

2791

**ORDINANCE NO. F- 1740**

**AN ORDINANCE AMENDING WHEATON ZONING ORDINANCE, ARTICLE 21, MEDICAL MARIJUANA**

**WHEREAS**, the City of Wheaton, Illinois ("City") is an Illinois home-rule municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the City has the authority to adopt ordinances pertaining to the public health, safety and welfare regulating private and public property; and

**WHEREAS**, on August 2013, the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (Act); and

**WHEREAS**, the Act, becomes effective on January 1, 2014; and

**WHEREAS**, cultivation centers and dispensing organizations are permitted to locate within any municipality, subject to the limitations imposed by the Act; and

**WHEREAS**, municipalities may impose more stringent zoning regulations pertaining to the allowable locations of such facilities, provided the local ordinance does not prohibit these facilities outright; and.

**WHEREAS** the City has determined it to be in the best interests of the public health, safety, morals, comfort, convenience and general welfare of the citizens of the City to amend the Wheaton Zoning Ordinance to further refine where said cultivation centers and dispensing organizations may be located; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on November 12, 2013 to consider the text amendment request; and the Planning and Zoning Board has recommended that the request shall be granted and approved.

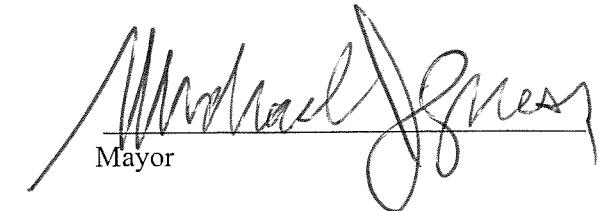
**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** The Wheaton Zoning Ordinance text is hereby amended by adding the following subsection 9 to Article 21.1:

“9. Cultivation Centers and Dispensing Organizations, as defined and regulated by the State of Illinois Compassionate Use of Medical Cannabis Pilot Program Act.”

**Section 2:** Where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, the conflicting provisions of such ordinances are hereby repealed to the extent of such inconsistency.

**Section 3:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael J. Gresk  
Mayor

ATTEST: 

Roll Call Vote

Ayes: Councilman Rutledge  
Councilman Saline  
Mayor Gresk  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo  
Councilman Suess  
Councilman Prendiville

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 2, 2013

Published: December 3, 2013