area dedicated to the distribution of medical cannabis or medical cannabis infused products shall be excluded from this calculation; all floor area dedicated to the sale of other medical cannabis products and/or paraphernalia shall be included.

- (F) For purposes of determining required parking, said facilities shall be, at a minimum, classified as "Class 24" per Section 9-12-7 of the Manteno Zoning Ordinance.

9-17-6 ADDITIONAL REQUIREMENTS: Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the Medical Cannabis Facilities. Said improvements may be required by the Village in excess of those security measures required by the Act.

### Section 5

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

### Section 6

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

### Section 7


This ordinance shall be immediately in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

PASSED by the President and Board of Trustees of the Village of Manteno, Illinois and deposited in the office of the Village Clerk this 20th day of January, 2014.

DEPOSITED with the Village Clerk  
this 21<sup>st</sup> day of January, 2014.

  
ALISA BLANCHETTE, Village Clerk

APPROVED by me this 21<sup>st</sup>  
day of January, 2014.

  
TIMOTHY O. NUGENT, Village President

I DO HEREBY CERTIFY that this Ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Manteno, in accordance with law, this 21st day of January, 2014.

  
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ALISA BLANCHETTE, Village Clerk



PLAN COMMISSION RECOMMENDATION NO. 13-12

**A RECOMMENDATION APPROVING AN AMENDMENT TO THE MANTENO ZONING ORDINANCE TO PROVIDE FOR THE REGULATION OF MEDICAL CANNABIS FACILITIES**

WHEREAS, the Compassionate Use of Medical Cannabis Pilot Program Act (the "Act") allows for the establishment of up to sixty (60) medical cannabis dispensing organizations and twenty-two (22) medical cannabis cultivation centers, all to be geographically dispersed throughout the State of Illinois;

WHEREAS, the Act authorizes units of local government to enact reasonable zoning ordinances not in conflict with the Act to regulate medical cannabis dispensing organization and medical cannabis dispensing organizations ("medical cannabis facilities");

WHEREAS, the Manteno Zoning Ordinance does not contain any provisions contemplating the approval, zoning or regulation of medical cannabis facilities;

WHEREAS, the Corporate Authorities of the Village of Manteno have proposed to amend the Manteno Zoning Ordinance to provide for the regulation of medical cannabis facilities;

WHEREAS, the Corporate Authorities of the Village of Manteno have proposed to allow medical cannabis facilities as a special use in industrial districts, provided they comply with the regulations set forth herein, while prohibiting their operation in residential, commercial and specialty districts;

WHEREAS, on January 14, 2014, pursuant to notice, a public hearing was held before the Plan Commission of the Village of Manteno on the above-referenced amendment to the Manteno Zoning Ordinance; and,

WHEREAS, at the hearing, the Plan Commission did consider any and all testimony, comments and exhibits presented.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the Village of Manteno, Kankakee County, Illinois, as follows:

**Section 1**

The recitals set forth in the above prefatory clauses are hereby adopted as the findings of the Plan Commission of the Village of Manteno and are expressly incorporated herein as a part of this Recommendation.

## Section 2

That Title 9, Zoning, Chapter 2, Rules and Definitions, of the Municipal Code for the Village of Manteno, be recommended to be amended by changing Section 9-2-3, Definitions, to read as follows:

"9-2-3: DEFINITIONS: The following words and terms, when used in this title, shall have the meanings set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by the common dictionary definition.

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**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 educational materials to registered qualifying patients, per the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois, as may be amended from time to time.

**MEDICAL CANNABIS FACILITIES.** Both Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

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**Section 4**

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9-17-2 PROCESS: Medical Cannabis Facilities shall be a special use in the I-1 Light Industrial District and I-2 Heavy Industrial District and processed in accordance with the provisions of Section 9-14-12 of the Manteno Zoning Ordinance. No Medical Cannabis Facility shall be opened or operated unless authorized under and pursuant to the Act and the Manteno Zoning Ordinance. No Medical Cannabis Facility shall be located in any residential, commercial, or special district.

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- (A) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (B) Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
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- (C) Facility may not have drive-thru service.

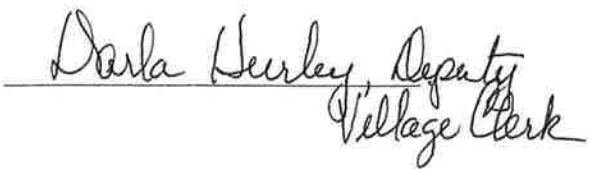
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- (F) For purposes of determining required parking, said facilities shall be, at a minimum, classified as "Class 24" per Section 9-12-7 of the Manteno Zoning Ordinance.

9-17-6          ADDITIONAL REQUIREMENTS: Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the Medical Cannabis Facilities. Said improvements may be required by the Village in excess of those security measures required by the Act.

PASSED by the Plan Commission of the Village of Manteno at a Regular Meeting thereof held on the 14th day of January, 2014 and approved by me as Chairman on the same day.

  
Francis Smith  
Plan Commission Chairman

ATTEST:

  
Darla Hurley, Deputy  
Village Clerk