

APPROVING AN AMENDMENT TO ORDINANCE 2021-015 TO EXTEND THE TIME LIMIT TO JULY 1, 2023, TO OBTAIN A STATE-ISSUED CANNABIS DISPENSARY LICENSE FOR THE PROPERTY LOCATED AT 818 W. LINCOLN HIGHWAY (NUMED PARTNERS).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, NuMed Partners LLC (the "Petitioner") petitioned the City to approve an amendment to Ordinance 2021-015 to extend the time limit to July 1, 2023 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway (the "Property"), and

WHEREAS, on June 6, 2022, pursuant to proper legal notice, a public hearing was conducted by the City's Planning and Zoning Commission (the "PZC") where the PZC recommended approving Petitioner's request; and

WHEREAS, the City's corporate authorities find that it is in the best interests of the City's welfare, public health, and safety to amend Ordinance 2021-015 pursuant to the provisions of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

SECTION 2: The City's corporate authorities approve an amendment to Section 3 of Ordinance 2021-015 to state in its entirety as follows:

SECTION 3: *The City's corporate authorities hereby amend Ordinance 2020-029 to extend the time limit for a State issued medical and adult use cannabis dispensary license for the Subject Property, subject to the following conditions:*

- 1. Petitioner shall obtain a state-issued medical and adult use cannabis dispensary license for the subject site by July 1, 2023.*
- 2. Petitioner shall complete all required build-out and tenant improvements within six months after issuance of the state-issued medical and adult use cannabis dispensary license (and prior to opening of the facility) in compliance with all applicable law and the City's Municipal Code.*
- 3. Petitioner shall comply with the restrictions of Article 7.18 of the Unified Development Ordinance for "Cannabis Business Establishments" and have an approved security plan with the Police Department prior to a final certificate of occupancy.*

SECTION 3: Except as otherwise provided by this Ordinance, Ordinance 2021-015 shall remain in full force and effect. To the extent that there is any conflict between this Ordinance and

Ordinance 2021-015, this Ordinance shall prevail.

SECTION 4: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 5: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 6: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of June 2022 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant