



Office of the City Clerk

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Legislation Details (With Text)

File #: O2020-2841

Type: Ordinance **Status:** Failed to Pass

File created: 5/20/2020 **In control:** City Council

Final action: 5/24/2023

Title: Call for Zoning Board of Appeals to defer approval of special use applications for cannabis business establishments where notice of intent to initiate petition process to establish restricted cannabis zone was filed with City Clerk

Sponsors: Smith, Michele

Indexes: City Clerk, Planning & Development

Attachments: 1. O2020-2841.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
5/20/2020	1	City Council	Referred	

ORDINANCE

WHEREAS, The Illinois Cannabis Regulation and Tax Act (410 ILCS 705/ et seq.) authorizes the legal voters of any precinct in a municipality with a population' of over 500,000 to petition their local alderman to introduce an ordinance establishing the precinct as a "Restricted Cannabis Zone" in which all cannabis business establishments are prohibited; and

WHEREAS, Section 55-28(c) of the Illinois Cannabis Regulation and Tax Act: requires that persons seeking to initiate the petition process submit to the City Clerk a notice of intent that includes a description of the potentially affected area and the scope of the restriction sought; provides that in order to be legally sufficient all signatures on the petition must be obtained within 90 days of the date on which the City Clerk posts the notice of intent online; and states that if the City Clerk rejects a petition as legally insufficient, a minimum of 12 months must elapse before a new notice of intent may be submitted for the same precinct; and

WHEREAS, On March 20, 2020, in response to the rapid spread of the Novel Coronavirus (COVID-19) throughout the State, Illinois Governor J.B. Pritzker issued Executive Order 2020-10 ("Stay-at-Home Order"), which went into effect on March 21, 2020 at 5:00 p.m., ordering Illinois residents to stay at hpm except for essential activities; and

WHEREAS, At the time the Stay-at-Home order was issued, several notices of intent to initiate the petition process to establish a Restricted Cannabis Zone had been posted by the City Clerk, meaning that petitions to establish Restricted Cannabis Zones were being circulated for signatures in various precincts across the City; once the Stay-at-Home Order went into effect, these petitioners became legally prohibited from circulating their petitions and were effectively precluded from obtaining the required number of signatures within the statutory 90-day circulation period; and

WHEREAS, In order to effectuate the legislative intent of Section 55-28 of the Illinois Cannabis Regulation and Tax Act and to preserve the integrity of the democratic process in precincts where a notice of intent to initiate the petition process to establish a Restricted Cannabis Zone was posted by the City Clerk as of 5:00 p.m. on March 21, 2020, or is subsequently posted, it is imperative that the 90-day circulation period be tolled for the duration of Executive Order 2020-10 and for the duration of any similar Mayoral Order that may be enacted upon the expiration of Executive Order 2020-10, or any applicable Federal Order; now, therefore

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

SECTION 1. The foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein and are hereby declared to be the findings of the City Council of the City of Chicago.

SECTION 2. Notwithstanding any provision of the City Code to the contrary, including Section 17-14-0303-1, the Zoning Board of Appeals may not approve any applicable prospective and pending special use application for a cannabis business establishment contained within a precinct for which a notice of intent to initiate the petition process to establish a Restricted Cannabis Zone pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/55-28) has been filed with the City Clerk until 515 days after the running of the applicable 90-day circulation period set forth in 410 ILCS 705/55-28(c). This Section shall apply to any notice of intent to initiate the petition process to establish a Restricted Cannabis Zone posted by the City Clerk as of 5:00 pm on March 21, 2020, or are subsequently posted through the duration of Executive Order 2020-10, as now or hereinafter amended, and for the duration of any similar Mayoral Order that may be enacted upon the expiration of Executive Order 2020-10, or any applicable Federal Order.

SECTION 3. The City Clerk shall notify the Chairman of the Zoning Board of Appeals of any notices of intent to initiate the petition process to establish a Restricted Cannabis Zone that were posted by the City Clerk as of 5:00 pm on March 21, 2020, or are subsequently posted through the duration of Executive Order 2020-10, as now or hereinafter amended, and for the duration of any similar Mayoral Order that may be enacted upon the expiration of Executive Order 2020-10, or any applicable Federal Order.

MICHELE SMITH Alderman, 43rd Ward

SECTION 4. This ordinance shall take full force and effect upon passage and shall be retroactive to 5:00 pm on March 21, 2020.

The following legislation is being introduced by Alderman Michele Smith regarding cannabis and the Zoning Board of Appeals (ZBA) co-sponsored by

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Alderman Ward 22

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Michele Smith

Alderman Ward 43

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Click or tap here to enter text. Mayor Lightfoot Click or tap here to enter text. Clerk Valencia