

2/12/2020

**31-O-20**  
**AN ORDINANCE**  
**Amending the City Code Relating to the Definitions and**  
**Regulations of Cannabis Use**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
**EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** City Code Subsection 6-18-3, "Definitions", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

<u>CANNABIS CULTIVATION CENTER</u>	<u>A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</u>
<u>CANNABIS INFUSER</u>	<u>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, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</u>
<u>CANNABIS PROCESSOR</u>	<u>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, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</u>
<u>CANNABIS CRAFT GROWER</u>	<u>A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform</u>

Missed

2.24.20

	<u>other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</u>
<u>CANNABIS TRANSPORTER</u>	<u>An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</u>

**SECTION 2:** City Code Section 6-4-11, "Special Regulations Pertaining to Cannabis Related Uses", of the Evanston City Code of 2012, as amended, is hereby amended as follows:

**6-4-11. - SPECIAL REGULATIONS PERTAINING TO CANNABIS RELATED USES.**

6-4-11-4. Cannabis Cultivation Centers

- (A) Special Uses: The approval for cannabis cultivation centers shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis Cultivation Centers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.
- (B) Distance Requirement: Any cannabis cultivation center shall not be located within one thousand five hundred (1,500) feet of a cultivation center or other cannabis related business within two-thousand five hundred (2,500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, day care center, day care home, group day care home, part day child care facility, or an area zoned exclusively for residential use as measured from lot line to lot line.
- (C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis cultivation center is located on.

- (D) Hours of Operation: Cannabis Cultivation Centers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

#### 6-4-11-5. Cannabis Infuser

- (A) Permitted Uses: Cannabis infusing businesses shall only be allowed as a Permitted Use in the I1, I2, and I3 Zoning Districts.
- (B) Special Uses: The approval for cannabis infusing businesses shall only be allowed as a Special Use in all D, C, M, B1a, B2, B3, RP, WE1, and O1 Zoning Districts as well as the oDM and oCSC Zoning Overlay Districts. Cannabis Infusers shall be prohibited in all R, T, U, B1, and OS Zoning Districts, oH Zoning Overlay District, as well as within any dwelling unit or rooming unit.
- (C) Distance Requirement: Any cannabis infuser shall not be located within one thousand five hundred (1,500) feet of another cannabis infuser or other cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
- (D) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis infuser is located on.
- (E) Hours of Operation: Cannabis Infusers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

#### 6-4-11-6. Cannabis Processor

- (A) Permitted Uses: Cannabis processing businesses shall only be allowed as a Permitted Use in the I1, I2, and I3 Zoning Districts.
- (B) Special Uses: The approval for cannabis processing businesses shall only be allowed as a Special Use in all M and WE1 Zoning Districts. Cannabis processors shall be prohibited in all R, D, B, C, T, U, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.
- (C) Distance Requirement: Any cannabis processor shall not be located within one thousand five hundred (1,500) feet of another cannabis processor or other cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
- (D) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis processor is located on.

- (E) Hours of Operation: Cannabis Processor shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-7. Cannabis Craft Grower

- (A) Permitted Uses: Cannabis craft growing businesses shall only be allowed as a Permitted Use in the I1, I2, and I3 Zoning Districts.
- (B) Special Uses: The approval for cannabis craft growing businesses shall only be allowed as a Special Use in all D, C, M, B1a, B2, B3, RP, WE1, and O1 Zoning Districts as well as the oDM and oCSC Zoning Overlay Districts. Cannabis Infusers shall be prohibited in all R, T, U, B1, and OS Zoning Districts, oH Zoning Overlay District, as well as within any dwelling unit or rooming unit.
- (C) Distance Requirement: Any cannabis craft grower shall not be located within one thousand five hundred (1,500) feet of another cannabis craft grower or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
- (D) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis craft grower is located on.
- (E) Hours of Operation: Cannabis Craft Growers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-8. Cannabis Transporter

- (A) Permitted Uses: Cannabis transporting businesses shall only be allowed as a Permitted Use in the I1, I2, and I3 Zoning Districts.
- (B) Special Uses: The approval for cannabis transporting businesses shall only be allowed as a Special Use in all D, C, M, B1, B2, B3, RP, WE1, and O1 Zoning Districts as well as the oDM and oCSC Zoning Overlay Districts. Cannabis Infusers shall be prohibited in all R, T, U, B1, and OS Zoning Districts, oH Zoning Overlay District, as well as within any dwelling unit or rooming unit.
- (C) Distance Requirement: Any cannabis transporter shall not be located within one thousand five hundred (1,500) feet of another cannabis transporter or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
- (D) Distance Requirement Measurement: The distance requirement shall be

measured from the nearest property lines of each property the cannabis transporter is located on.

(E) Hours of Operation: Cannabis Transporters shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-9. Co-location of Cannabis Uses

Cannabis businesses may co-locate at one site. Both businesses must be either an allowed Permitted or Special Use within the zoning district and shall follow all regulations as provided by the State of Illinois and Section 6-4-11 of this Code.

6-4-11-10. On-site Consumption of Cannabis

On-site consumption of cannabis shall be prohibited at any business establishment within the City, including at any Cannabis Related Business.

**SECTION 3:** City Code Subsection 6-13-3-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-13-3-3. – SPECIAL USES.**

The following uses may be allowed in the MUE district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Brew pub.

Cannabis Craft Grower.

Cannabis Infuser.

Cannabis Processor.

Cannabis Transporter.

Car wash.

Commercial indoor recreation.

Commercial outdoor recreation.

Community center.

Cultural facility.

Daycare center—Domestic animal.

Dwelling – Single-family attached.

Dwelling – Single-family detached.

Dwelling – Two-family.

Dwellings – Multiple-family.

Funeral services excluding on site cremation.

Kennel.

Media broadcasting tower.

Planned developments (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recreation center.

Religious Institution.

Residential care home – Category I (subject to the requirements of Section 6-4-4, "Residential Care Homes and Child Residential Care Homes," of this Title).

Residential care home – Category II (subject to the requirements of Section 6-4-4, "Residential Care Homes and Child Residential Care Homes," of this Title).

Transitional shelter (subject to the special requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

Transitional treatment facility – Category I (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Transitional treatment facility – Category II (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Urban farm, rooftop.

**SECTION 4:** City Code Subsection 6-14-2-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-2-3. – SPECIAL USES.**

The following special uses may be allowed in the I1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Aquaponics.

Business or vocational school.

Cannabis Cultivation Center

Car wash.

Daycare center—Domestic animal.

Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.

Kennel.

Media broadcasting towers.

Open sales lot.

Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Retail goods establishment.

Retail service establishment.

Urban farm.

Urban farm, rooftop.



**SECTION 5:** City Code Subsection 6-14-3-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-3-3. – SPECIAL USES.**

The following special uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

- Aquaponics.
- Automobile storage lot.
- Brew pub.
- Business or vocational school.
- Cannabis Cultivation Center
- Car wash.
- Commercial indoor recreation.
- Daycare center—Domestic animal.
- Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).
- Heavy cargo and freight terminal.
- Heavy manufacturing.
- Kennel.
- Media broadcasting towers.
- Open sales lot.
- Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).
- Pharmaceutical manufacturing.
- Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).
- Recycling center.

- Restaurant – Type 1.
- Restaurant – Type 2.
- Retail goods establishment.
- Retail service establishment.
- Special education institution – Public.
- Urban farm.
- Urban farm, rooftop.

**SECTION 6:** City Code Subsection 6-14-4-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-4-3. – SPECIAL USES.**

The following uses may be allowed in the I3 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

- Aquaponics.
- Brew pub.
- Business or vocational school.
- Cannabis Cultivation Center
- Car wash.
- Daycare center—Domestic animal.
- Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).
- Heavy cargo and freight terminal.
- Heavy manufacturing.
- Kennel.
- Media broadcasting tower.
- Open sales lot.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Restaurant – type 1.

Restaurant – type 2.

Urban farm.

Urban farm, rooftop.

Yard waste transfer facility.

**SECTION 7:** City Code Subsection 6-14-2-2, "Permitted Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-2-2. – PERMITTED USES.**

The following uses are permitted in the I1 district:

Automobile repair service establishment.

Automobile service station.

Brew pub.

Cannabis Craft Grower.

Cannabis Infuser.

Cannabis Processor.

Cannabis Transporter.

Commercial parking garage.

Craft alcohol production facility.

Funeral services excluding on site cremation.

Government institution.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Public transportation center.

Public utility.  
Restaurant – Type 1.  
Trade contractor.  
Vehicle towing establishment.  
Warehouse establishment.  
Wholesale goods establishment.

**SECTION 8:** City Code Subsection 6-14-3-2, “Permitted Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-3-2. – PERMITTED USES.**

The following uses are permitted in the I2 district:

Automobile and recreational vehicle sales and/or rental.  
Automobile body repair establishment.  
Automobile repair service establishment.  
Automobile service station.  
Cannabis Craft Grower.  
Cannabis Infuser.  
Cannabis Processor.  
Cannabis Transporter.  
Commercial parking garage.  
Commercial parking lot.  
Craft alcohol production facility.  
Funeral services excluding on site cremation.  
Government institution.  
Industrial service establishment.  
Light manufacturing.  
Neighborhood garden.  
Office.

Public transportation center.

Public utility.

Trade contractor.

Truck sales and/or rental.

Warehouse establishment.

Wholesale goods establishment.

**SECTION 9:** City Code Subsection 6-14-4-2, "Permitted Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-4-2. – PERMITTED USES.**

The following uses are permitted in the I3 district:

Automobile body repair establishment.

Automobile repair service establishment.

Automobile storage lot.

Cannabis Craft Grower.

Cannabis Infuser.

Cannabis Processor.

Cannabis Transporter.

Commercial parking lot.

Craft alcohol production facility.

Funeral services excluding on site cremation.

Heavy manufacturing.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Outdoor storage.

Pharmaceutical manufacturing.

Public transportation center.  
Public utility.  
Ready mix/concrete.  
Recycling center.  
Trade contractor.  
Vehicle salvage.  
Warehouse establishment.  
Wholesale goods establishment.

**SECTION 10:** City Code Subsection 6-9-3-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-9-3-3. – SPECIAL USES.**

The following uses may be allowed in the B2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.  
Aquaponics.  
Assisted living facility.  
Banquet hall.  
Boarding house.  
Business or vocational school.  
Cannabis Craft Grower.  
Cannabis Dispensary.  
Cannabis Infuser.  
Cannabis Transporter.  
Commercial indoor recreation.  
Commercial outdoor recreation.  
Convenience store.  
Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3, “Adult Daycare Homes,” of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2, “Child Daycare Homes,” of this Title).

Daycare center – Domestic animal.

Drive-through facility (accessory or principal).

Dwelling – Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, “Planned Developments,” of this Chapter and Section 6-3-6, “Planned Developments,” of this Title).

Public utility.

Resale establishment.

Residential care home – Category II (subject to the requirements of Section 6-4-4, “Residential Care Homes and Child Residential Care Homes,” of this Title).

Restaurant – Type 2.

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional treatment facility – Category III (subject to the requirements of Section 6-4-5, “Transitional Treatment Facilities,” of this Title).

Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-3-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

**SECTION 11:** City Code Subsection 6-9-4-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-9-4-3. – SPECIAL USES.**

The following uses may be allowed in the B3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

- Animal hospital.
- Aquaponics.
- Assisted living facility.
- Automobile service station.
- Banquet hall.
- Boarding house.
- Business or vocational school.
- Cannabis Craft Grower.
- Cannabis Dispensary.
- Cannabis Infuser.
- Cannabis Transporter.
- Commercial outdoor recreation.
- Commercial parking lots.
- Convenience store.
- Craft alcohol production facility.
- Daycare center – Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title.
- Daycare center – Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title.
- Daycare center – Domestic animal.
- Drive-through facility (accessory or principal).



Dwelling – Multiple-family.

Food store.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, “Planned Developments,” of this Chapter and Section 6-3-6, “Planned Developments,” of this Title).

Public utility.

Recording studio.

Religious institution.

Resale establishment.

Residential care home – Category II (subject to the requirements of Section 6-4-4, “Residential Care Homes and Child Residential Care Homes,” of this Title).

Restaurant – Type 2 (excluding accessory drive-through facilities).

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional shelters (subject to the requirements of Section 6-3-5-11, “Additional Standards for a Special Use for Transitional Shelters,” of this Title).

Transitional treatment facility – Category III (subject to the requirements of Section 6-4-5, “Transitional Treatment Facilities,” of this Title).

Urban farm, rooftop.

**SECTION 12:** City Code Subsection 6-9-5-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-9-5-3. – SPECIAL USES.**

The following uses may be allowed in the B1a business district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

- Animal hospital.
- Aquaponics.
- Banquet hall.
- Cannabis Craft Grower.
- Cannabis Dispensary.
- Cannabis Infuser.
- Cannabis Transporter.
- Commercial indoor recreation.
- Commercial outdoor recreation.
- Convenience store.
- Craft alcohol production facility.
- Daycare center – Adult
- Daycare center – Child
- Daycare center – Domestic animal.
- Drive-through facility (accessory or principal).
- Dwelling – Multiple-family.
- Food store establishment.
- Funeral services, excluding on-site cremation.
- Independent living facility.
- Kennel.
- Membership organization.
- Micro-Distillery.
- Planned development.

Public utility.

Resale establishment.

Restaurant – Type 2

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

Vocational training facility.

**SECTION 13:** City Code Subsection 6-10-2-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-10-2-3. – SPECIAL USES.**

The following uses may be allowed in the C1 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Animal hospital.

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Car wash.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center – Domestic animal.

Drive-through facility (accessory or principal).

Funeral services excluding on-site cremation.

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Restaurant – Type 2

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 14:** City Code Subsection 6-10-3-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-10-3-3. – SPECIAL USES.**

The following uses may be allowed in the C1a district, subject to the provisions set forth in Section 6-3-5 of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Dwelling – Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Long-term care facility.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Recording studio.

Resale establishment.

Residential care home – Category I (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Residential care home – Category II (subject to the general requirements of Section 6-4-4 of this Title).

Restaurant – Type 2

Retirement hotel.

Sheltered care home.

Transitional shelter (subject to the requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 15:** City Code Subsection 6-10-4-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-10-4-3. – SPECIAL USES.**

The following uses may be allowed in the C2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Automobile body repair establishment.

Banquet hall.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Car wash.

Commercial parking garage.

Commercial parking lot.

Convenience store.

Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center – Domestic animal.

Drive-through facility (accessory or principal).

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Payday loan or consumer loan establishment (subject to the distance and general requirements set forth in Section 6-18-3, "Definitions" of this Title under "Payday Loan or Consumer Loan Establishment").

Planned development (subject to the requirements of Section 6-10-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Resale establishment.

Restaurant – Type 2

Urban farm, rooftop.

**SECTION 16:** City Code Subsection 6-11-2-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-11-2-3. – SPECIAL USES.**

The following uses may be allowed in the D1 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Convenience store.

Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution – Private.

Educational institution – Public.

Funeral services excluding on site cremation.

Independent living facility.

Long term care facility.

Neighborhood garden.

Open sales lot.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Retirement home.

Retirement hotel.

Sheltered care home.

Transitional shelter (subject to the special requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 17:** City Code Subsection 6-11-3-4, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-11-3-4. – SPECIAL USES.**

The following uses may be allowed in the D2 district, subject to the provisions set forth in Section 6-3-5 of this Title:



Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Commercial indoor recreation (at the ground level).

Convenience store.

Craft alcohol production facility.

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Educational institution – Private.

Educational institution – Public.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home – Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant – Type 2 (excluding drive-through facilities).

Urban farm, rooftop.

**SECTION 18:** City Code Subsection 6-11-4-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-11-4-3. – SPECIAL USES.**

The following uses may be allowed in the D3 district, subject to the provisions set forth in Section 6-3-5 of this Title:

- Apartment hotel.
- Assisted living facility.
- Banquet hall.
- Business or vocational school.
- Cannabis Craft Grower.
- Cannabis Dispensary.
- Cannabis Infuser.
- Cannabis Transporter.
- Convenience store.
- Craft alcohol production facility.
- Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).
- Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).
- Drive-through facility (accessory or principal).
- Educational institution – Private.
- Educational institution – Public.
- Independent living facility (when located above the ground floor).
- Neighborhood garden.
- Open sales lot.
- Performance entertainment venue.
- Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home – Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant – Type 2.

Urban farm, rooftop.

**SECTION 19:** City Code Subsection 6-11-5-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-11-5-3. – SPECIAL USES.**

The following uses may be allowed in the D4 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Commercial parking garage.

Convenience store.

Craft alcohol production facility.

Daycare center – Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center – Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution – Private.

Educational institution – Public.

Funeral services excluding on site cremation.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home – Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant – Type 2.

Urban farm, rooftop.

**SECTION 20:** City Code Subsection 6-12-2-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-12-2-3. – SPECIAL USES.**

The following uses may be permitted in the RP district, subject to the provisions set forth in Section 6-3-5 of this Title:

Banquet hall.

Business or vocational school.

Cannabis Craft Grower.

Cannabis Dispensary.

Cannabis Infuser.

Cannabis Transporter.

Craft alcohol production facility.

Open sales lot.

Outdoor storage.

Performance entertainment venue.

Planned developments (subject to the requirements of Section 6-3-6 of this Title and Section 6-12-1-7 of this Chapter).

Resale establishment.

Restaurants – Type 2.

Urban farm, rooftop.

**SECTION 21:** City Code Subsection 6-13-4-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-13-4-3. – SPECIAL USES.**

The following uses may be allowed in the MXE district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Brew pub.

Cannabis Craft Grower.

Cannabis Infuser.

Cannabis Processor.

Cannabis Transporter.

Car wash.

Commercial indoor recreation.

Commercial outdoor recreation.

Commercial parking garage.

Commercial parking lot.

Community center.

Cultural facility.

Daycare center – Domestic animal.

Educational institution – Private.  
Funeral services excluding on site cremation.  
Kennel.  
Media broadcasting tower.  
Planned development .  
Recreation center.  
Religious institution.  
Resale establishment.  
Transitional shelter.  
Transitional treatment facility – Category I.  
Transitional treatment facility – Category II.  
Urban farm, rooftop.

**SECTION 22:** City Code Subsection 6-15-2-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-15-2-3. – SPECIAL USES.**

The following uses may be allowed in the O1 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Banquet hall.  
Business or vocational school.  
Cannabis Craft Grower.  
Cannabis Dispensary.  
Cannabis Infuser.  
Cannabis Transporter.  
Child daycare centers.  
Commercial indoor recreation.  
Commercial parking garage.  
Commercial parking lot.  
Drive-through facility (accessory only).

Dwelling, multiple family.

Media broadcasting station.

Open sales lot.

Planned development (subject to the requirements of Section 6-15-1-19, "Planned Developments," of this Chapter and Section 6-3-6 of this Title).

Retail goods establishment.

Retail services establishment.

Urban farm, rooftop.

**SECTION 23:** City Code Subsection 6-15-14-7, "Active Ground Floor Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-15-14-7. – ACTIVE GROUND FLOOR USES.**

In Subareas 3, 4, 5, 6, and 7, active uses shall occupy the ground floor level along the primary street frontage. "Active uses" are hereby defined in the table below along with the matter in which they are allowed in each subarea as either permitted use ("P") or special use ("S"). In Subareas 3, 4, 5, 6 and 7, active uses shall occupy the ground floor level along the primary street frontage. "Active uses" are hereby defined in the table below along with the matter in which they are allowed in each subarea as either permitted use ("P") or special use ("S").

	Allowed in:		
Uses:	B1A (Subareas 4, 5 and 6)	O1 (Subarea 3)	C2 (Subarea 7)
Animal hospital	S		P
Artist's studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street)	P		
Automobile body repair establishment			S

Automobile and recreational vehicle sales and/or rental			S
Automobile repair service establishment			S
Automobile service station	S		P
Banquet hall	S	S	S
Brew pub	P		P
Business or vocational school		S	S
<u>Cannabis Dispensary</u>	<u>S</u>	<u>S</u>	<u>S</u>
Convenience store		S	S
Craft alcohol production facility	S		S
Cultural facility	S	S	S
Daycare center – Adult	S		
Daycare center – Domestic Animal	S		S
Daycare center – child	S	S	
Dormitory		S	
Dwelling – Multiple family	S	S	
Educational institution – Private	S		S
Educational institution – Public	S		S
Financial institution (ground level)	S	S	P
Food store establishments	P		P
Government	P	P	P



institution			
Hotels		P	S
Indoor commercial recreation	S	S	S
Micro-distillery	S		S
Office (ground level)	S	S	P
Performance entertainment venue	S	S	S
Religious institution	S		S
Resale establishment	S		S
Restaurants type 1	P	P	P
Restaurants type 2	S		S
Retail goods establishments	P	P	P
Retail service establishments	P	P	

**SECTION 24:** City Code Subsection 6-13-2-3, "Special Uses", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-13-2-3. – SPECIAL USES.**

The following uses may be permitted in the MU district, subject to the provisions set forth in Section 6-3-5 of this Title:

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Brew pub.

Cannabis Craft Grower.

Cannabis Infuser.

Cannabis Processor.

Cannabis Transporter.

Commercial indoor recreation.

Commercial parking garage.

Commercial parking lot.

Funeral services excluding on site cremation.

Industrial service establishment.

Planned developments (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public transportation center.

Trade contractor.

Transitional shelter (subject to the special requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

Transitional treatment facility – Category I (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Transitional treatment facility – Category II (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Urban farm, rooftop.

Warehouse establishment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 25:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 26:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect

without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable 31-O-20 shall be in full force and effect after its passage and approval.

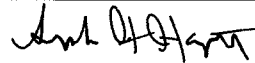
**SECTION 27:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: February 24, 2020

Approved:

Adopted: February 24, 2020

April 23, 2021



Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Kelley A. Gandurski, Deputy City Attorney



**MEETING MINUTES**

**PLAN COMMISSION**

Wednesday, January 8, 2020

7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Peter Isaac (Chair), George Halik, John Hewko, Andrew Pigozzi, Jane Sloss

Members Absent: Carol Goddard, Jennifer Draper

Staff Present: Scott Mangum, Planning and Zoning Manager  
Meagan Jones, Neighborhood and Land Use Planner  
Brian George, Assistant City Attorney

Presiding Member: Chair Isaac

---

**1. CALL TO ORDER / DECLARATION OF QUORUM**

Chair Isaac called the meeting to order at 7:00 P.M.

**2. APPROVAL OF MEETING MINUTES: December 11, 2019**

Commissioner Halik made a motion to approve the minutes from the December 11, 2019 meeting. Seconded by Commissioner Pigozzi. A voice vote was taken and the minutes were approved unanimously, 5-0.

**3. NEW BUSINESS**

**A. Text Amendment**

**Ground Floor Retail Uses in the Downtown** **19PLND-0107**  
**A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning,**  
**to revise regulations related to ground floor retail uses in the D2 Downtown**  
**Retail Core Zoning District**

Mr. Mangum provided an overview of the proposed amendment, explaining the existing regulations and the desire to revise regulations to have ground floor uses that encourage pedestrian traffic and a vibrant retail area.

Chair Isaac opened the hearing to questions from Commissioners.

**DRAFT- NOT APPROVED**

Commissioner Halik inquired about the definition of financial institutions and stated that he believes that use does indeed generate foot traffic in retail areas. There could be distinction made between financial institutions and retail banking to separate those institutions that are more office oriented and do not generate traffic that a retail banking use would.

Chair Isaac asked for review of where D2 districts are currently located and where financial institutions currently exist within the district. Mr. Mangum responded that currently Wintrust is the only bank he is aware of within the district and is located at Sherman Ave. and Clark St.

Commissioner Halik asked what the difference in retail traffic generation would be between a restaurant and a bank. Chair Isaac then inquired if the difference would be a matter of sales tax generation. Mr. Mangum stated that that is a distinction that could be made between the two uses.

Commissioner Sloss asked if there was any data on retail space demand or the vacancy rate. Mr. Mangum responded that there is no information specific to the D2 District but there has generally been a high demand for restaurant space and the retail environment is more challenging.

The Commission then reviewed the standards and largely found that they had been met or were not applicable to the text amendment.

Commissioner Halik suggested that it may make sense to replace financial institution with retail banking. If there is anything that draws people in is encouraging foot traffic. He then inquired what would happen to the existing financial institution. Chair Isaac explained that the site would be able to continue to operate and, if it were to close, another bank would be able to utilize the same space by obtaining a special use assuming the space does not sit vacant for 12 months or greater.

Commissioner Sloss asked why the D2 zoning district was singled out for the amendment. Mr. Mangum responded that the D2 has the most stringent retail regulations. He added that another distinction between financial institutions and other retail uses would be hours of operation, with financial institutions having more restrictive hours.

Chair Isaac suggested that a total size of the storefronts be looked at as part of use regulations in that a large bank might disrupt the retail environment in a way that a small bank might not.

Commissioner Halik asked if staff had considered the size of a site or separating out retail banking. Mr. Mangum replied that had not been a consideration for this amendment.

Commissioner Hewko stated that if the goal is to generate pedestrian traffic then creating a separate retail banking definition may be a good idea.

Mr. Mangum clarified that the amendment does not prohibit the use in the D2 but would require the Zoning Board of Appeals to review and City Council to approve a proposed financial institution on the ground floor of a building within the D2.

Commissioner Pigozzi stated that if the goal is to improve the pedestrian traffic he questions the traffic generated by an artist studio versus a financial institution as well. He added that the newer bank location on Main Street and Chicago Avenue has a street presence and fits in well with the area.

Chair Isaac asked to compare traffic generated by a bank to a restaurant or other businesses.

Commissioner Halik expressed that we should not encourage more Special Uses but should minimize them.

Commissioner Hewko stated that it appears that there is consensus to create a new definition. A brief discussion followed regarding the details of retail banking.

**Commissioner Halik made a motion to return the amendment to staff to re-evaluate and consider discussion points with modifications to definitions. Commissioner Pigozzi seconded the motion.**

**A voice vote was then taken and the motion passed, 5-0.**

**Ayes: Isaac, Halik, Hewko, Pigozzi, Sloss**

**Nays:**

**B. Text Amendment**

**Cannabis Use Regulations**

**19PLND-0106**

**A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise the distance requirement between cannabis dispensaries and pre-existing public or private educational institutions that are elementary, middle, or high schools, as well as establish definitions and provisions for additional cannabis uses such as cannabis growers, infusers, processing organizations, transporters, etc. within the City's zoning districts.**

Ms. Jones provided an overview of the proposed amendment, providing background on legislation and City regulations recently approved and explaining the new definitions and regulations proposed.

Chair Isaac opened the hearing to questions from the Commission to staff.

Commissioner Halik asked why a reduction in the distance requirement was needed for dispensaries. Ms. Jones replied that the reduction would allow for a greater number of possible locations for dispensaries. Mr. Mangum added that the 500 ft. buffer provides parity with Chicago regulations. Along Howard Street the current 750 ft. buffer would prohibit a dispensary in Evanston on the north side of Howard Street but Chicago's 500 ft. buffer would enable a dispensary to open on the south side of Howard Street.

Commissioner Hewko asked if the prohibition of on-site consumption would be reducing what is currently allowed at the existing dispensary. Ms. Jones responded that the regulations would not take away any existing use but codify an existing practice.

Commissioner Sloss inquired about the regulations referencing cannabis infusers within the dispensary subsection. Mr. Mangum replied that is a correction that needs to be made and will be made by staff.

Chair Isaac asked if, in the case of Cannabis Transporters, if there is no on-site cannabis storage and the business is only an office with vehicles why are there any regulations for that use. Ms. Jones responded that the intention is to have some consistency among the cannabis uses. The State regulations do not get specific regarding time limits on storing cannabis within transport vehicles so to be safe, staff placed the uses in the same areas.

Commissioner Isaac then inquired about the limitation of on-site consumption and Smoke Free Illinois regulations, stating that unlike cannabis, smoking tobacco is permitted outside but not indoors. Cannabis use would be prohibited both indoors and outdoors. He added that he thinks Evanston should consider being on the forefront with regards to permitting on-site cannabis consumption.

Commissioner Pigozzi stated he noticed the addition of the ETHS Day School on the buffer map and it taking out some possible areas for cannabis uses; he then inquired about how the distance requirements were determined. Ms. Jones confirmed that the distance requirements are based on the parcel lines and not the individual building. The schools on the map were provided from our Geographic Information Systems information. Commissioner Pigozzi then asked if the requirements apply to private institutions to which Ms. Jones replied that they do.

The Commission then entered deliberations.

Commissioner Sloss echoed Chair Isaac's comments regarding reconsideration of on-site consumption and pointed out an article in previous information provided that

stated consumption could turn into an equity issue if lower-income residents are unable to consume cannabis within residences with restrictive smoking regulations and have no place they are able to consume the cannabis.

The Commission then reviewed the standards for text amendments and agreed that they were met or not applicable.

**Commissioner Halik made a motion to recommend approval of the text amendment as presented. Seconded by Pigozzi. A roll call vote was taken and the motion was approved, 5-0.**

**Ayes: Isaac, Draper, Halik, Pigozzi**

**Nays:**

## **5. OTHER BUSINESS**

### **A. Discussion – Updates to Rules & Procedures Related to Election of Commission Chair**

Chair Isaac provided a summary of staff's memo, stating that there is a referral from Council to look into making the Chair of the Plan Commission an appointed position, as is currently done with the Zoning Board of Appeals (ZBA). He explained that the Mayor nominates a resident to be appointed to the Commission and Council then votes on that nomination, the process would be similar for appointing a Chair of the Commission from existing members. Mr. Mangum added that this would necessitate changes to the Rules & Procedures, which staff is currently reviewing and welcomes suggestions for revisions.

Commissioner Halik asked if this means the Mayor could remove the Chair. Chair Isaac responded that, similar to the appointment of members and the Chair, the City Council would need to approve that action.

No additional procedure revisions were proposed.

## **6. PUBLIC COMMENT**

There was no public comment.

## **7. ADJOURNMENT**

**Commissioner Pigozzi made a motion to adjourn the meeting. Commissioner Draper seconded the motion.**

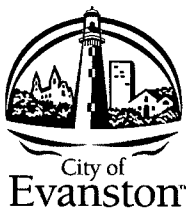
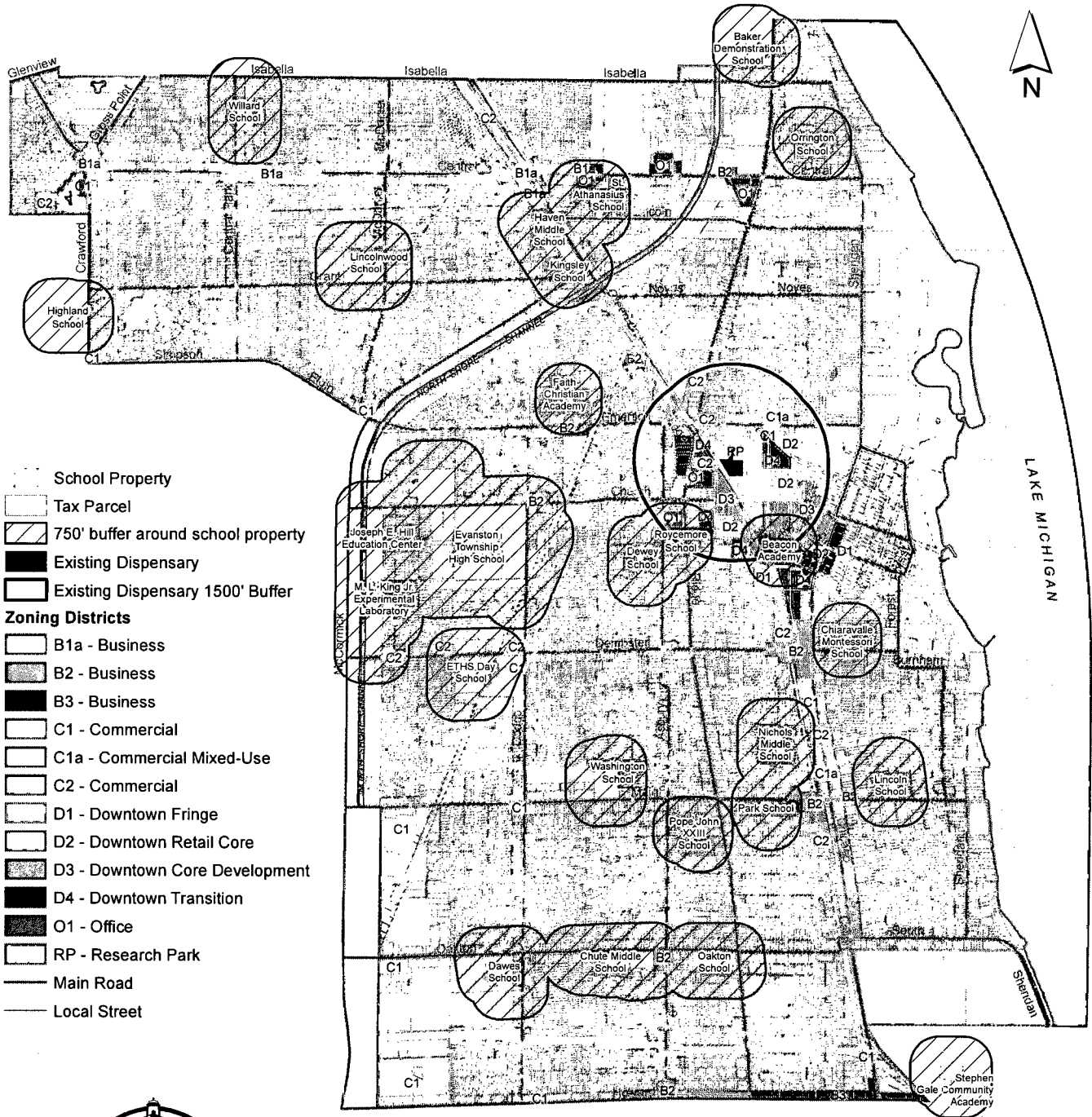
**A voice vote was taken and the motion was approved by voice vote 5-0. The meeting was adjourned at 8:12 pm.**



***DRAFT- NOT APPROVED***

Respectfully Submitted,  
Meagan Jones  
Neighborhood and Land Use Planner  
Community Development Department

# Cannabis Dispensary Eligible Zoning Districts with a 500' buffer around school property



This map is provided "as is" without warranties of any kind. See [www.cityofevanston.org/mapdisclaimers.html](http://www.cityofevanston.org/mapdisclaimers.html) for more information.

