



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2019-9400

Type: Ordinance **Status:** Passed

File created: 12/18/2019 **In control:** City Council

Final action: 1/15/2020

Title: Amendment of Municipal Code Chapters 3-51, 17-3, 17-4, 17-14 and 17-17 by modifying cannabis-related zoning and tax provisions

Sponsors: Lightfoot, Lori E.

Indexes: Ch. 3 Business & Commercial Districts, Ch. 4 Downtown Districts, Ch. 14 Administration, Ch. 17 Terminology & Measurements, Land Use & Zoning-Tables & Index, Ch. 51 Cannabis Tax

Attachments: 1. SO2019-9400.pdf, 2. O2019-9400.pdf

Date	Ver.	Action By	Action	Result
1/15/2020	1	City Council	Passed as Substitute	Pass
1/14/2020	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
12/18/2019	1	City Council	Referred	

SUBSTITUTE 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								

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)

AAA. Cannabis Business Establishments

1.	Adult Use	-	-	-	S	S	17-9-0129	17-10-0207
2.	Medical	-	-	-	S	S	17-9-0129	17-10-0207
3.	On Site	-	-	-	S	S	17-9-0129	17-10-0207
43.	Cannabis	-	-	-	S	S	17-9-0129	17-10-0207
§4.	Cannabis	-	-	-	S	S	17-9-0129	17-10-0207
65.	Cannabis	-	-	-	S	S	17-9-0129	17-10-0207

(Omitted part of this table is unaffected by this ordinance)

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.

USEGRO UP	Zoning Districts				Use Standa rd	Parkin g Standa rd
Use Category	DC	DX	DR	DS		
Specific L						
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)						
AAA. Cannabis Business Establishments						
1. Adult Use S		S	-	-	17-9-0129	17-10-0208
2. Medical CS		S	-	-	17-9-0129	17-10-0208
On Site C ₁ S		S	-	-	17-0-0120	17-10-0208
4 3. Cannabis		S	-	-	17-9-0129	17-10-0208

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54 Cannabis Infuser	S	S	-	-	17-9-0129	17-10-0208
6 5. Cannabis Processor	S	S	-	-	17-9-0129	17-10-0208

(Omitted part of this table is unaffected by this ordinance)

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)

17-14-0303-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.).

17-14-0303-1 Upon the Office of the City Clerk receiving a legally sufficient petition that complies with Section 55-28 of the State of Illinois' Cannabis Regulation and Tax Act (410 ILCS 705/55-28) requesting the creation of a Restricted Cannabis Zone, as defined in said Section, for the prohibition of one or more types of cannabis business establishments, there shall be a 90 day stay of applicable prospective and pending special use applications, and all other associated proceedings, before the Zoning Board of Appeals. In addition to all other applicable legal requirements, any special use application for a cannabis business establishment shall be processed in" compliance--with--Section-55-28^ Tax Act (410 ILCS 705/55-

28). '

(Omitted text is unaffected by this ordinance)

SECTION 4. 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-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.

(Omitted text is unaffected by this ordinance)

~~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 [Reserved].~~

(Omitted text is unaffected by this ordinance)

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SECTION 5. On November 26, 2019, the City Council of the City of Chicago passed an ordinance, referenced as S02019-8527, published at pages 11514 through 11546 of the Journal of the Proceedings of the City Council of the City of Chicago of that date, amending titles 2, 3, 7, 9, 10, 11 and 17 of the Municipal Code concerning various taxes, charges and fees ("Year 2020 Revenue Ordinance"). Sections 3-51-030, 3-51-040, and 3-51-050 of Article XI of the Year 2020 Revenue Ordinance, which appear on page 11544 of that Journal, are hereby amended by deleting the struck through language and by inserting the underscored language, as follows:

3-51-030 Tax imposed.

A tax is imposed on all persons engaged in the business of selling cannabis at retail in the City, pursuant to the Municipal Cannabis Retailers' Occupation Tax Law, ~~65 ILCS 5/8-11-22~~ 65 ILCS 5/8-11-23. The rate of the tax shall be three percent on the gross receipts from sales of cannabis made in the course of such business.

3-51-040 Rules, regulations and collection - Enforcement by state.

Pursuant to the Municipal Cannabis Retailers' Occupation Tax Law, ~~65 ILCS 5/8 44 22~~ 65 ILCS 5/8-11-23, the Illinois Department of Revenue shall have full power to collect, administer and enforce the tax imposed by Section 3-51-030 of this chapter and all civil penalties that may be assessed as an incident thereof for and on behalf of the City.

3-51-050 Sales not subject to tax.

Cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq., is not subject to the Cannabis Tax Ordinance pursuant to the Municipal Cannabis Retailers' Occupation Tax Law, ~~65 ILCS 5/8-11-22~~ 65 ILCS 5/8-11-23.

SECTION 6. This ordinance shall take effect upon its passage and approval.

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