

ORDINANCE 2015-76

AN ORDINANCE IMPOSING AN EXTENSION TO THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND THE ISSUANCE OF ZONING APPROVALS FOR LICENSED MARIJUANA CULTIVATION CENTERS AND LICENSED MEDICAL MARIJUANA DISPENSARIES IN THE MANUFACTURING DISTRICT OF THE VILLAGE OF NILES, COOK COUNTY, ILLINOIS

WHEREAS, Public Act 098-0122, entitled the "Compassionate Use of Medical Cannabis Pilot Program Act" (the "Act"), enacted by the State of Illinois (the "State"), became effective on January 1, 2014; and

WHEREAS, the Act provides for the lawful use of marijuana by qualifying state residents and establishes a process for the licensing and operation of cultivation centers (where marijuana may be grown) and dispensaries (where marijuana may be sold) throughout the State; and

WHEREAS, the Act provides the Illinois Department of Agriculture, the Illinois Department of Financial and Professional Regulation, and the Illinois Department of Public Health (collectively, "Regulatory Agencies") shall develop administrative rules needed to implement the Act, and to submit said rules to the Joint Commission on Administrative Rules; and

WHEREAS, one or more of the Regulatory Agencies has just recently issued rules and regulations relative to the Act; and

WHEREAS, the Act allows units of local government to enact reasonable zoning regulations that are not in conflict with the Act or the Regulatory Agencies' rules and regulations; and

WHEREAS, the corporate authorities of the Village of Niles (the "Village") have the authority to legislate to further promote the public health, safety and welfare of the citizens of the Village; and

WHEREAS, the Village of Niles has begun to preserve the character of the zoning districts within the Village by encouraging proper and compatible zoning district(s) for the location and operation of licensed marijuana cultivation centers and licensed medical marijuana dispensaries in the Village by placing them in the Manufacturing District; and

WHEREAS, the acceptance and processing of applications for zoning approval or zoning relief of such uses may frustrate the sound consideration and implementation of potential amendments to the Comprehensive Plan of the Village and/or Village Code, including but not limited to the Village Zoning Ordinance and Zoning Map, if done prior to the full understanding and implementation of administrative rules issued by one or more of the Regulatory Agencies required to implement the Act; and

WHEREAS, the purpose of this Ordinance is to provide, during the moratorium period, adequate time for the Village staff to study the rules and regulations issued by one or more of the Regulatory Agencies and provide notice of public hearings and/or meetings of the Plan Commission and the corporate authorities of the Village to consider amendments to the Comprehensive Plan of the Village and/or the Village Code, including but not limited to the Village Zoning Ordinance and Zoning Map; and

WHEREAS, the status quo must be maintained so that the Plan Commission and Zoning Board of Appeals and the corporate authorities of the Village are afforded the opportunity to consider potential amendments to the Comprehensive Plan of the Village and/or Village Code, including but not limited to the Village Zoning Ordinance and Zoning Map, in order to promote, preserve and facilitate compatible uses in the various zoning districts and to further promote the public health, safety and welfare of the citizens of the Village.

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

SECTION 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby incorporated as if fully set forth herein.

SECTION 2: There is hereby imposed an extension to the temporary moratorium on the acceptance and processing of applications for zoning approval or zoning relief for uses related to licensed marijuana cultivation centers and licensed medical marijuana dispensaries.

SECTION 3: This temporary moratorium extension shall not apply to any matters currently pending before the Village as a result of a completed application filed with the Village prior to the date of adoption of this Ordinance.

SECTION 4: This temporary moratorium extension, as provided in Section 2 above, shall remain in effect for one year from the date of passage of this Ordinance or the adoption by the corporate authorities of the Village of amendment(s) to the Comprehensive Plan of the Village and/or Village Code, including but not limited to the Village Zoning Ordinance and Zoning Map, that are currently being or will be studied.

SECTION 5: For purposes of judicial review, any application for zoning approval or zoning relief that is submitted to the Village during the period of this temporary moratorium and that is not voluntarily withdrawn until after this temporary moratorium expires by the applicant, shall be considered to have been deemed denied by the Director of Community Development. The denial by the Director of Community Development may be immediately appealed to the Village Board of Trustees at its next regularly scheduled meeting by the delivery of a written notice of appeal to the Director of Community Development not later than seventy-two (72) hours prior to the convening of said meeting. Any denial of the acceptance of any application or issuance of any zoning approval or zoning relief by the Village Board of Trustees shall be a final administrative decision, subject to review under the provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*).

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

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 8: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED: This 27th day of October, 2015
AYES: 5 Alpogianis, Jekot, Matyas, McCreery, Strzelecki
NAYS: 0
ABSENT: 1 LoVerde
ABSTAIN: 0

APPROVED by me this 27th day of October, 2015.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 27th day of October, 2015, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk