

**AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE" (UDO) OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE TO ADD "ADULT-USE CANNABIS CRAFT GROWER" AS A SPECIAL USE IN THE "LI" LIGHT INDUSTRIAL AND "HI" HEAVY INDUSTRIAL DISTRICTS AND OTHER ASSOCIATED MISCELLANEOUS AMENDMENTS.**

**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**, the City adopted a Unified Development Ordinance (the "UDO"), which provides for the City's zoning and subdivision standards and procedures; and

**WHEREAS**, the City seeks to amend the UDO to revise: (1) Article 5 "Zoning District Regulations" by adding "adult-use cannabis craft grower" as a special use in the "LI" Light Industrial and "HI" Heavy Industrial Districts; and (2) Article 7.18 "Cannabis Business Establishment" by amending the definition for a "cannabis business establishment" to include "adult-use cannabis craft growers", add setback and parking requirements for "adult-use cannabis craft growers", and add other related amendments as set forth in the attached and incorporated Exhibit A (the "Text Amendment"); and

**WHEREAS**, on June 20, 2023, the City's Planning and Zoning Commission held a public hearing on the Text Amendment and recommended approving the Text Amendment; and

**WHEREAS**, the City's corporate authorities find that approving the Text Amendment is in the City's best interests for the protection of the public health, safety, and welfare; and

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

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities adopt and approve the Text Amendment.

**SECTION 3:** 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 provisions 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 City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4:** 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 26<sup>th</sup> day of June 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None.



*Cohen Barnes*  
\_\_\_\_\_  
COHEN BARNES, Mayor

ATTEST:  
*Ruth A. Scott*  
\_\_\_\_\_  
Ruth A. Scott, Executive Assistant

## EXHIBIT A

### **5.11 "LI" Light Industrial District**

#### **5.11.01 Purpose and Intent**

This section contains the district regulations of the "LI" Light Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated in this section by reference. The "LI" Light Industrial District's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.

#### **5.11.02 Permitted Land Uses and Developments of the "LI" Light Industrial District (2017-044)**

The following land uses and developments are permitted in this district:

Accessory uses;

Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:

appliances, small motors;

books, printed materials;

clothing and textiles;

drugs;

electrical components;

glass and ceramics;

paper and paper products;

plastic and fiberglass;

sheet metal;

tools;

wood assembly and finishing;

Airports, landing strips and heliports;

Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);

Automobile detailing;

Automobile, truck, trailer and recreational vehicle sales and rental;

Boat and marine sales and service;

Body Art Establishment

Building-contractors office and materials storage;

Building material sales and storage;

Bus and train stations and terminals;

Business, professional, and technical training schools;

Car washes;

Cartage and express facilities;

Data Center;

Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial or industrial use of the premises, and which may be located on the ground floor;

Farm equipment sales and service;

Fruit, Vegetable and grain processing, packaging, and storage;

Gasoline Stations;

Golf courses and other open space recreational uses;

Ice processing, sales and storage;

Lumberyards;

Machinery sales, service and storage;

Machine shops;

Motor and rail freight terminals;

Newspaper offices;

Offices;

Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;

Parking lots, as a principal use;

Plating establishments;

Plumbing and heating service and equipment stores;

Printing and publishing establishments, duplicating services;

Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;

Public utility facilities;

Research laboratories and facilities; and

Self-service storage facility, exterior unit access (see Article 7.21) (2022-002);

Self-service storage facility, interior unit access. (2018-008)

Sewage treatment plants;

Showrooms and retail outlets associated with warehouse or manufacturing facilities where the showroom or retail portion does not exceed thirty (30) percent of the total floor area;

Sign shops;

Tire stores, sales and service;

Tool and die shops;

Union halls, hiring halls, and trade association offices/meeting rooms;

Upholstery stores;

Vehicle repair facilities;

Vehicle service facilities;

Warehouse and wholesale establishments, distribution centers;

Welding.

#### 5.11.03 Special Land Uses and Developments of the "LI" Light Industrial District (2017-044)

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, "Permits."

##### Adult-use cannabis craft grower:

Cannabis business establishment;

Day Care Centers;

Distillery;

Firearm Retailers / Firearm Dealers regardless of size (See Article 7.19 regulations);

Indoor firing range (See Article 7.19.05 regulations);

Junkyards, salvage yards, and vehicle wrecking yards conducted within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater, and where no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level;

Penal, correctional, and other institutions necessitating restraint of inhabitants;

Railroad switching yards;

Recycling centers;

Retail Tobacco Stores (See Article 7.17 regulations); and

Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, recycling plants, incinerators, and similar solid-waste management facilities, but excluding hazardous or radioactive waste disposal; and

#### 5.11.04 Density and Dimensional Regulations of the "LI" Light Industrial District

1. *Minimum Lot Area:* Except as required for residential dwellings, no minimum lot area is established for permitted and special land uses in the LI District, however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, "Off-Street Parking and Loading Requirements."
2. *Building Setback Requirements:* Except as provided for in Article 7, "Supplementary District Regulations," the following setback requirements apply to buildings in the LI District.
  - a. *Front Yard:* No principal building shall be allowed within forty (40) feet of any front lot line or a street right-of-way line.
  - b. *Side Yard:* No building setback is required from a side lot line, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within seventy-five (75) feet of the side lot line. (See Article 7, "Supplementary District Regulations" for screening buffer requirements.)
  - c. *Rear Yard:* No building setback is required from a rear lot line, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within seventy-five (75) feet of the rear lot line. (See Article 7, "Supplementary District Regulations" for screening requirements.)
3. *Maximum Site Coverage:* On lots two (2) acres in size or greater, site coverage shall not exceed seventy (70) percent, except as may be approved under the provisions of a "Planned Development" district (see Section
  - a. of this Article). There is no limitation on site coverage on lots less than two (2) acres in size.
4. *Building Height Limitations:* No building shall exceed six (6) stories or seventy-five (75) feet in height, except as provided in Article 7, "Supplementary District Regulations," and as provided in paragraph 5 below.
5. *Building Height Exceptions:* By Special Use Permit (see Article 14, "Permits"), or as part of a "Planned Development," buildings may exceed building height limitations, subject to the following building setback requirement:
  - a. *Front Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from a front lot line need ever exceed 150 feet.
  - b. *Side Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no side yard setback need ever exceed fifty (50) feet.
  - c. *Rear Yard:* The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from the rear lot line need ever exceed fifty (50) feet.

5.11.05 Other Development Regulations for the "LI" Light Industrial District

The following references the appropriate Articles of this Ordinance which specify the other regulations governing development in this district.

1. "Overlay District Regulations": Article 6
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9
4. "Utilities": Article 10
5. "Floodways, Floodplains, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.11.06 Conditions of Use of the "LI" Light Industrial District.

1. Depending on sewage collection and treatment requirements, a developer or business shall verify the adequacy of said system with the Kishwaukee Water Reclamation District prior to applying for a building or occupancy permit.
2. All outdoor storage areas, whether they are the principal or accessory use of the property, shall be screened from this public view by placing a solid, sight-proof fence not less than six (6) feet in height around the storage area. Junkyards, salvage yards, and vehicle wrecking yards shall meet the screening requirements set forth in Subsection 5.11.03.

## **5.12 “HI” Heavy Industrial District**

### **5.12.01 Purpose and Intent**

This section contains the district regulations of the “HI” Heavy Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated as a part of this section by reference. The “HI” Heavy Industrial District is intended to be located in selected areas so that its permitted and special uses' noise, vibration, smoke, dust, toxic or noxious materials odors, fire, explosive, glare, heat, and other hazardous characteristics are not detrimental to the rest of the community.

### **5.12.02 Permitted Land Uses and Developments of the “HI” Heavy Industrial District**

The following land uses are permitted in this district:

Any use permitted in the “LI” Light Industrial District;

Accessory uses;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly (does not include disassembly), processing or treatment of goods and services, including but not limited to:

boats,

construction equipment,

containers and storage units,

motor vehicles and engines,

paints, inks,

stoneware, earthenware;

Data Center;

Railroad switching yards; and

Self-service storage facility, exterior unit access (see Article 7.21) (2022-002);

Self-service storage facility, interior unit access. (2018-008)

### **5.12.03 Special Land Uses and Developments of the “HI” Heavy Industrial District**

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

Adult-use cannabis craft grower;

Animal slaughtering, meat packing, or rendering facilities;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly, disassembly, processing or treatment of goods and services, including but not limited to:

concrete, asphalt, cement,

motor vehicles and engines,

Bulk fuel distribution or storage;

Distillery;

Extraction of raw materials from the earth and processing thereof;

Firearm Retailers / Firearm Dealers - regardless of size (See Article 7.19 regulations);

Firing Range, both indoor or outdoor (See Article 7.19 regulations);

Junkyards, salvage yards, vehicle wrecking yards conducted within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater, and where no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level.

Manufacturing and processing of flammable liquids, gases, explosives, chemicals, acids, fertilizers;

Penal, correctional, and other institutions necessitating restraint of inhabitants;

Petroleum refining or storage;

Recycling centers;

Retail Tobacco Stores (see Article 7.17);

Sanitary landfills, solid waste transfer stations, composting, energy reclamation facilities, recycling plants, incinerators, and similar solid waste management facilities, but excluding hazardous or radioactive waste disposal;

Solar energy generation facility (solar farm) (see Article 7.16)

Steel mills, foundries, forges, and smelters;

Storage of hazardous substances as the principal use of the property; and

Sulfur and rubber reclamation plants.

**5.12.04 Density and Dimensional Regulations of the "HI" Heavy Industrial District**

1. *Minimum Lot Area:* Except as required for residential dwellings, no minimum lot area is established for permitted and special land uses in the HI District, however, lot dimensions shall be sufficient to meet other requirements of this Section and Article 12, "Off-Street Parking and Loading Requirements."
2. *Building Setback Requirements:* Except as provided for in Article 7, "Supplementary District Regulations," the following setback requirements apply to buildings in the HI District.
  - a. *Front Yard:* No principal building shall be allowed within forty (40) feet of any front lot line or a street right-of-way line.
  - b. *Side Yard:* No building setback is required from a side lot line, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within one hundred (100) feet of the side lot line. See Article 7, "Supplementary District Regulations" for screening requirements.



- c. *Rear Yard*: No building setback is required from a rear lot line, except for a lot which abuts a residence district or upon an alley separating this lot from a residence district. Under these circumstances, no principal building shall be allowed within one hundred (100) feet of the rear lot line. See Article 7, "Supplementary District Regulations" for screening requirements.
3. *Maximum Site Coverage*: There is no limitation on site coverage in the HI District.
  4. *Building Height Limitations*: No building shall exceed six (6) stories or seventy-five (75) feet in height, except as provided in Article 7, "Supplementary District Regulations," and as provided in paragraph 5 below.
  5. *Building Height Exceptions*: By Special Use Permit (see Article 14, "Permits"), or as part of a "Planned Development," buildings may exceed building height limitations, subject to the following building setback requirement:
    - a. *Front Yard*: The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from a front lot right-of-way line need ever exceed 150 feet.
    - b. *Side Yard*: The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no side yard setback need ever exceed fifty (50) feet.
    - c. *Rear Yard*: The required building setback shall be increased by one (1) foot for each two (2) feet, or portion thereof, of increased building height, provided, however, that no setback from the rear lot line need ever exceed fifty (50) feet.

5.12.05 Other Development Regulations for the "HI" Heavy Industrial District

The following list references the appropriate Articles of this Ordinance which specify the other regulations governing development in this district.

1. "Overlay District Regulations": Article 6
2. "Supplementary District Regulations": Article 7
3. "Streets, Sidewalks and Subdivision Design": Article 9
4. "Utilities": Article 10
5. "Floodways, Floodplains, Storm Drainage and Erosion": Article 11
6. "Off-Street Parking and Loading Requirements": Article 12
7. "Signs": Article 13

5.12.03 Conditions of Use

Depending on sewage collection and treatment requirements, a developer or business shall verify the adequacy of said system with the Kishwaukee Water Reclamation District prior to applying for a building or occupancy permit.

## ARTICLE 7

### SUPPLEMENTAL DISTRICT REGULATIONS

#### 7.18 Cannabis Business Establishment

##### 7.18.01 Purpose and Intent

1. This Ordinance is intended to protect the public health, safety and welfare by establishing regulations to restrict the location of and/or create a setback between ~~establishments which primarily engage in the businesses relating to medical cannabis~~ business establishments, adult-use cannabis craft growers, and incompatible uses.
2. The zoning ~~provided by this section contemplated herein~~ shall only apply to ~~businesses~~ a cannabis business establishment ~~or an adult-use cannabis craft grower~~ duly licensed and operating under State law.
3. The following definitions shall apply:

*“Adult-use Cannabis Craft Grower”* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*“Adult-use Cannabis Cultivation Center”* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*“Adult-use Cannabis Dispensing Organization”* means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*“Adult-use Cannabis Infuser Organization”* or *“Infuser”* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*“Adult-use Cannabis Processing Organization”* or *“Processor”* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*“Adult-use Cannabis Transporting Organization”* or *“Transporter”* means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis

business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*"Cannabis Business Establishment"* means an adult-use cannabis dispensing organization, an adult-use cannabis craft grower, and a medical cannabis dispensing organization.

*"Cannabis"* means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

*"Medical Cannabis Dispensing Organization"* means a facility operated by an organization or business that is registered by the Illinois 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, individuals with a provisional registration for qualifying patient cardholder status, or an Opioid Alternative Pilot Program participant, per the Compassionate Use of Medical Cannabis Act, 410 ILCS 130/1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

*"Medical Cannabis Cultivation Center"* means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

*"Enclosed, locked facility"* room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by agents of a licensed cannabis business establishment and acting pursuant to State law.

*"State law governing statute"* means the Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, and the Compassionate Use of Medical Cannabis Act, 410 ILCS 130/1, *et seq.*, as they may be amended from time-to-time, and regulations promulgated thereunder.

#### 7.18.02 Compliance with Applicable Laws

A cannabis business establishment and an adult-use cannabis craft grower shall be required to comply with all applicable laws, ordinances, regulations, statutes or other regulatory authority applicable thereto, including but not limited to, State law and the City of DeKalb Municipal Code. Violation of any applicable law, regulation, or ordinance shall constitute a public nuisance and violation of any zoning authority or special use permit granted hereunder.

#### 7.18.03 Submittal Requirements

After a pre-application meeting with the City, an applicant for any special use or other zoning approval required herein for a cannabis business establishment or an adult-use cannabis craft grower shall be required to submit plans and documents as deemed necessary by the City, including, but not limited to, a Plat of Survey, a Site Plan, Engineering Plan, Architectural Plans and Elevations, Building Material Samples, Lighting Plan, Signage Plan, Business and Operational Plan, Compliance with State law, Anticipated Parking and Traffic Plan, Impact on Surrounding Areas, and Security Plan.

#### 7.18.04 Permitted Zoning Districts and Setback Requirements

1. ~~A cannabis business establishment~~ An adult-use cannabis dispensary organization and a medical cannabis dispensary organization shall be permitted only as a special use in the following zoning districts: LC, GC, CBD, and LI. ~~An adult-use cannabis dispensary organization and a medical cannabis dispensary organization~~ A cannabis business establishment may also be permitted in the PD-C and PD-I Districts as a special use if the governing ordinance allows.
- ~~1.2. An adult-use cannabis craft grower shall be permitted only as a special use in the following zoning districts: LI and HI. An adult-use cannabis craft grower may also be permitted in the PD-I District as a special use if the governing ordinance allows.~~
- ~~2.3. A cannabis business establishment or an adult-use cannabis craft grower~~ may not be located within 250 feet of the property line of a nursery school, preschool, primary or secondary school, daycare center, daycare home, or an academic building or residence hall of a State university.
4. An adult-use cannabis dispensary organization may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis dispensary organization. ~~An adult-use cannabis craft grower may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis craft grower.~~
- ~~3.5. An adult-use cannabis craft-grower shall not be located within 1,500 feet of the property line of another craft grower or cultivation center.~~
- ~~4.6. A cannabis business establishment and an adult-use cannabis craft grower~~ shall comply with the setback requirements and standards of the underlying zoning district, except as may be otherwise provided by this Section and the UDO.

#### 7.18.05 Parking Requirements

1. A cannabis business establishment shall be required to comply with the parking requirements applicable to the facility under the provisions of this UDO. For example, (e.g.) a dispensary shall comply with the parking requirements applicable to a Commercial Service Facility and Retail, and ~~Parking for an adult-use cannabis craft grower shall be required to comply with the parking requirements applicable to a manufacturing facility under the provisions of this UDO.~~
2. Parking for a cannabis business establishment shall be located in an area which is visible from a public road.
3. Parking areas for a cannabis business establishment shall be well lit and monitored by video surveillance equipment with live images that can be viewed by agents of the cannabis business establishment.
- ~~3.4. Parking for an adult use cannabis craft grower shall be required to comply with the parking requirements applicable to a manufacturing facility under the provisions of this UDO.~~

#### 7.18.06 Exterior Display, Signage and Advertising

1. No cannabis business establishment shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis paraphernalia or similar products from any sidewalk, right-of-way or any property other than the lot on which the cannabis business establishment is located. No portion of the exterior of the cannabis business establishment shall use or contain any flashing lights, search lights, spotlights or any similar lighting system.
2. Signage shall comply with the standards of the underlying zoning district.

3. No cannabis business establishment ~~or an adult-use cannabis craft grower~~ shall have signage or engage in advertising that is not in compliance with State law, including but not limited to 410 ILCS 705/55-20, which is adopted and incorporated ~~herein~~ by reference as if fully set forth herein.
4. A sign shall be posted in a conspicuous place at or near all ~~dispensary~~ entrances and shall include the following language: "Persons under the age of 21 are prohibited from entering." The required text shall be no smaller than 1 inch in height nor greater than 12 inches in height.

#### 7.18.07 Other Development Restrictions

1. No more than five (5) special use permits for an adult-use cannabis dispensing organization shall be permitted within the City's corporate limits.
2. The uses, terms and conditions for the location of a cannabis business establishment as defined by this UDO dispensary pursuant to a special use shall not be applicable to other types of cannabis businesses, including, but not limited to, ~~Adult-Use Cannabis Craft Growers~~, Adult-Use/medical Cannabis Cultivation Centers, Adult-Use Cannabis Infuser Uses, Adult-Use Cannabis Processing Uses, or Adult-Use Cannabis Transportation Uses, unless otherwise approved by a subsequent text amendment to this UDO. Any type of cannabis business other than a cannabis business establishment as defined by this UDO dispensary that wishes to locate in DeKalb may propose a text amendment to this UDO, ~~the City's Unified Development Ordinance as part of a zoning application that is in compliance with all State of Illinois statutes and regulations for legislative consideration and evaluation by the Planning and Zoning Commission and the City Council.~~
3. No cannabis business establishment shall allow any person who is not at least twenty-one (21) years of age on the premises. No cannabis business establishment shall employ anyone under the age of twenty-one (21).
4. A cannabis business establishment may operate between the hours of 6:00 a.m. to 10:00 p.m.
5. No cannabis business establishment shall have a drive-through service, drive-thru window, or any form of outdoor sales.
6. A cannabis business establishment shall ~~maintain compliance~~comply with State law governing statute, applicable law, and the City's local building, fire, and zoning requirements or regulations.
7. No adult-use cannabis dispensing organization shall operate in violation of the operational requirements and prohibitions set forth in 410 ILCS 705/15-70, which are adopted and incorporated ~~herein~~ by reference as if fully set forth herein.
8. No medical cannabis dispensing organization shall operate in violation of the requirements and prohibitions set forth in 410 ILCS 130/130, which are adopted and incorporated ~~herein~~ by reference as if fully set forth herein.
- ~~8-9.~~ No adult-use cannabis craft grower shall operate in violation of the requirements, provisions and prohibitions set forth in 410 ILCS 705/30-30, which are adopted and incorporated by reference as if fully set forth herein.
- ~~9-10.~~ A cannabis business establishment shall provide to the City a security plan that includes, but is not limited to, the following:
  - a. The cannabis business establishment shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and

alarms reasonably designed to ensure the safety of persons and to protect the premises from theft;

- b. The parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment with live images that can be viewed by agents of the cannabis business establishment, continually recorded in a tamper proof format;
- c. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons";
- d. Reporting of criminal activity on the licensed premises to local law enforcement officials within 24 hours of the discovery of such criminal activity; and
- e. The Chief of Police or designee shall review and approve the adequacy of lighting, security and video surveillance prior to the issuance of a Special Use Permit;

~~40.11.~~ Loitering is prohibited on the property of a cannabis business establishment ~~property~~.

~~41.12.~~ No cannabis business establishment shall allow any person to smoke, inhale or consume cannabis on the property and the licensed premises occupied by the cannabis business establishment. A sign, at least 8.5 by 11 inches, shall be posted inside the cannabis business establishment building in a conspicuous place and visible to employees and clients and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products on the property is prohibited."

Daily Chronicle

# DAILY CHRONICLE

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Friday, June 02, 2023

## **Notice Content**

PUBLIC NOTICE LEGAL NOTICE NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting Tuesday, June 20, 2023, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by the City of DeKalb for text amendments to Chapter 23 "Unified Development Ordinance (UDO)" of the Municipal Code, to amend Article 5.11 "LI" Light Industrial District and Article 5.12 "HI" Heavy Industrial District to add "adult-use cannabis craft grower" as a special use. Amendments to the UDO are also proposed to Article 7.18 "Cannabis Business Establishment" to amend the definition for a "cannabis business establishment" to include "adult-use cannabis craft growers", adding "adult-use cannabis craft grower" as a special use in the "LI" and "HI" Districts, adding setback and parking requirements for "adult-use cannabis craft growers" and other associated miscellaneous amendments. All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Tuesday, June 20, 2023, or by e-mail to [dan.olson@cityofdekalb.com](mailto:dan.olson@cityofdekalb.com). Further information regarding the petition is available from the Community Development Department at (815) 748-2361 or on the City of DeKalb's web page at <https://www.cityofdekalb.com/1103/Public-Hearings>. Max Maxwell, Chair DeKalb Planning and Zoning Commission (Published in the Daily Chronicle June 2, 2023 ) 2083421

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