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Legislation Details (With Text)

File #: O2021-4768
Type: Ordinance
Status: Failed to Pass
File created: 10/14/2021
In control: City Council
Final action: 5/24/2023
Title: Amendment of Municipal Code Title 17 to further regulate cannabis business establishments
Sponsors: Sawyer, Roderick T., Hairston, Leslie A.
Indexes: Ch. 9 Use Regulations, Ch. 13 Review & Approval Procedures
Attachments: 1. O2021-4768.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
10/14/2021	1	City Council	Referred	

Updated Zoning Ordinance [...]

(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:

17-9-0129 Cannabis business establishments. Cannabis business establishments shall comply with the following standards:

1. Cannabis craft growers may be allowed to conduct retail sales of cannabis products produced on-site only if such retail sales are reviewed and approved as a special use by the Zoning Board of Appeals. Such retail sales 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. The applicant for such proposed retail sales of cannabis products shall also hold a community meeting, pursuant to Section 17-13-0905-G.

2. The same site 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 June 25, 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 site without complying with the notice requirement provided in this Section.

3. 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 the nearest property line of the school to the nearest property line of the lot to be occupied by the adult use cannabis dispensary.

4. 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 (Figure 17-7-0560) and in Section 17-7-0562 of this Code. On or after May 1, 2020, the number of adult use cannabis dispensary special uses may be increased to no more than 14 in any Cannabis Zone District. On or after January 1, 2021, the Commissioner of the Department of Planning and Development is authorized to present to the City Council recommendations for adjustments to the boundaries and terms of the adult use cannabis dispensary exclusion zone specified in

Section 17-7-0561, the boundaries of the Cannabis Zone Districts or the number of adult use cannabis dispensary special uses. Before making such recommendations, the Commissioner shall conduct a land use impact evaluation study which must assess: (i) the boundaries and terms of the adult use cannabis dispensary exclusion zone; (ii) the boundaries of the Cannabis Zone Districts; and, (iii) the impact of adult use cannabis dispensaries on the neighborhood adjacent to such uses through the evaluation of relevant social, economic and demographic information, including, but not limited to, population, crime, property values, traffic patterns, tourism and commerce. The Commissioner shall post such land use impact evaluation study on the Department's publicly accessible website. Same site located adult use cannabis dispensaries established pursuant to Section 17-9-0129.3 of this Code, or the retail sales of cannabis products established pursuant to Section 17-9-0129.2 of this Code, shall be included in counting towards the caps provided in this Section.

5. A proposed adult use cannabis dispensary that seeks to be located within 1,500 feet of an existing adult use cannabis dispensary must provide evidence to the Alderman of the ward in which the proposed adult use cannabis dispensary is seeking to be located that it qualified as a Social Equity Applicant or Social Equity Justice Involved Applicant, as set forth in the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.). If a proposed adult use cannabis dispensary is unable to establish its qualification as a Social Equity Applicant or Social Equity Justice Involved Applicant to the satisfaction of the Alderman, at the sole discretion of the Alderman, the proposed adult use cannabis dispensary may not be located within 1,500 feet of an existing adult use cannabis dispensary. An adult use cannabis dispensary permitted by the Alderman of the ward in which the adult use cannabis dispensary is located to be within 1,500 feet of an existing adult use cannabis dispensary must certify to the Alderman on a yearly basis that it continues to qualify as a Social Equity Applicant or Social Equity Justice Involved Applicant. If at any time, an adult use cannabis dispensary no longer qualifies as a Social Equity Applicant or Social Equity Justice Involved Applicant and was previously permitted to be located within 1,500 feet of an existing adult use cannabis dispensary, such shall render its special use null and void and of no further force, and effect and the adult use cannabis dispensary must seek a new special use from the Zoning Board of Appeals.

S-JI A 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.

67. No cannabis business establishment which requires a special use may operate in any planned development prior to such use being reviewed and approved as a special use by the Zoning Board of Appeals.

(Omitted text is unaffected by this ordinance) [...]

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 17-13-0900 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)

17-13-0905-G Community Meeting. Before a public hearing is held by the Zoning Board of Appeals, as provided for in Section 17-13-0904, to consider a special use application for a cannabis business establishment, the applicant must hold at least one community meeting in the ward in which the cannabis business establishment is proposed to be located for the purpose of explaining the proposal and soliciting comments on it. Such community meeting must be held no later than two weeks prior to the date of the anticipated special use hearing before the Zoning Board of Appeals; notice for such community meeting must be issued, pursuant to this Section, no later than two weeks prior to such community meeting. The applicant must notify the Chairman of the Zoning Board of Appeals and the Alderman of the ward in which the cannabis business establishment is proposed to be located in writing of the time, place and purpose of the community meeting. The applicant must publish notice of the community meeting in a newspaper of general circulation within the ward and the applicant must 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. Such applicant 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 the public hearing is held by the Zoning Board of Appeals, in a form prescribed by the Commissioner of the Department of Planning and Development. No special use application for a cannabis business establishment may be approved unless the Zoning Board of Appeals finds that the special use criteria of this Section has been satisfied.

17-13-0905-H Social Equity. Before a public hearing is held by the Zoning Board of Appeals, as provided for in Section 17-13-0904, to consider a special use application for a cannabis business establishment, the applicant must submit the following information to the Alderman of the ward in which the cannabis business establishment is proposed to be located: (1) a resume for each principal officer and board member, including whether that person has an academic degree, certification, or relevant experience with a cannabis business establishment or in a related industry; (2) a copy of the applicant's proposed business plan; (3) a copy of any lease related to the proposed location; (4) any financial disclosures submitted by the applicant to the State of Illinois in the applicant's application for licensure as a cannabis business establishment; and (5) evidence of the applicant's status as a Social Equity Applicant or Social Equity Justice Involved Applicant, as set forth in the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.). if applicable. The Alderman of the ward in which the cannabis business establishment is proposed to be located may request a meeting with the applicant following the submission of the above materials. An applicant will be permitted to proceed to a hearing by the Zoning Board of Appeals if it submits to the Chairman of the Zoning Board of Appeals on or before the public hearing is held by the Zoning Board of Appeals, a letter of support, or non-opposition signed by the Alderman of the ward in which the cannabis business establishment is proposed to be located. Alternatively, an Alderman's failure to issue a letter of support, non-opposition, or denial within 30 days of the applicant's submission of the materials described above shall entitle the applicant to proceed to a hearing by the Zoning Board of Appeals. No special use application for a cannabis business establishment may be approved unless the Zoning Board of Appeals finds that the special use criteria of this Section has been satisfied.

(Omitted text is unaffected by this ordinance)

SECTION 9. 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:

RODERICK T. SAWYER
Aldersperson -6th Ward

Leslie A. Hairston
t Aldersperson - 5th Ward