

---

---

**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

---

---

**ORDINANCE**  
**NO. \_\_\_\_\_**

---

---

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE  
ZONING ORDINANCE PERTAINING TO CONDITIONAL USE TREATMENT OF  
CANNABIS ESTABLISHMENTS IN CERTAIN AREAS OF THE CITY OF ROCHELLE**

---

---

**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**  
**City Council**

---

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: October 15, 2019**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE  
ZONING ORDINANCE PERTAINING TO CONDITIONAL USE TREATMENT OF  
CANNABIS ESTABLISHMENTS IN CERTAIN AREAS OF THE CITY OF ROCHELLE**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

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

**WHEREAS**, pursuant to said act the City of Rochelle (“City”) is authorized to pass reasonable zoning ordinances regulating the time, place, and manner of use of Cannabis Establishments within the jurisdictional limits of the City; and

**WHEREAS**, on October 7, 2019, the Planning & Zoning Commission of the City of Rochelle (“PZC”) held a public hearing on the proposed text amendments (“Amendments”) to various sections of the City of Rochelle Zoning Ordinance (“Zoning Ordinance”) pertaining to conditional use treatment for Cannabis Establishments in certain areas of the City of Rochelle; and

**WHEREAS**, the PZC has filed its report of findings and recommendations regarding the proposed Amendments to the Zoning Ordinance with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Amendments to the Zoning Ordinance pertaining to Cannabis Establishments as fully set forth below; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

**SECTION ONE:** The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

**SECTION TWO:** That Section 110-9 entitled “DEFINITIONS” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language in alphanumerical order:

**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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), 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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**SECTION THREE:** That Section 110-212 entitled “B-2 HIGHWAY COMMERCIAL DISTRICT” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language as follows:

**Section 110-212. – B-2 highway commercial district.**

The B-2 highway commercial district provides appropriate areas for highway-oriented commercial uses and those requiring large lots for off-street parking and outdoor display or storage of merchandise.

Use regulations. A building or premises shall be used only for the following purposes subject to obtaining a conditional use permit:

- (1) Adult-Use Cannabis Dispensing Organization

**SECTION FOUR:** That Section 110-231 entitled “I-1 LIGHT (LIMITED) INDUSTRY DISTRICT” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language as follows:

The I-1 light (limited) industry district provides close-in areas, located adjacent to nonindustrial districts and uses, for the accommodation of those types of industrial activities that are not likely to result in significant incompatibilities with adjacent nonindustrial uses.

Use regulations. A building or premises shall be used only for the following purposes subject to obtaining a conditional use permit:

- (1) Adult-Use Cannabis Craft Grower;
- (2) Adult-Use Cannabis Cultivation Center;
- (3) Adult-Use Cannabis Infuser Organization; and
- (4) Adult-Use Cannabis Processing Organization
- (5) Adult-use Cannabis Transportation Organization or Transporter

**SECTION FIVE:** That Section 110-232 entitled “I-2 GENERAL INDUSTRY DISTRICT” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language as follows:

The I-2 general industrial district provides for areas in more outlying locations for those types of activities which might result in incompatibilities with other types of uses.

Use regulations. A building or premises shall be used only for the following purposes subject to obtaining a conditional use permit:

- (1) Adult-Use Cannabis Craft Grower;
- (2) Adult-Use Cannabis Cultivation Center;
- (3) Adult-Use Cannabis Infuser Organization; and
- (4) Adult-Use Cannabis Processing Organization

**SECTION SIX:** That Section 110-291 entitled “DISTRICT USE CLASSIFICATION LIST” of the Rochelle Municipal be and is hereby amended by adding the following underlined language in alphabetical order as follows:

	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	I-1	I-2	I-3
<u>Adult-Use Cannabis Business Establishment</u>								<u>O</u>		<u>O</u>	<u>O</u>	
<u>Adult-Use Cannabis Craft Grower</u>										<u>O</u>	<u>O</u>	
<u>Adult-Use Cannabis Cultivation Center</u>										<u>O</u>	<u>O</u>	
<u>Adult-Use Cannabis Dispensing Organization</u>								<u>O</u>				
<u>Adult-Use Cannabis Infuser Organization</u>										<u>O</u>	<u>O</u>	
<u>Adult-Use Cannabis Processing Organization</u>										<u>O</u>	<u>O</u>	
<u>Adult-Use Cannabis Transportation Organization or Transporter</u>										<u>O</u>	<u>O</u>	

**SECTION SEVEN:** That Article XVI entitled “Adult-Use Cannabis” of the Rochelle Municipal Code be and is hereby created and established as follows:

**Section 110-750. Adult-Use Cannabis**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the

corporate limits of the City of Rochelle. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Article II, Division 2 (Conditional Uses) of this Title and Section 3 (Adult-Use Cannabis Facility Components) as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section Article II, Division 2 (Conditional Uses) of this Title, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

3.3 Hours of operation and anticipated number of customers/employees.

3.4 Anticipated parking demand based on Article XII of this Code and available private parking supply.

3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

3.6 Site design, including access points and internal site circulation.

3.7 Proposed signage plan.

3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.

3.8 Other criteria determined to be necessary to assess compliance with Section Article II, Division 2 (Conditional Uses) of this Title.

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 200 feet 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 Section.

4.2 Facility may not be located within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as commercial and/or industrial use per Article XII Schedule of Off-Street Loading and Parking; provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 200 feet 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 Section.

5.2 Facility may not be located within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as commercial and/or industrial use per Article XII (Schedule of Off-Street Loading Parking, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 200 feet 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 Section.

6.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Article II, Division 2 of the City of Rochelle Municipal Code.

6.6 For purposes of determining required parking, said facilities shall be classified as commercial and/or industrial use per Article XII (Schedule of Off-Street Loading and Parking of the City of Rochelle Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 (Adult-Use Cannabis: Conditional Use) herein.

6.7 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 200 feet 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 Section.

7.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

7.3 At least 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 Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as commercial and/or industrial per Article XII Schedule of Off-Street Loading and Parking Requirements of the City of Rochelle Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 Adult-Use Cannabis: Conditional Use) herein.

7.5 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 200 feet 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 Section.

8.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

8.3 At least 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 Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as commercial and/or industrial per Article XII Schedule of Off-Street Loading and Parking Requirements: Commercial Uses of the City of Rochelle Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 Adult-Use Cannabis: Conditional Use) herein.

8.5 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 200 feet 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 Section.

9.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as Commercial and/or industrial per Article XII Schedule of Off-Street Loading and Parking Requirements of the City of Rochelle Municipal Code, provided, however, that the City may require that additional parking be provided as a result of the analysis completed through Article II, Division 2 Adult-Use Cannabis: Conditional Use) herein.

9.5 Petitioner shall file an affidavit with the City affirming compliance with Article II, Division 2 as provided herein and all other requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City may approve the co-location of an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, subject to the provisions of the Act and the Conditional Use criteria within the City of Rochelle Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

**SECTION EIGHT:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION NINE:** Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions-imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

**SECTION TEN:** The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION ELEVEN:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS \_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_ day of \_\_\_\_\_, 2019.

---

MAYOR

ATTEST:

---

CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE ZONING ORDINANCE PERTAINING TO CONDITIONAL USE TREATMENT OF CANNABIS ESTABLISHMENTS IN CERTAIN AREAS OF THE CITY OF ROCHELLE” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CITY CLERK