



City of Chicago



SO2022-3989

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 12/14/2022

Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-8 and 17-9 regarding licensing of urban farms and community gardens, and modifying Section 7-38-142 concerning produce merchants

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

SUBSTITUTE
ORDINANCE

WHEREAS, all Chicagoans should be able to access nutritious, affordable, culturally appropriate food that is locally, sustainably, ethically, and fairly produced; and

WHEREAS, the City of Chicago recognizes that persistent structural food insecurity is a result of systemic inequities and racial biases within the food system; and

WHEREAS, the City likewise recognizes the need to move toward a vision of “food sovereignty” that requires addressing root causes within the food system of and the intersections of the food system with poverty, structural racism, access to healthcare, and employment; and

WHEREAS, urban agriculture provides a proven tool for improving the City’s quality of life by increasing access to locally produced foods, transforming vacant lots into productive landscapes, and helping to support neighborhood stabilization and recovery; and

WHEREAS, urban agriculture contributes to the local economy by generating living wage jobs, sales of food at farmers markets, grocery stores, restaurants, and on-site farm stands, and offering the opportunity for resident entrepreneurship in creating food-related small businesses; and

WHEREAS, reducing barriers to urban agriculture is one of the five priorities of the Chicago Food Equity Agenda, a multiyear effort crafted in partnership with community and City representatives to transform the food system; and

WHEREAS, by clarifying the licensing requirements for the unique business activities of urban agriculture, the City can accommodate the growth of community gardens and urban farms, which provide access to healthy, locally grown produce; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-8-010 of the Municipal Code of Chicago is hereby amended by deleting the text struck through and by inserting the text underscored, as follows:

4-8-010 Definitions.

(Omitted text is unaffected by this ordinance)

“Commissioner” means the Commissioner of the Department of Public Health of the City of Chicago, unless otherwise stated.

“Community garden” means a garden that meets the description and requirements of Section 17-9-0103.5 and subsection (1) of Section 17-17-0103-F of this Code.

(Omitted text is unaffected by this ordinance)

~~“Produce merchant” means any person who sells produce outdoors from a produce stand, and who conducts at least 33 percent of his operations in areas underserved by grocery stores, as defined herein, that is in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts, and whose stand is (1) located on a private or public property with the written permission of the property owner, or located on the public way in connection with a valid public way use permit issued pursuant to section Section 10-28-060 of this Code; (2) Code, and removed in its entirety from such private property or public way at the end of each business day; and (3) in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts or (2) located on a private property or public property that contains a community garden or urban farm, with the written permission of the property owner.~~

(Omitted text is unaffected by this ordinance)

“Urban farm” means a farm that meets the description and requirements of Sections 17-9-0103.3 and 17-17-0104-H of this Code.

“Utensil” shall have the meaning ascribed to that term by the FDA Food Code.

(Omitted text is unaffected by this ordinance)

“Wholesale food establishment” means any building, room, stand, enclosure, place or establishment used as a place of business for the preparation, manufacture, canning, baking, bottling, packing, distribution, storage, selling or offering for sale at wholesale any article of food, confection, condiment, drink or ice used or intended for human consumption, or any such article which is an ingredient of, used for, mixed with or which enters into the composition of any such food, confection, condiments, drink or ice. The term shall include cold storage establishments, establishments; confectionery manufacturers; slaughtering, rendering, and packing establishments; milk plants and wholesale milk distributors; frozen dessert plants and wholesale frozen dessert distributors; and wholesale itinerant food dealers. The term shall not include produce stands used in conjunction with and accessory to community gardens or urban farms.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-8-020 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, as follows:

4-8-020 Licensing requirements – Exceptions.

(Omitted text is unaffected by this ordinance)

(2) Produce merchant – License required. No person shall engage in the business of a produce merchant, or operate or maintain a produce stand, without first having obtained a mobile food vendor license to engage in a produce merchant business.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 7-38-142 of the Municipal Code of Chicago is hereby amended by deleting the text struck through and by inserting the text underscored, as follows:

7-38-142 Produce merchants – Operational requirements – Unlawful acts.

It shall be unlawful for any produce merchant to engage in any of the following activities at any produce stand operated by such produce merchant:

(Omitted text is unaffected by this ordinance)

(5) To use a portable generator at such produce stand or to connect such produce stand to water, electrical or utility services of any type. Provided, however, that a produce stand located on a private property that contains a community garden or urban farm may use electricity in compliance with all applicable provisions of this Code;

(Omitted text is unaffected by this ordinance)

(17) ~~To~~ Except in conjunction with and accessory to a community garden or urban farm, to operate a produce stand directly in front of or immediately adjacent to any fixed business engaged in the business of selling the same produce as sold at the produce stand, or to operate a produce stand within 200 feet of another produce stand.

(18) To sell produce from a community garden or urban farm unless the community garden or urban farm utilizes raised beds or engineered barriers to separate the growing media from the naturally formed or deposited soil.

SECTION 4. Section 17-9-0103.5-D of the Municipal Code of Chicago is hereby amended by inserting the text underscored, as follows:

17-9-0103.5-D Sales on site are limited to: (1) incidental sales of plants or produce generated on site; or (2) sales of produce generated on site and made pursuant to the issuance of a mobile food vendor license to engage in a produce merchant business.

SECTION 5. Section 17-9-0201-C of the Municipal Code of Chicago is hereby amended by inserting the text underscored, as follows:

17-9-0200 Accessory uses, buildings and structures.

17-9-0201-C An *accessory building* or structure, other than a *coach house* constructed pursuant to Section 17-9-0201-F(13) or a produce stand established pursuant to Section 17-9-0302, may not be constructed on any *lot* before the construction of the *principal building* to which it is accessory.

SECTION 6. Section 17-9-0300 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, as follows:

17-9-0300 Temporary uses.

(Omitted text is unaffected by this ordinance)

17-9-0302 Produce Stands. Produce stands are allowed in any zoning district when accessory to an allowed *community garden* or *urban farm*.

17-9-0302-A A produce stand must be located on the same *lot* as the *community garden* or *urban farm* and may not: (1) be located closer than 15 feet from the *front property line* in a *residential district*; (2) be located closer than 5 feet from any *side property line*; (3) exceed 150 square feet in area; or (4) exceed 15 feet in height above the ground.

17-9-0302-B Produce stands lawfully established after May 1, 2023, may not be operated on a *lot* that contains one or more *dwelling units*.

SECTION 7. Following due passage and approval, this ordinance shall take effect on May 1, 2023.