



DEKALB PLANNING AND ZONING COMMISSION AGENDA
Tuesday, June 20, 2023
6:00 P.M.

DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, IL 60115

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES

1. May 15, 2023

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

E. NEW BUSINESS

1. **Public Hearing** – A petition by the City of DeKalb for text amendments to the UDO 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 and to Article 7.18 "Cannabis Business Establishment" to amend the definition for a "cannabis business establishment" to include "adult-use cannabis craft growers", adding setback and parking requirements for "adult-use cannabis craft growers" and other miscellaneous amendments.

F. REPORTS

G. ADJOURNMENT

COVID-19 Notice: The corporate authorities of the City of DeKalb intend to conduct this meeting in-person with a physically present quorum that is open to the public and in compliance with all applicable public health requirements. Pursuant to current public health guidelines, persons attending this meeting are not required to wear protective face masks/coverings.

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
May 15, 2023

The Planning and Zoning Commission held a meeting on May 15, 2023, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St. DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Stephanie Turner called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O'Flaherty, Maria Pena-Graham, Shannon Stoker, Jerry Wright, and Chair Max Maxwell. Bill McMahon was absent. Planning Director Dan Olson, City Manager Bill Nicklas, and City Attorney Matthew Rose were present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the May 15, 2023, agenda as presented. Mr. Becker motioned to approve the agenda as presented. Ms. Stoker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. May 1, 2023 –Chair Maxwell requested a motion to approve the May 1, 2023, minutes as presented. Mr. Wright motioned to approve the minutes as presented. Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None

E. NEW BUSINESS

1. **Public Hearing** – A petition by DeKalb CUSD #428 to amend the Special Use Permit approved by Ordinance #2020-044 to extend the time frame for a modular classroom to remain on the site at 1121 School St. (Littlejohn Elementary School) for two more years.

Tammy Carson, Director of Facility and Safety Operations for #428, explained the School Districts request for an extension of two years for the modular classroom located at Littlejohn Elementary School. Ms. Carson discussed the modular classroom is still needed due to capacity issues throughout the entire School District. She spoke on a plan to open a new elementary school at the old NIU School of Nursing building in August of 2025. She added at that time the School District will be asking to remove all mobile classrooms except for the one located at Lincoln Elementary. Ms. Carson

said the mobile classroom at Littlejohn currently contains a music room and a STEM room.

Planning Director Olson went through the Staff Report dated May 11, 2023, and covered the history of the modular classroom on the property. Mr. Olson explained the special use permit approved in 2017 for the modular classroom that is currently on the property and mentioned the extension granted in 2020 which expires this June.

Mr. Olson stated the City recommends approval for an extension to August 15, 2025, noting the modular classroom has not had a negative impact on the neighborhood. He mentioned two public response forms were received, the first from Donna Clausen of 919 Huffman Court noting her support for the proposal. The second was from Joan Vassilogambros of 920 N 9th Street who supports the proposal in general but would like to see more specifics. Planning Director Olson finished by indicating part of the recommendation is to require the ground to be restored to grass condition when the modular classroom is removed.

Chair Maxwell asked if there were any comments from the public in which there were none.

Chair Maxwell asked if there were any questions or comments from the Commission members.

Trixy O'Flaherty stated the school is in her neighborhood and it has been fine for years.

Jerry Wright inquired on the redistricting of the schools and if that would solve the problem for overcrowding at Littlejohn. Tammy Carson responded yes, the plan is to reduce classroom count and move some students closer to their homes.

Mr. Wright asked what the chances would be that modular classrooms are still needed after redistricting is complete. Ms. Carson replied there is no anticipation for the need of mobile classrooms once the redistricting is complete.

Max Maxwell questioned if Ms. Carson knew how far overcapacity the school system is. Ms. Carson responded she did not have exact figures to provide at this time.

Ms. O'Flaherty moved that based on the submitted petition and testimony presented, the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of an amendment to Ordinance 2020-044 to extend the time frame for a modular classroom to be located at 1121 School St. (Littlejohn Elementary School) as shown on the attached Exhibit A, subject to the following condition:

1. The modular classroom may remain on the subject site in the location as shown on Exhibit A up to August 15, 2025 and shall, on or before said date, be removed from the property. At such time, the surface beneath the modular classroom shall be restored to a pre-installation, grassed condition.

Mr. Wright seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O’Flaherty – Yes, Ms. Pena-Graham – Yes, Ms. Stoker- Yes, Mr. Wright – Yes, Chair Maxwell – Yes. Bill McMahon was absent. Motion passed 6-0-1.

- 2. Public Hearing** – A petition by the City of DeKalb for text amendments to the UDO by adding a “GS” Government Sanitary District and associated list of permitted uses and conditions of use for the District. Text amendments are also proposed to remove the use “Sewage Treatment Facilities” from the SFR-1, SFR-2, TFR, MFR-1, MFR-2, and LI Zoning Districts.

Planning Director Olson went through the Staff Report dated May 11, 2023, and stated an agreement was approved by the City Council last October with the Kishwaukee Water Reclamation District (KWRD) to treat all their properties as public institutions and they would be zoned under their own district.

Mr. Olson talked about the four current properties that will be coming back to the Commission to be rezoned later under the new “GS” Government Sanitary District. He added the four KWRD properties are currently three different zoning districts and the goal is to unify them as one district. Mr. Olson explained the new zoning district includes a purpose statement along with permitted land uses and conditions of the use.

Planning Director Olson described the amendments to remove the terms “sewage treatment facilities” and “sewage treatment plants” from the various zoning districts. Mr. Olson said KWRD will come back with petitions to rezone the main plant on Sycamore Road, two properties along I-88, and a property near Buena Vista Golf Course. He finished with notifying the Commission that KWRD will not need permits or to follow City zoning regulations like setback rules due to this new district being created.

Chair Maxwell asked if there were any questions or comments from the Commission members.

Mr. Maxwell wanted clarification on the purpose of rezoning to “GS”. He asked if that meant KWRD would not have to come before the Commission for approval on future land use action. Planning Director Olson replied they would not have to come back for any zoning approval, they will just have to comply with State and Federal regulations.

Steve Becker questioned the four properties coming back to be rezoned. Mr. Olson responded there will be a public hearing on all four properties being rezoned.

Mark Eddington, Executive Director of the KWRD, asked about annexing the South Slope Site. Mr. Olson answered the annexation and rezoning for the site would be addressed at the same Commission meeting.

Mr. Wright moved that based on the submitted petition and testimony presented, the Planning and Zoning Commission recommend to the City Council approval of text amendments to the Unified Development Ordinance regarding the establishment of a “GS” Government Sanitary District as indicated in Exhibit A to the staff report.

Mr. Becker seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O’Flaherty – Yes, Ms. Pena-Graham – Yes, Ms. Stoker- Yes, Mr. Wright – Yes, Chair Maxwell – Yes. Bill McMahon was absent. Motion passed 6-0-1.

F. REPORTS

Planning Director Olson announced the next Commission meeting is set for Monday, June 5, however nothing is scheduled at this time. He stressed the second meeting in June is on Tuesday, June 20 due to a holiday on the 19th. He added there should be a petition for special use for DIMCO on that date.

G. ADJOURNMENT

Mr. Wright motioned to adjourn, Ms. O’Flaherty seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:17 PM.

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**
June 15, 2023

TO: DeKalb Planning and Zoning Commission

FROM: Dan Olson, Planning Director

RE: Text Amendments to Chapter 23 of the Municipal Code - Unified Development Ordinance – Adult-Use Cannabis Craft Grower

BACKGROUND AND ANALYSIS

Staff is proposing text amendments to the UDO to add “adult-use cannabis craft grower” as a special use in the “LI” Light Industrial and “HI” Heavy Industrial Districts and other miscellaneous amendments. Craft growers are facilities licensed by the State and cultivate, dry, cure and package cannabis. They are allowed to transport cannabis directly to dispensaries if they are within 15 miles of the craft grower. A craft grower is typically restricted to 5,000 square feet of enclosed space, but a maximum of 14,000 square feet is permissible if authorized by the IL Department of Agriculture. A craft grower may share premises with a processor or dispensary.

We have received inquiries in the past asking if the City allows cannabis craft growers. Currently, the City’s UDO only allows cannabis dispensaries. Additional amendments are proposed to amend the definition of cannabis business establishment to include an adult-use cannabis dispensing organization. Parking and signage requirements are also proposed in the amendments. The majority of the amendments mirror the State regulations for craft growers.

In June 2019 the State approved the Cannabis Regulation and Tax Act (Act), which legalized the private consumption and possession of cannabis for Illinois residents over 21 years of age. The law took effect on January 1, 2020. Six types of cannabis businesses were regulated by the Act including craft grower, cultivation center, dispensary, infuser, processor and transporter.

In November 2019 the City amended the UDO to accommodate medical and recreational cannabis dispensaries. It was understood at that time the City would consider the other types of cannabis businesses in the future. This approach would allow the City to gather

experiences from other communities pursuing these types of establishments within their corporate limits.

In March 2022 the City approved text amendments to the UDO to remove the 250-foot setback for a cannabis dispensary to a residential use. In addition, an amendment was also approved to add the “CBD”, “PD-C” and “PD-I” Districts to the list of zoning classifications where a special use for a cannabis dispensary can be applied for. Subsequently, a special use permit was approved this past February for a cannabis dispensary in the CBD District at 305 E. Locust St. About a year ago, an extension to a special use permit for a cannabis dispensary was approved for 818 W. Lincoln Highway. Both dispensary locations are conducting remodeling work and should be open by late summer.

The specific amendments to the UDO are as follows:

Article 5.11.03 “LI” Light Industrial District – Add “Adult-Use Cannabis Craft Grower” to the list of special uses.

Adult-Use Cannabis Craft Growers typically locate in industrial type buildings. Adding the use as a special use in the “LI” District will allow the City an extra layer of review and provide nearby property owners a chance for input.

Article 5.12.03 “HI” Heavy Industrial District – Add “Adult-Use Cannabis Craft Grower” to the list of special uses.

As stated in the “LI” District, Adult-Use Cannabis Craft Growers typically locate in industrial type buildings. Many of the industrial areas on the east side of Dekalb are zoned “HI”.

Article 7.18.01 by amending the definition of Cannabis Business Establishment to include an Adult-Use Cannabis Craft Grower.

Currently, the definition of “Cannabis Business Establishment” only includes an “Adult-Use Cannabis Dispensing Organization” The proposed amendment will include both “Adult-Use Cannabis Dispensing Organization” and “Adult-Use Cannabis Craft Grower” in the definition.

Article 7.18.04 by stating an Adult-Use Cannabis Craft Grower shall be permitted only as a special use in the LI and HI District and may be permitted in the PD-I District as a special use if the governing ordinance allows.

As previously stated, “Adult-Use Cannabis Craft Growers” typically locate in industrial type buildings.

Article 7.18.05 by stating an Adult-Use Cannabis Craft Grower must be at least 1,500 feet from another Adult-Use Cannabis Craft Grower.



This requirement mirrors the state law.

Article 7.18.05 – Requires an Adult-Use Cannabis Craft Grower to provide parking per the requirements applicable to a manufacturing facility as stated in the UDO.

Adult-Use Cannabis Craft Growers typically locate in industrial type buildings and have similar parking demands as a manufacturing facility. The requirement in the UDO for manufacturing is one parking space for every employee on the maximum shift plus one space for every vehicle customarily used in the operation of the use or stored on the premises.

Articles 7.18.06 and 7.18.07 Requiring Adult-Use Cannabis Craft Growers to comply with applicable state law regarding signage, advertising and local building, fire and zoning requirements.

RECOMMENDATION

Sample Motion:

Based on the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of text amendments to the Unified Development Ordinance regarding the addition of “Adult-Use Cannabis Craft Grower” as a special use in the “LI” Light Industrial and “HI” Heavy Industrial District and other associated amendments as indicated in Exhibit A attached to the staff report.



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, statures 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.
- ~~4.2.~~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.”



TEXT AMENDMENT PETITION

TO: Community Development Department of the City of DeKalb, Illinois

FROM: Petitioner Name(s): City of DeKalb Telephone: 815-748-2361
Petitioner's Representative: Dan Olson, Planning Director Cell: _____
Mailing Address: 164 E. Lincoln Hwy. Email: dan.olson@cityofdekalb.com
DeKalb, IL 60115

1. The petitioner hereby petitions the City of DeKalb to amend the Unified Development Ordinance as follows – attach additional page(s) if necessary:

A. What is the text amendment regarding?

Adding Adult-Use Cannabis Craft Grower to the Unified Development Ordinance.

B. What Article(s) and Section(s) of the Unified Development Ordinance are proposed for amendment?

Article 5.11 "LI" Light Industrial District, Article 5.12 "HI" Heavy Industrial District and Article 7.18

Cannabis Business Establishment - See attached.

C. What is the proposed revised text?

See attached.

D. Describe the reason for this text amendment request, and what the intended effect will be.

To add Adult-Use Cannabis Craft Grower to the UDO based upon past interest in the use in DeKalb.

2. The petitioner hereby submits the Petition Fee (\$250.00).

3. The petitioner hereby states that a pre-application conference *was was not held with City staff prior to the submittal of this petition.

*Date of pre-application conference: _____

Those in attendance: _____

***(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)**



- 4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

- 5. The petitioner has read and completed all of the information and affirms that it is true and correct.

Petitioner Signature

6-1-23

Date

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. 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

IL Compiled Statutes

(410 ILCS 705/30-30)

Sec. 30-30. Craft grower requirements; prohibitions.

(a) The operating documents of a craft grower shall include procedures for the oversight of the craft grower, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A craft grower shall implement a security plan reviewed by the Illinois State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the craft grower facility and that is accessible to authorized law enforcement and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a craft grower must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The craft grower location shall only be accessed by the agents working for the craft grower, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, or participants in the incubator program, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule. However, if a craft grower shares a premises with an infuser or dispensing organization, agents from those other licensees may access the craft grower portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where work or cultivation of cannabis is not performed. At no time may an infuser or dispensing organization agent perform work at a craft grower without being a registered agent of the craft grower.

(d) A craft grower may not sell or distribute any cannabis to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, or as otherwise authorized by rule.

(e) A craft grower may not be located in an area zoned for residential use.

(f) A craft grower may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (f) prevents a craft grower from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(g) All cannabis harvested by a craft grower and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the dispensing organization receiving the cannabis, placed into a cannabis container for transport. All cannabis harvested by a craft grower and intended for distribution to a cultivation center, to an infuser organization, or to a craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(h) Craft growers are subject to random inspections by the Department of Agriculture, local safety or health inspectors, the Illinois State Police, or as provided by rule.

(i) A craft grower agent shall notify local law enforcement, the Illinois State Police, and the Department of Agriculture within 24 hours of the

discovery of any loss or theft. Notification shall be made by phone, in person, or written or electronic communication.

(j) A craft grower shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides.

(k) A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;

(ii) If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or

(iii) If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower.

(l) A craft grower may enter into a contract with a transporting organization to transport cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or a laboratory.

(m) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses.

(n) It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly, to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any person connected with or in any way representing, or to any member of the family of, the person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

(p) A craft grower may process cannabis, cannabis concentrates, and cannabis-infused products.

(q) A craft grower must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

(Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19; 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)