



# Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Zoning Text Amendment, Cannabis Dispensary Hours  
23PLND-0071

Date: December 18, 2023

## **Request**

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A City-initiated Text Amendment to the Zoning Ordinance to amend the permitted hours of operation for Cannabis Dispensaries (Section 6-4-11-3) in the RP Research Park, D1 Downtown Fringe, D2 Downtown Retail Core, D3 Downtown Core Development, D4 Downtown Transition, C1a Commercial Mixed-Use, C1 Commercial, C2 Commercial, B1a Business, B2 Business, B3 Business, 01 Office, oDM Dempster-Main Overlay, oCSC Central Street Corridor Overlay, and oH Hospital Overlay Districts where Cannabis Dispensaries are eligible Special Uses. The Land Use Commission makes a recommendation to the City Council for this case in accordance with Section 6-3-4-6 of the Evanston Zoning Code.

## **Notice**

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The Application cited above has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on December 21, 2023.

## **General Information**

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**Applicant:** City-initiated text amendment

## **Analysis**

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### Proposal

The State of Illinois legalized the sale and consumption of recreational cannabis effective January 1, 2020. In preparation for that, the City of Evanston established zoning regulations for cannabis uses via Ordinances 126-O-19, 23-O-20, and 31-O-20 that include maximum hours of operation of 10 am – 8 pm daily (Section 6-4-11-3-D). A referral was made by Councilmember Reid in July 2023 to modify allowable dispensary hours so they are not unduly restricted in comparison to other types of businesses.

Pursuant to 410 ILCS 705/15-70, the State of Illinois allows maximum dispensary hours

of operation between 6 am – 10 pm.

Evanston has one cannabis dispensary at 1804 Maple Avenue that has operated since 2020 and expanded in 2022, and another dispensary at 100 Chicago Avenue that is approved and anticipated to open in January 2024. Both dispensaries operate under special use approval and include specific conditions that limit hours of operation to 10 am – 8 pm daily in addition to the codified regulation within the Zoning Ordinance (Section 6-4-11-3-D). If a text amendment to increase the allowed hours of operation for cannabis dispensaries is approved, both dispensaries in Evanston would then need to amend their special use conditions to expand operations/hours. Evanston's dispensaries are currently regulated as follows:

1804 Maple Avenue – Ordinance 43-O-22:  
Hours of operation are limited to 10 am to 8 pm  
(among other conditions listed)

100 Chicago Avenue – Ordinance 46-O-23:  
Hours of operation for the dispensary are limited to 10 am – 8 pm  
Hours of operation for the bakery are limited to 7 am – 8 pm

Staff is not aware of any violations, complaints, or safety issues at either dispensary location.

#### Other Communities

Surrounding communities allow more flexible hours of operation, including the following:

Curaleaf Skokie: 9 am – 9 pm (max)  
Curaleaf Northbrook: 8 am – 9 pm (max)  
Curaleaf Deerfield: 10 am – 8 pm  
Zen Leaf Highland Park: 9 am – 9 pm (max)  
Enlightened, Mount Prospect: 9 am – 8 pm (max)  
Rise, Niles: 9 am – 9 pm  
MedMen Morton Grove: 9 am – 8 pm  
Zen Leaf, Rogers Park: 9 am – 9 pm  
Dispensary33, Uptown: 9 am – 9 pm

Many of the dispensaries listed feature earlier closing times on Sundays.

#### Zoning Ordinance Sections Identified for Modification

Section 6-4-11-3, Special Regulations Pertaining to Cannabis Related Uses

(D) Hours of Operation: Cannabis Dispensaries shall only be permitted to operate between the hours of 10 am and 8 pm, seven days out of the week.

#### Department Recommendation

Section 6-4-11-3-D should be modified to expand allowable hours of operation for Cannabis Dispensaries (unless further restricted by special use conditions) to align with the State requirement as follows:

(D) Hours of Operation: Cannabis Dispensaries shall only be permitted to operate between the hours of ~~10am and 8pm~~ 6am – 10pm, unless further regulated as a condition of special use approval, seven days out of the week.

Expanding the maximum allowed codified hours of operation for dispensaries that aligns with the existing State requirement allows for operational flexibility that may be appropriately restricted on a site-specific basis as part of the special use process, rather than the current limitation that applies to all dispensaries throughout the City and is more restrictive than most surrounding communities.

If codified hours of operation are expanded, staff expects one or both of Evanston's dispensaries to then submit for special use amendments to revise their special use conditions to expand hours of operation.

### **Standards for Approval - Zoning Text Amendment**

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For the Land Use Commission to recommend that the City Council adopt the proposed text amendment, the Land Use Commission must find the Standards for Amendments (Section 6-3-4-5) met:

The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one standard. In making their determination, however, the City Council should, in determining whether to adopt or deny, or to adopt some modification of the Land Use Commission's recommendation consider, among other factors, the following:

- A. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council.
- B. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.
- C. Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
- D. The adequacy of public facilities and services.

### **Action by the Commission**

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After making findings of fact as to whether or not the proposed text amendment meets the aforementioned Standards, the Land Use Commission may make a recommendation to the Planning & Development Committee of the City Council to approve, approve with modifications, or deny the proposed text amendment. The Land Use Commission is the recommending body and the City Council is the determining body pursuant to Section 6-3-4-6 of the Evanston City Code.

### **Attachments**

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[Special Regulations Pertaining to Cannabis Related Uses](#) - existing City Code Section 6-4-11 (Zoning)  
Ordinance 43-O-22, Special Use for a Cannabis Dispensary at 1804 Maple Avenue

Ordinance 46-O-23, Special Use for a Cannabis Dispensary and Type 2 Restaurant at  
100 Chicago Avenue