

Chicago City Council, **January 18, 2023**

To the President and Members of the City Council:

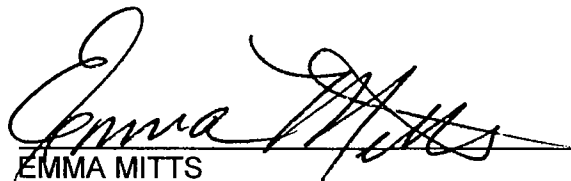
Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by **Mayor Lightfoot and the Commissioner of Business Affairs and Consumer Protection** (which was referred on **December 14, 2022**):

**to amend Chapters 4-8 and 17-9 of the Municipal Code of Chicago regarding license requirements when defining an urban farm and accessory buildings,**

begs leave to recommend that Your Honorable Body *re-refer* the ordinance which is transmitted herewith to the **Committee on Zoning, Landmarks and Building Standards**.

This recommendation was concurred in by members of the License Committee on **January 9, 2023**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

EMMA MITTS  
CHAIRMAN, COMMITTEE ON  
LICENSE AND CONSUMER  
PROTECTION



OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT  
MAYOR

December 14, 2022

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection, I transmit herewith an ordinance amending the Municipal Code regarding the licensing of urban farms and community gardens.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

  
Mayor

## **ORDINANCE**

**WHEREAS**, all Chicagoans should be able to access nutritious, affordable, culturally appropriate food that is locally, sustainably, ethically, and fairly produced; and

**WHEREAS**, the City of Chicago recognizes that persistent structural food insecurity is a result of systemic inequities and racial biases within the food system; and

**WHEREAS**, the City likewise recognizes the need to move toward a vision of “food sovereignty” that requires addressing root causes within the food system of and the intersections of the food system with poverty, structural racism, access to healthcare, and employment; and

**WHEREAS**, urban agriculture provides a proven tool for improving the City's quality of life by increasing access to locally produced foods, transforming vacant lots into productive landscapes, and helping to support neighborhood stabilization and recovery; and

**WHEREAS**, urban agriculture contributes to the local economy by generating living wage jobs, sales of food at farmers markets, grocery stores, restaurants, and on-site farm stands, and offering the opportunity for resident entrepreneurship in creating food-related small businesses; and

**WHEREAS**, reducing barriers to urban agriculture is one of the five priorities of the Chicago Food Equity Agenda, a multiyear effort crafted in partnership with community and City representatives to transform the food system; and

**WHEREAS**, by clarifying the licensing requirements for the unique business activities of urban agriculture, the City can accommodate the growth of community gardens and urban farms, which provide access to healthy, locally grown produce; now, therefore,

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

**SECTION 1.** Section 4-8-010 of the Municipal Code of Chicago is hereby amended by deleting the text struck through and by inserting the text underscored, as follows:

#### **4-8-010 Definitions.**

*(Omitted text is unaffected by this ordinance)*

“Commissioner” means the Commissioner of the Department of Public Health of the City of Chicago, unless otherwise stated.

“Community garden” means a garden that meets the description and requirements of Section 17-9-0103.5 and subsection (1) of Section 17-17-0103-F of this Code.

*(Omitted text is unaffected by this ordinance)*

"Produce merchant" means any person who sells produce outdoors from a produce stand, and who conducts at least 33 percent of his operations in areas underserved by grocery stores, as defined herein, and whose produce stand is: (1) located on a private or public property with the written permission of the property owner, or located on the public way in connection with a valid public way use permit issued pursuant to section Section 10-28-060 of this Code; (2) removed in its entirety from such private property or public way at the end of each business day unless such produce stand is used in conjunction with and accessory to an urban farm or community garden and located on the same zoning lot as the urban farm or community garden; and (3) in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts.

"Produce stand" means: (i) a non-motorized free standing, temporary structure located on a private or public property or on the public way, from which a produce merchant sells produce; or (ii) a non-motorized free standing, permanent or semipermanent structure used in conjunction with and accessory to an urban farm or community garden and located on the same zoning lot as the urban farm or community garden, from which a produce merchant sells produce.

*(Omitted text is unaffected by this ordinance)*

"Urban farm" means a farm that meets the description and requirements of Sections 17-9-0103.3 and 17-17-0104-H of this Code.

"Utensil" shall have the meaning ascribed to that term by the FDA Food Code.

*(Omitted text is unaffected by this ordinance)*

"Wholesale food establishment" means any building, room, stand, enclosure, place or establishment used as a place of business for the preparation, manufacture, canning, baking, bottling, packing, distribution, storage, selling or offering for sale at wholesale any article of food, confection, condiment, drink or ice used or intended for human consumption, or any such article which is an ingredient of, used for, mixed with or which enters into the composition of any such food, confection, condiments, drink or ice. The term shall include cold storage establishments; confectionery manufacturers; slaughtering, rendering and packing establishments; milk plants and wholesale milk distributors; frozen dessert plants and wholesale frozen dessert distributors; and wholesale itinerant food dealers. The term shall not include urban farms or community gardens, or produce stands used in conjunction with and accessory to urban farms or community gardens.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 17-9-0103.5-D of the Municipal Code of Chicago is hereby amended by inserting the text underscored, as follows:

**17-9-0103.5-D** Sales on site are limited to incidental sales of plants or produce generated on site or pursuant to the issuance of a mobile food vendor license to engage in a produce merchant business.

**SECTION 3.** Section 17-9-0201-D of the Municipal Code of Chicago is hereby amended by deleting the text struck through and by inserting the text underscored, as follows:

**17-9-0201-D** The combination of all *accessory buildings* may not occupy more than 60% of the area of a required *rear setback*, except:

*(Omitted text is unaffected by this ordinance)*

3. That accessory *community garden* buildings such as sheds, greenhouses, hoophouses or ~~farm~~ produce stands may have an area of up to 575 square feet.

**SECTION 4.** This ordinance shall take effect upon passage and approval.