



City of Chicago



O2019-6926

Office of the City Clerk

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Meeting Date: 9/18/2019

Sponsor(s): Lightfoot (Mayor)
O'Shea (19)
Vasquez, Jr. (40)

Type: Ordinance

Title: Amendment of Municipal Code Title 17 regarding cannabis-related activities

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

ZON



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

September 18, 2019

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith, together with Aldermen O'Shea and Vasquez, an ordinance amending the Zoning Code regarding cannabis-related activities.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

SECTION 1. Section 17-3-0200 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-3-0207 Use Table and Standards.

USE GROUP		Zoning Districts						Use Standard	Parking Standard
Use Category		B1	B2	B3	C1	C2	C3		
Specific Use Type									
P = permitted by right S = special use approval required PD = planned development approval required - = not allowed									
<i>(Omitted part of this table is unaffected by this ordinance)</i>									
OTHER									
<i>(Omitted part of this table is unaffected by this ordinance)</i>									
AAA. Medical-Cannabis Business Establishments									
1.	Cultivation Center	-	-	-	-	-	-		
1.2.	<u>Adult Use Cannabis Dispensary</u> Dispensing Organization	-	-	S	S	S	S	17-9-0129	17-10-0207-M
2.	<u>Medical Cannabis Dispensary</u>	-	-	S	S	S	S	17-9-0129	17-10-0207-M
3.	<u>On-Site Cannabis Consumption</u>	-	-	S	S	S	S	17-9-0129	17-10-0207-M
4.	<u>Cannabis Craft Grower</u>	-	-	S	S	S	S	17-9-0129	17-10-0207-M
5.	<u>Cannabis Infuser</u>	-	-	S	S	S	S	17-9-0129	17-10-0207-M
6.	<u>Cannabis Processor</u>	-	-	S	S	S	S	17-9-0129	17-10-0207-M
<i>(Omitted part of this table is unaffected by this ordinance)</i>									

SECTION 2. Section 17-4-0200 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-4-0207 Use Table and Standards.

USE GROUP		Zoning Districts				Use Standard	Parking Standard
Use Category		DC	DX	DR	DS		
Specific Use Type							
P = permitted by right S = special use approval required PD = planned development approval required - = not allowed							
<i>(Omitted part of this table is unaffected by this ordinance)</i>							
OTHER							
<i>(Omitted part of this table is unaffected by this ordinance)</i>							
AAA. Medical-Cannabis Business Establishments							
1.	Cultivation Center	-	-	-	-		
1.2.	<u>Adult Use Cannabis Dispensary</u> Dispensing Organization	S	S	-	S	17-9-0129	17-10-02087-M

2.	Medical Cannabis Dispensary	S	S	-	S	17-9-0129	17-10-0208
3.	On-Site Cannabis Consumption	S	S	-	S	17-9-0129	17-10-0208
4.	Cannabis Craft Grower	S	S	-	S	17-9-0129	17-10-0208
5.	Cannabis Infuser	S	S	-	S	17-9-0129	17-10-0208
6.	Cannabis Processor	S	S	-	S	17-9-0129	17-10-0208
(Omitted part of this table is unaffected by this ordinance)							

SECTION 3. Section 17-5-0200 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-5-0207 Use Table and Standards.

USE GROUP	Zoning Districts			Use Standard	Parking Standard
Use Category	M1	M2	M3		
Specific Use Type					
P = permitted by right S = special use approval required PD = planned development approval required - = not allowed					
(Omitted part of this table is unaffected by this ordinance)					
OTHER					
(Omitted part of this table is unaffected by this ordinance)					
LL. Medical-Cannabis Business Establishments					
1.	Cannabis Cultivation Center	P/S	P/S	P/S	17-9-0129 17-10-0207-U
2.	Dispensing Organization	-	-	-	
2.	Cannabis Craft Grower	P	P	P	17-9-0129 17-10-0207-U
3.	Cannabis Infuser	P	P	P	17-9-0129 17-10-0207-U
4.	Cannabis Processor	P	P	P	17-9-0129 17-10-0207-U
(Omitted part of this table is unaffected by this ordinance)					

SECTION 4. Section 17-6-0400 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck-through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-6-0403-F Use Table and Standards.

17-6-0403-F Use Table and Standards.																			
USE GROUP	PMD (Planned Manufacturing District)														Use Standard				
Use Category	No. 2	No. 3	No. 4		No. 5	No. 6	No. 7		No. 8		No. 9	No. 10	No. 11			No. 12	No. 13	No. 14	No. 15
			A	B			A	B	A	B			A	B					
P = permitted by right S = special use approval required PD = planned development approval required - = not allowed																			
(Omitted part of this table is unaffected by this ordinance)																			
OTHER																			
NN Medical-Cannabis Business Establishments																			

1.	Cannabis Cultivation Center	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	17-9-0129
2.	Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2.	Cannabis Craft Grower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17-9-0129
3.	Cannabis Infuser	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17-9-0129
4.	Cannabis Processor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17-9-0129
(Omitted part of this table is unaffected by this ordinance)																			

SECTION 5. Section 17-7-0100 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-7-0560 Cannabis Zone Districts

17-7-0561 Purpose. Provide for distribution throughout the City of adult use cannabis dispensaries, except that due to the unique character, configuration and congestion of the central business district and adjacent and nearby commercial and entertainment corridors, and in order to protect high threat security areas of the City which have intensive pedestrian, tourism and entertainment related traffic, the City will preclude the establishment of adult use cannabis dispensaries within an area bounded by the parcels adjacent to the north side of Oak Street to the north, Lake Michigan to the east, the parcels adjacent to the south side of Ida B. Wells Drive to the south and the South Branch of the Chicago River to the west, except the parcels adjacent to the west side of LaSalle Street to the west when north of the Main Branch of the Chicago River. The areas described in Section 17-7-0562 of this Code define the Cannabis Zone Districts in which adult use cannabis dispensaries may be established.

17-7-0562 Boundaries. The Cannabis Zone Districts are defined and identified, as follows:

North District is bounded by the city limits to the north, Lake Michigan to the east, Division Street to the south and Interstates 90/94 and 94 to the west.

Central District is bounded by Division Street to the north, Lake Michigan to the east, Interstate 55 to the south (and extended east to Lake Michigan) and Interstates 90/94 to the west; provided, however, adult use cannabis dispensaries shall not be allowed within the area bounded by the parcels adjacent to the north side of Oak Street to the north, Lake Michigan to the east, the parcels adjacent to the south side of Ida B. Wells Drive to the south and the South Branch of the Chicago River to the west, except the parcels adjacent to the west side of LaSalle Street to the west when north of the Main Branch of the Chicago River.

Southeast District is bounded by Interstate 55 to the north (and extended east to Lake Michigan), Lake Michigan to the east, 87th Street to the south and Interstates 90/94 and 94 to the west.

Far South District is bounded by 87th Street to the north, Lake Michigan to the east and the city limits to the south and west.

Southwest District is bounded by Interstate 55 to the north, Interstates 90/94 and 94 to the east, 87th Street to the south and the city limits to the west.

West District is bounded by Division Street to the north, Interstates 90/94 to the east, Interstate 55 to the south and the city limits to the west.

Northwest District is bounded by the city limits to the north, Interstates 90/94 and 94 to the east, Division Street to the south and the city limits to the west.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 17-9-0100 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-9-0129 Medical Cannabis Dispensing Organizations and Cultivation Centers Cannabis Business Establishments. ~~Medical cannabis dispensing organizations and cultivation centers~~ Cannabis business establishments shall comply with the following standards:

~~1. Medical cannabis dispensing organizations and cultivation centers~~ Cannabis business establishments shall not be located in any building, or other structure, that contains only dwelling, efficiency or single-room occupancy units.

~~2. Medical cannabis dispensing organizations and cultivation centers the services of an Illinois licensed private security agency or an Illinois licensed private security contractor and an Illinois licensed private security contractor shall be present at medical cannabis dispensing organizations and cultivation centers at all times that they are open to the public, qualifying patients, or designated caregivers.~~

~~3. The loading and unloading of any cannabis or cannabis-infused products shall be conducted under the supervision of an Illinois licensed private security contractor.~~

~~4. Medical cannabis dispensing organizations and cultivation centers shall not be maintained or operated in a manner that causes, creates, or allows the public viewing of any cannabis, cannabis-infused products, cannabis paraphernalia or similar products from any sidewalk, or public or private right-of-way.~~

2. Cannabis cultivation centers shall be permitted to be established by-right in Manufacturing (M) or Planned Manufacturing (PMD) zoning districts if such use is provided within an entirely enclosed facility; any outdoor operations shall require special use review and approval pursuant to Section 17-13-0900 of this Code. Accessory retail sales of cannabis products produced on-site shall not exceed 20% of total floor area or 3,000 square feet, whichever is less; subject to the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and the State of Illinois' Compassionate Use of Medical Cannabis Program Act

(410 ILCS 130/1 et seq.) as well as any state administrative rule promulgated pursuant to these acts.

3. The co-location of one adult use cannabis dispensary is permitted by-right at any location where a medical cannabis dispensary has been established on or before December 31, 2019. Prior to December 31, 2019, such medical cannabis dispensary operator shall send written notice by USPS first class mail to the property owner of the subject property and to all property owners within 250 feet of the property lines of the subject property stating that as of January 1, 2020, such medical cannabis dispensary is authorized to sell adult use cannabis at that location. Such medical cannabis dispensary operator shall furnish a complete list of the names and last known addresses of the persons provided with such written notice as well as a written affidavit certifying compliance with such written notice to the chairman of the Zoning Board of Appeals on or before December 31, 2019, in a form prescribed by the Commissioner of the Department of Planning and Development. No medical cannabis dispensary shall commence dispensing adult use cannabis in its medical cannabis dispensary without complying with the notice requirement provided in this Section.

4. An adult use cannabis dispensary shall be located no closer than 1,500 feet from any other adult use or medical cannabis dispensing organization.

5. An adult use cannabis dispensary shall be located no closer than 500 feet from any school; such distance shall be measured on a straight line from any entrance to the school to the nearest boundary of the lot to be occupied by the adult use cannabis dispensary.

6. On or after January 1, 2020, no more than seven adult use cannabis dispensary special uses, may be established in each district identified on the Cannabis Zone Districts map in Section 17-7-0562 of this Code. On or after May 1, 2020, such number of adult use cannabis dispensary special uses may not exceed 14 per district. The Commissioner of the Department of Planning and Development is authorized to evaluate and implement adjustments to the number of adult use cannabis dispensary special uses in any Cannabis Zone District in order to achieve the purpose set forth in Section 17-7-0561 of this Code. Co-located adult use cannabis dispensaries established pursuant to subsection 3 of this Section 17-9-0129 shall be included in counting the caps provided in this subsection.

7. Cannabis infuser or cannabis processor may share enclosed facilities with cannabis craft growing, processing or dispensing organizations, provided all cannabis and currency is separately stored and secured.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 17-10-0200 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-10-0200 Off-street parking ratios.

(Omitted text is unaffected by this ordinance)

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
<i>(Omitted part of this table is not affected by this ordinance)</i>		
17-10-0207-M Parking Group M. (Retail, Body Art, Eating and Drinking Establishments, Food and Beverage Sales, Participant Sports and Recreation, Fortune Telling, Personal Service, Auto Supply/Accessory Sales, Artist Work or Sales Space, Copying and Reproduction, or <u>Cannabis Business Establishments</u> Medical Cannabis Cultivation Center and Dispensing Organization)		
<i>(Omitted part of this table is not affected by this ordinance)</i>		

SECTION 8. Section 17-14-0300 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-14-0303-F In order to further the purpose stated in Section 17-7-0561 of this Code, the Chairman of the Zoning Board of Appeals is authorized to conduct one or more lotteries to allocate the opportunity for special use applications for adult use cannabis dispensaries to be heard by the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals is authorized to promulgate rules for the implementation of this Section.

17-14-0303-G In addition to the requirements of Chapter 2-154 of this Code, the Chairman of the Zoning Board of Appeals may require any such additional information from any applicant which is reasonably intended to achieve full disclosure relevant to their associated application under consideration by the Zoning Board of Appeals.

17-14-0303-H Subject to applicable law, cannabis business establishments shall include, as a part of any special use application to the Zoning Board of Appeals, copies of all information submitted to the State of Illinois in application for a license to operate under the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 17-17-0100 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance)

17-17-0106 Other Uses Group. The Other Uses Group includes the following ~~two~~ Use Categories:

(Omitted text is unaffected by this ordinance)

17-17-0106-B 0105-G Coke & Coal Bulk Material.

(Omitted text is unaffected by this ordinance)

17-17-0106-C 0254.5 Firearms Dealer.

(Omitted text is unaffected by this ordinance)

17-17-0106-D 0105-H Manganese-bearing material and related terms

(Omitted text is unaffected by this ordinance)

17-17-0106-E Cannabis Business Establishments

1. Cannabis Business Establishments. A cannabis craft grower, cannabis cultivation center, adult use cannabis dispensary, medical cannabis dispensary, cannabis infuser or cannabis processor licensed by the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) or the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) and administrative rules promulgated thereunder.

2. Cannabis Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport or perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

3. Adult Use Cannabis Dispensary. A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire adult use cannabis from cannabis business establishments for the purpose of dispensing cannabis pursuant to and in accordance with the State of Illinois' Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.) and administrative rules promulgated thereunder.

4. Medical Cannabis Dispensary. A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from cannabis cultivation centers, or, subject to applicable law, any cannabis business establishment, for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, "Qualifying patient" has the meaning ascribed to that term in the State of Illinois' Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).

5. On-site Consumption. Consumption of adult use or medical cannabis in or at a business establishment licensed by the City to allow on-site consumption of such cannabis.

6. Cannabis Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to perform necessary activities to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a registered cannabis dispensary or for use at a cannabis processing facility.

7. Cannabis 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 for sale at a registered cannabis dispensary.

8. Cannabis 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 for sale at a registered cannabis dispensary.

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 17-17-0200 of Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by deleting the struck through language, as follows:

(Omitted text is unaffected by this ordinance)

~~**17-17-0296.5 Medical Cannabis Cultivation Center.** A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to perform necessary activities to provide only registered with usable medical cannabis.~~

~~**17-17-0296.7 Medical Cannabis Dispensing Organization.** A facility operated by a person who is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational material to registered qualifying patients. For purposes of this definition, "Qualifying patient" has the meaning ascribed to that term in the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10.~~

(Omitted text is unaffected by this ordinance)

SECTION 11. This ordinance shall take effect upon its passage and approval.