

ORDINANCE NO. 2020-2357

AN ORDINANCE OF THE VILLAGE OF WESTCHESTER, COOK COUNTY, ILLINOIS
AMENDING CHAPTER 18.32 OF TITLE 18 OF THE WESTCHESTER ZONING
ORDINANCE TO LIST ADULT USE CANNABIS DISPENSING ORGANIZATION AS A
SPECIAL USE IN THE B2 RESTRICTED BUSINESS DISTRICT

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
THIS 8th DAY OF SEPTEMBER 2020

Published in pamphlet form by
Authority of the Corporate
Authorities of Westchester, Illinois
the 8th day of September, 2020

**AN ORDINANCE OF THE VILLAGE OF WESTCHESTER, COOK COUNTY,
ILLINOIS AMENDING CHAPTER 18.32 OF TITLE 18 OF THE
WESTCHESTER ZONING ORDINANCE TO LIST ADULT USE CANNABIS
DISPENSING ORGANIZATION AS A SPECIAL USE
IN THE B2 RESTRICTED BUSINESS DISTRICT**

WHEREAS, the Village of Westchester, Cook County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village President and Board of Trustees of the Village of Westchester (the "*Corporate Authorities*") have heretofore exercised the power conferred on them pursuant to Chapter 11-13-1, *et seq.*, of the Illinois Municipal Code by adopting the Westchester Zoning Ordinance (Ord. 64-682 §7), as amended from time to time; and

WHEREAS, a text amendment application, PZC-20-0005, has been submitted by Maribis of Chicago, LLC, as contract purchaser, and Nunes California Properties, LLC, as owner of record of 1137 Mannheim Road, (collectively, the "*Applicants*"), requesting amendments to Chapter 18.32 of the Zoning Code regarding the inclusion of Adult Use Cannabis Dispensing Organization as a special use in the B2 Restricted Business District (the "*Proposed Amendment*"); and

WHEREAS, the Plan and Zoning Commission held a public hearing on August 31, 2020 as to whether the Proposed Amendment should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said public hearing

dates; and

WHEREAS, the Plan and Zoning Commission has filed its findings of fact and recommendations that the Proposed Amendment be granted, and the Corporate Authorities have duly considered said findings of fact and recommendations; and

WHEREAS, the Corporate Authorities have determined, in the best interest of the health, safety and welfare of the residents of the Village, to further amend the text of the Westchester Zoning Ordinance (Ord. 64-682 §7), as amended.

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

Section 1: The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: The President and Board of Trustees find and determine that the adoption of the Proposed Amendment is in the public interest and is in furtherance of the progressive demands of orderly Village development.

Section 3: Section 18.32.030, entitled “Special uses,” of Chapter 18.32, entitled “B2 Restricted Business District,” of Title 18, entitled “Zoning,” of the Westchester Municipal Code is hereby amended by deleting the stricken language and adding the underlined language to read, as follows:

18.32.030 – Special Uses.

The regulations governing special uses in the B1 district shall apply in the B2 district. In addition thereto, the following may be allowed as special uses in the B2 district by the plan and zoning commission in accordance with the requirements and procedures in Chapter 18.48.

- (1) A light manufacturing use, provided that the plan and zoning commission shall make a finding of fact that:

- (A) The use shall be operated in such a way as to be free from any offensive noise, smoke, odor, vibration, or other nuisance,
 - (B) The maximum coverage of all buildings and structures on a lot or parcel shall not exceed sixty percent of the ground area of such lot or parcel,
 - (C) All manufacturing and business activities, other than off-street parking and loading, shall take place within enclosed buildings,
 - (D) The architectural appearance and layout of the buildings will not have a detrimental effect on properties in the surrounding neighborhood, and
 - (E) All open spaces other than areas devoted to off-street parking and loading, access drives, and walkways shall be suitably landscaped;
- (2) ~~Facilities for installation of mobile cellular telephones~~Adult Use Cannabis Dispensing Organization;
 - (3) Drive-through restaurants;
 - (4) Establishments which serve directly to customers in vehicles: Drive-up windows;
 - (5) Facilities for installation of mobile cellular telephones; and
 - (6) Firearms sales and repair.

Section 4: Section 18.32.030, entitled “Prohibited uses,” of Chapter 18.32, entitled “B2 Restricted Business District,” of Title 18, entitled “Zoning,” of the Westchester Municipal Code is hereby amended by deleting the stricken language and adding the underlined language to read, as follows:

18.32.050—Prohibited Uses

- (1) Adult-Use Cannabis Business Establishments
- (2) Adult-Use Cannabis Craft Growers
- (3) Adult-Use Cannabis Cultivation Centers

~~(4) Adult-Use Cannabis Dispensing Organizations~~

(4) Adult-Use Cannabis Infuser Organization or Infusers

(5) Adult-Use Cannabis Processing Organization or Processors

(6) Adult-Use Cannabis Transporting Organization or Transporters

Section 5: All sections of the Westchester Zoning Ordinance not addressed in this Ordinance or another amending ordinance shall remain in full force and effect.

Section 6: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 7: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: The Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect immediately after its adoption, approval and publication to ensure the public health, safety and welfare of the residents of the Village.

(Intentionally left blank)

ADOPTED this 8th day of September 2020, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u> - </u>	Robert Morales	<u> A </u>
Cathy Kuratko	<u> A </u>	Frank Perry	<u> A </u>
Tracy Hart Markey	<u> N </u>	Nick Steker	<u> - </u>

President Gattuso A

APPROVED this 8th day of September, 2020.



Paul Gattuso, Village President

ATTEST:



Stanley V. Kolodziej, Village Clerk