

DeKalb County

PLANNING & ZONING COMMITTEE

Regular Meeting

Administrative Building, Conference Room East

110 East Sycamore Street Sycamore, Illinois 60178

Wednesday January 22, 2020 – 6:30 p.m.

Steve Faivre, Chairman

- 1. CALL TO ORDER**
- 2. ROLL CALL / INTRODUCTION OF VISITORS**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES – December 9, 2019**
- 5. PUBLIC COMMENT**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - a. ZONING TEXT AMENDMENT** – Medical/Recreational Cannabis Zoning Regulations regarding 1) an adult-use cannabis cultivation center, 2) craft grower, 3) processing organization, 4) infuser organization, 5) dispensing organization and/or 6) transporting organization. Added to the proposed list: Medical cannabis cultivation center and a Medical cannabis dispensary.
- 8. OTHER BUSINESS / REPORTS**
- 9. ADJOURNMENT**

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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(December 9, 2019)

The Planning and Zoning Committee of the DeKalb County Board met December 9, 2019 at 6:30 p.m. in the DeKalb County Administrative Building, Conference Room-East, in Sycamore, Illinois. In attendance were Committee Members: Steve Faivre, John Frieders, Tracy Jones, Mark Pietrowski, Roy Plote, Craig Roman, and Suzanne Willis; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also, in attendance were: Gary Hanson, DeKalb County Administrator; Tim Hughes and Tim Bagby, County Board members; and, Jim Hutcheson.

CALL TO ORDER / ROLL CALL

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order. Mr. Roman arrived late at 6:34 pm.

APPROVAL OF AGENDA

Mr. Plote moved to approve the agenda, seconded by Ms. Willis, and the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Willis moved to approve the minutes of October 23, 2019 Committee meeting, seconded by Mr. Plote, and the motion carried unanimously.

PUBLIC COMMENTS

Mr. Hughes indicated that he had sent some materials regarding cannabis use in Colorado to the other County Board members and inquired about their opinions on it. Mr. Faivre indicated that it was helpful. Mr. Hughes noted that legalizing recreational cannabis use was supposed to lower crime, but that the material indicated that overall crime actually went up.

OLD BUSINESS

RECREATIONAL CANNABIS ZONING TEXT AMENDMENT CONSIDERATION

Mr. Hiland reminded the Committee that it had discussed developing regulations regarding the establishment and operation of uses related to recreational cannabis use at its previous meetings, that it was then discussed at the Executive Committee of the County Board and at the Committee of the whole in November. He noted that a straw poll was taken at the Committee of the Whole, and based upon the feedback received, a modified version of the model ordinance created by the Illinois Municipal League (IML) incorporating that feedback had been included in their packets for their review. He also noted that he was still in continual contact with his counterparts in other counties regarding what they were doing. Mr. Hiland informed the Committee that two key changes from the original draft ordinance and use matrix

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(December 9, 2019)

presented to the Committee had been made: previously, a couple of the uses had been proposed to be permitted uses, but that now all of the uses would be special uses in the districts allowing them; and, that the draft language now also addresses medical cannabis related uses. Mr. Hiland also reported that one of the counties he had spoken with had decided to limit all cannabis uses to being special uses in their industrial district. He then described the method used to create the draft ordinance presented to the Committee.

Mr. Hiland noted that in addition to the revised draft ordinance in their packet, staff had also prepared a second version of the revised draft ordinance, reorganized and reformatted so as to present the language as it would appear within the DeKalb County Zoning Ordinance, and distributed it to the Committee. Mr. Hiland informed the Committee that he did not include the second version in the packet because he did not want to create any confusion regarding the differences between how the draft ordinance first appeared and how it looks in staff's revised version, but did note that the content of both were the same. Mr. Pietrowski indicated that he would prefer to use staff's version, being that it reflected how staff would recommend the language appear in the Zoning Ordinance.

Mr. Frieders informed the Committee that he and his fellow republican members of the County Board were planning to oppose the sale of recreational marijuana in unincorporated DeKalb County (adult use cannabis dispensaries). He noted however that they had yet to determine their stance on the other proposed adult use or medical cannabis uses.

Mr. Plote inquired whether the County had received any applications for medical cannabis use facilities, or if there were any more licenses even would available for any more. Mr. Hiland replied that no application had been received. He also noted that while the no more licenses were available, that there was an expectation that the State would be expanding these programs.

Mr. Plote inquired whether any contact from Kishwaukee Community College regarding any adult use programs. Mr. Pietrowski responded that the County had not been contacted by them regarding this issue. He note that the state law did encourage community colleges to explore programs related to it, but was unaware whether they had looked into any of these programs or not.

Mr. Faivre inquired as to how these uses are taxed. Mr. Hiland responded that he believed they would be taxed at the point of retail sale. Mr. Faivre then asked, if the County banned dispensaries, would that mean that the County would only be getting a .75% tax, instead of the 3.75% tax. Mr. Hiland affirmed that this would be true.

Mr. Jones inquired about just what the state law would allow regarding recreational cannabis use. He noted that it appeared to allow for the purchase of it at a dispensary, the transport of a small amount to one's home, and that use of it therein, but not much else. Mr. Hiland responded that those observations were correct, but that governing jurisdictions could also allow for the operation of private smoking clubs and restaurants, if they wished. Mr. Pietrowski did note that at the Meeting of the Whole, it was decided that they did not want to allow for on site consumption. Mr. Plote noted that he and Mr. Frieders had spoken with law enforcement officers, and that they had voiced concern about food-based cannabis products and the lack of public knowledge regarding its potential impacts on users. Mr. Pietrowski noted that the Health Department had also voiced similar concerns. It was also noted that recreational cannabis would also be

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subject to many of the same laws as alcohol and other drugs, in terms of transport, open consumption, and use in vehicles. Mr. Plote noted that education will be a big issue.

Mr. Frieders noted that they would be more comfortable with sales of recreational cannabis in the municipalities, where law enforcement agencies could better monitor these uses, instead of out in the unincorporated portions of the County.

Mr. Pietrowski noted that Sycamore and DeKalb have already made comments about what they plan to do, but inquired whether any of the smaller municipalities in the County had commented on the issue. Mr. Frieders responded that the City of Sandwich had previously indicated that they were not going to allow it, but that he had been informed that they may be reconsidering that stance. Mr. Hiland noted that what he was finding is that as the various communities have talked with their neighbors about the issue, some are taking the stance of “if they (the neighboring community) are going to allow it, then why shouldn’t we.” He also had taken a straw poll at the Mayor’s Caucus the previous week, and many of them had indicated that they were having the same conversations the County was having. He noted that he had also heard that Sandwich would be probably moving forward with it, as were DeKalb and Sycamore. He also noted that Maple Park, Malta, and Cortland were also exploring it.

Ms. Willis wondered the question of how many people would actually switch from illegal to legal marijuana use. She also wondered how many people may switch from using opioids to cannabis use, once it becomes legal.

The Committee allowed Mr. Hughes to present some statistics regarding childhood use of marijuana, and its impacts on growth and brain development. Mr. Pietrowski noted that education is going to be very important.

Mr. Pietrowski noted that it is going to be sold in the communities, and said the only thing that not allowing dispensaries in unincorporated areas would mean is that the County would not be collecting the taxes for the sale. He noted that it would not be stopping the sale and consumption by people in the County.

Mr. Faivre noted that the goal of the meeting is to get a draft ordinance together to go to public hearing. He then proposed just eliminating the dispensaries from the list of allowed uses.

Mr. Plote commented that in rural areas, the opportunity for people to grow their own would be greater than for them to go buy it, therefore, people won’t be buying it in unincorporated areas.

Mr. Bagby opined that ninety percent of the County’s sales tax revenue is generated in the incorporated areas, and suspects that the not many sales would be occurring outside city limits.

Mr. Jones noted that he did not believe there any areas in the unincorporated parts of the County that would be appropriate for dispensaries, and that they should stay in the Cities. Mr. Hiland discussed what it would take to establish a business in the unincorporated areas of the County. Mr. Jones noted that they are not saying no to the others uses, just directing dispensaries to where they would be more appropriate.

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Mr. Jones moved to strike adult use dispensaries from the list of proposed uses in the draft ordinance, seconded by Mr. Plote, and the motion carried 6 to 1 (Pietrowski).

Ms. Willis inquired whether there was any language in the Zoning Ordinance regarding medical cannabis uses yet. Mr. Hiland respond that there wasn't.

Ms. Willis asked Mr. Hiland to elaborate on the distance requirements for the various uses and how they are measured. Mr. Hiland explained that the setbacks would be measured from the wall of the building containing the use, not the property line of the parcel containing the use. She also inquired as to how staff had developed the proposed distances. Mr. Hiland replied that the distances used were based on setbacks established by several other counties and the model ordinances provided by the Illinois Municipal League.

Ms. Willis inquired about requirement for fencing associated with these uses being a minimum of eight feet in height. Mr. Hiland responded that the State has mandated that height, but noted that he had found only Kendall County had included it. It was noted that fencing wasn't specifically required for these uses, and Mr. Hiland indicated that this requirement was something that he was going to investigate further, and that he would address at the public hearing regarding whether it needed to be included in the ordinance or not.

Ms. Willis presented to the Committee a list of the various uses being discussed and her definition of what those uses would entail.

Mr. Pietrowski moved to send the amended revised ordinance to public hearing, seconded by Mr. Roman, and the motion carried unanimously.

Mr. Hiland informed the Committee that staff would arrange for the public hearing, and that it would likely occur in January.

NEW BUSINESS

None

OTHER BUSINESS

Mr. Faivre inquired as to when staff planned to return to the topic of revising the 4.02.D.2 language in the County Zoning. Mr. Hiland indicated that he would work with him to develop a timeline on when that would occur.

Mr. Plote inquired whether any of the companies granted state approval for their proposed solar gardens had submitted any permits as yet. Mr. Hiland indicated that reviews were occurring for Site Development Permits for some of the projects, but that none had reached the stage where they have submitted their building permit applications yet. Mr. Plote noted that at the last Farm Bureau meeting members who had installed solar panels were only just now getting the state recs, almost a year and a half after installing them. Mr. Jones indicated that he had been told to expect them in January or February of 2020, and elaborated how his payment system would work. Mr. Plote also inquired whether anyone had contacted the County

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regarding a “large” solar project. Mr. Hiland responded that he had. Mr. Plote noted that a large project was being proposed to be building in Lee County and asked if DeKalb County had lost that project to them. Mr. Hiland informed him that the company that had approached him was not the one building the project in Lee County. Mr. Plote then inquired about the status of the County’s efforts to establish its own solar array. Mr. Hiland responded that he was working through the process of selecting a consultant to help the County through that process.

Ms. Willis noted that she had found some more data on drug use among school age children, and informed the Committee about it.

ADJOURNMENT

Mr. Jones motioned to adjourn, seconded by Ms. Willis, and the motion carried unanimously.

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

MOA: moa
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**DeKalb County
Community Development Department
110 East Sycamore Street
Sycamore, IL 60178**

STAFF REPORT

TO: Planning and Zoning Committee

FROM: Derek M. Hiland, DeKalb County Community Development Director

DATE: January 15, 2020

SUBJECT: DeKalb County Zoning Text Amendment File, Petition DC-20-01
Hearing Officer's Recommendation

The DeKalb County Community Development Department has brought forward a proposal to amend the DeKalb County Zoning Ordinance to allow for and establish regulations for both medical and adult use cannabis in unincorporated DeKalb County. The requested Zoning Text Amendment to the DeKalb County Code and Zoning Ordinance would be to Articles 2, 4 and 5, and the application for a Text Amendment has been filed in accordance with the requirements of Article 10.04 of the DeKalb County Zoning Ordinance.

In order to change the County Code and Zoning Ordinance, a Zoning Text Amendment must be approved by the County Board. Before the County Board can approve an Amendment, a Public Hearing must be held by the County Hearing Officer and consideration of the Hearing Officer's Findings of Fact by Planning and Zoning Committee shall occur.

The required public hearing(s) was held on January 9, 2020 by Hearing Officer Dale Clark. The Community Development staff described the proposal and presented the drafted language for consideration by the Hearing Officer. Director Hiland also briefly described the process and how the drafted language had changed throughout the drafting process. Although five members of the public were present at the Public Hearing no one spoke on the proposal.

The Hearing Officer has submitted his Findings of Fact and Recommendation, and has recommended that the Text Amendments be approved by the County Board as set forth in that Recommendation (attached). The Hearing Officer's recommendation is to approve Amendments, but with changes that vary from drafted ordinance submitted by staff. The Planning and Zoning Committee is requested to review the Hearing Officer's Recommendation and forward an Ordinance to the full County Board to approve or deny any Zoning Text Amendments.

DMH:dmh

DeKalb County Text Amendment Hearing

DeKalb County Petition: DC - 20-01

Date of Hearing: January 9, 2020

Location: 110 East Sycamore St.
East Conference Room
Sycamore, IL 60178

Nature of the Actions Requested by County Petition DC-20-01

County is seeking to amend Articles 2, 4, and 5 of the County Zoning Ordinance in order to allow for and establish regulations for the operation of adult-use and medical cannabis businesses.

Present on behalf of County:

Mr. Derek Hiland, Planning / Zoning Director
Mr. Marcellus Anderson, Assistant Planning/Zoning Director

Report of Proceedings and Recommendation

After recitation of the procedures for hearing and a brief description of the nature of the hearing, the public hearing on the proposed text amendment commenced promptly at 1:00 p.m. After swearing in all persons expected to offer statements, Assistant Director Anderson described the reasons for the proposed ordinance and general nature of the proposed text amendment.

At the hearing, there were approximately five (5) persons present, other than the hearing officer and County Staff. No one in the public audience had any questions, or offered any statements on the record. There were no comments in favor or opposed to the ordinance.

The hearing officer discussed with County Staff what appeared to be two scrivener's errors, located pages 9, 10, and 11 of the draft presented at hearing. County Staff made notes and indicated that those matters would be addressed. The hearing officer also discussed with County Staff the county discussions for the different distance requirements, as some of the regulated uses were designated as having 1500ft distance requirements from identified structures

and facilities, and other regulated uses required a 2500ft distance from identified structures and facilities. The hearing officer also confirmed with County Staff that, as drafted, the ordinance would not permit the dispensing of adult-use cannabis, or the on-site consumption of adult-use cannabis or medical cannabis. The hearing officer confirmed with County Staff that the foregoing was the intent of the proposed ordinance.

The draft text amendment ordinance appears to be in proper form, pursuant to lawfully enacted Illinois law, and sufficiently addresses the permitted areas of regulation available to County. Further, there were no comments or written materials submitted opposing the draft ordinance.

Based on the above and foregoing, I hereby recommend approval of the text amendment ordinance as submitted, with discussed revisions, amending Articles 2, 4, and 5 of the Zoning Ordinance, for the purposes of establishing lawful regulation of adult-use and medical cannabis businesses, as authorized by statute.

Respectfully submitted,



Dale J. Clark
Hearing Officer

STATE OF ILLINOIS }
 }SS
COUNTY OF DEKALB]

ORDINANCE 2020-_____

AN ORDINANCE ADOPTING
TEXT AMENDMENTS TO THE DEKALB COUNTY ZONING ORDINANCE
PERTAINING TO
ADULT-USE CANNABIS AND MEDICAL CANNABIS RELATED USES

WHEREAS, the State of Illinois enacted the Compassionate Use of Medical Cannabis Program Act, which pertains to the possession, use, cultivation, transportation, and dispensing of medical cannabis, which became effective January 1, 2014; and

WHEREAS, pursuant to the Compassionate Use of Medical Cannabis Program Act, DeKalb County may enact reasonable zoning ordinances or resolutions not in conflict with the Compassionate Use of Medical Cannabis Program Act, regulating medical cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of DeKalb County that DeKalb County deems sensitive; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, which pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Cannabis Regulation and Tax Act, DeKalb County may enact reasonable zoning ordinances or resolutions not in conflict with the Cannabis Regulation and Tax Act, regulating cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of DeKalb County that DeKalb County deems sensitive; and

WHEREAS, Article 10.04 of the DeKalb County Zoning Ordinance permits the DeKalb County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on December 9, 2019, the DeKalb County Planning and Zoning Committee, hereinafter be referred to as “Petitioner”, submitted text amendments to the DeKalb County Zoning Ordinance amending Articles 2 Definitions, Article 4 Use Districts and Article 5 Supplemental District Regulations and adding adult-use cannabis business establishment, adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, adult-use cannabis transporting organization or transporter, medical cannabis cultivation center or cultivation center, and medical cannabis dispensing organization or dispensing organization or dispensary to list of definitions and list of special uses in certain zoning districts with conditions and citation corrections to reflect these additions; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle on December 21, 2019, the DeKalb County Hearing Officer conducted a public hearing on January 9, 2020, at 1:00 p.m., in the East Conference Room of the Administration County Office Building at 110 East Sycamore Street in Sycamore, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public testified in favor of the request, zero members of the public testified in opposition to the request, and zero members of the public provided

general comments and questions on the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the DeKalb County Hearing Officer has recommended approval of the text amendments on **January 14, 2020**; and

WHEREAS, the DeKalb County Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the DeKalb County Board a **favorable/neutral/negative** recommendation of the requested text amendments; and

WHEREAS, the DeKalb County Board has considered the recommendations of the Planning and Zoning Committee and the DeKalb County Hearing Officer, and has determined that said petition is in conformance with the provisions and intent of the DeKalb County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, that the DeKalb County Unified Development Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Article 2.03 is amended by adding the following definitions in the appropriate places alphabetically in the list of definitions:

“ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. 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, as it may be amended from time-to-time, and regulations promulgated thereunder.

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. 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. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.”

III. Amended Text: Article 4.02.C is amended by adding the following uses alphabetically to the list of special uses in the A-1 Agricultural District:

Adult-Use Cannabis Craft Grower, subject to the conditions contained in Section 5.13.A.

Adult-Use Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.B

Medical Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.G.

IV. Amended Text: Article 4.05.C is amended by adding the following uses alphabetically to the list of special uses in the BC Business Conservation District:

Adult-Use Cannabis Infuser Organization, subject to the conditions contained in Section 5.13.D.

Medical Cannabis Dispensing Organization, subject to the conditions contained in Section 5.13.H.

V. Amended Text: Article 4.06.C is amended by adding the following uses alphabetically to the list of special uses in the MC Manufacturing Conservation District:

Adult-Use Cannabis Craft Grower, subject to the conditions contained in Section 5.13.A.

Adult-Use Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.B

Adult-Use Cannabis Infuser Organization, subject to the conditions contained in Section 5.13.D.

Adult-Use Cannabis Processing Organization, subject to the conditions contained in Section 5.13.E.

Adult-Use Cannabis Transporting Organization, subject to the conditions contained in Section 5.13.F.

Medical Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.G.

VI. Amended Text: Article 5 is amended to add the following new section:

5.13. Adult-Use Cannabis and Medical Cannabis Uses

A. Adult-Use Cannabis Craft Grower subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
2. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction and building code compliance.
 - c. Anticipated number of employees and customers.

- d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
- 6. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 - 7. This use shall be in a stand-alone building.
 - 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 - 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

B. Adult-Use Cannabis Cultivation Center subject to the following conditions:

- 1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
- 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 6. No outdoor storage is allowed.

7. Electronic message boards and temporary signs are not allowed.
8. Fences must be a minimum of eight feet (8') tall, and no greater than ten feet (10') tall.
9. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
10. This use shall be in a stand-alone building.
11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
12. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

C. Adult-Use Cannabis Dispensing Organization subject to the following conditions:

1. Adult-use cannabis dispensing organizations shall not be allowed in the unincorporated portions of DeKalb County.

D. Adult-Use Cannabis Infuser Organization or Infuser subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

- g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 8. This use shall be in a stand-alone building.
 9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

E. Adult-Use Cannabis Processing Organization or Processor subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.

- h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 - 8. This use shall be in a stand-alone building.
 - 9. On properties zoned MC, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 - 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 - 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

F. Adult-Use Cannabis Transporting Organization or Transporter subject to the following conditions:

- 1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
- 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- 4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
- 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.

- f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 - 8. This use shall be in a stand-alone building.
 - 9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 - 10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

G. Medical Cannabis Cultivation Center or Cultivation Center subject to the following conditions:

- 1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
- 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
- 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.

6. No outdoor storage is allowed.
7. Electronic message boards and temporary signs are not allowed.
8. Fences must be a minimum of eight feet (8') tall, and no greater than ten feet (10') tall.
9. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
10. This use shall be in a stand-alone building.
11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.

H. Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of

the Special Use Permit application.

7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 9. Hours of operation are 6:00 a.m. until 10:00 p.m.
 10. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 11. This use shall be in a stand-alone building.
 12. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 13. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
- I. Onsite consumption of cannabis by the public shall not be allowed at any of the above mentions Adult or Medical cannabis uses.

VII. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.

PASSED BY THE COUNTY BOARD THIS ____ DAY OF _____, 2020, A.D.

Mark Pietrowski, Jr.
Chairman, DeKalb County Board

Attest:

Douglas J. Johnson
DeKalb County Cleark