



Rep. Sara Feigenholtz

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09800SB1718ham002

LRB098 10029 MGM 45761 a

1 AMENDMENT TO SENATE BILL 1718

2 AMENDMENT NO. _____. Amend Senate Bill 1718, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 1, by replacing line 5 with the following:
5 "changing Sections 6-11 and 6-28 as follows:"; and

6 on page 1, immediately below line 5, by inserting the
7 following:

8 "(235 ILCS 5/6-11)

9 Sec. 6-11. Sale near churches, schools, and hospitals.

10 (a) No license shall be issued for the sale at retail of
11 any alcoholic liquor within 100 feet of any church, school
12 other than an institution of higher learning, hospital, home
13 for aged or indigent persons or for veterans, their spouses or
14 children or any military or naval station, provided, that this
15 prohibition shall not apply to hotels offering restaurant
16 service, regularly organized clubs, or to restaurants, food

1 shops or other places where sale of alcoholic liquors is not
2 the principal business carried on if the place of business so
3 exempted is not located in a municipality of more than 500,000
4 persons, unless required by local ordinance; nor to the renewal
5 of a license for the sale at retail of alcoholic liquor on
6 premises within 100 feet of any church or school where the
7 church or school has been established within such 100 feet
8 since the issuance of the original license. In the case of a
9 church, the distance of 100 feet shall be measured to the
10 nearest part of any building used for worship services or
11 educational programs and not to property boundaries.

12 (b) Nothing in this Section shall prohibit the issuance of
13 a retail license authorizing the sale of alcoholic liquor to a
14 restaurant, the primary business of which is the sale of goods
15 baked on the premises if (i) the restaurant is newly
16 constructed and located on a lot of not less than 10,000 square
17 feet, (ii) the restaurant costs at least \$1,000,000 to
18 construct, (iii) the licensee is the titleholder to the
19 premises and resides on the premises, and (iv) the construction
20 of the restaurant is completed within 18 months of the
21 effective date of this amendatory Act of 1998.

22 (c) Nothing in this Section shall prohibit the issuance of
23 a retail license authorizing the sale of alcoholic liquor
24 incidental to a restaurant if (1) the primary business of the
25 restaurant consists of the sale of food where the sale of
26 liquor is incidental to the sale of food and the applicant is a

1 completely new owner of the restaurant, (2) the immediately
2 prior owner or operator of the premises where the restaurant is
3 located operated the premises as a restaurant and held a valid
4 retail license authorizing the sale of alcoholic liquor at the
5 restaurant for at least part of the 24 months before the change
6 of ownership, and (3) the restaurant is located 75 or more feet
7 from a school.

8 (d) In the interest of further developing Illinois' economy
9 in the area of commerce, tourism, convention, and banquet
10 business, nothing in this Section shall prohibit issuance of a
11 retail license authorizing the sale of alcoholic beverages to a
12 restaurant, banquet facility, grocery store, or hotel having
13 not fewer than 150 guest room accommodations located in a
14 municipality of more than 500,000 persons, notwithstanding the
15 proximity of such hotel, restaurant, banquet facility, or
16 grocery store to any church or school, if the licensed premises
17 described on the license are located within an enclosed mall or
18 building of a height of at least 6 stories, or 60 feet in the
19 case of a building that has been registered as a national
20 landmark, or in a grocery store having a minimum of 56,010
21 square feet of floor space in a single story building in an
22 open mall of at least 3.96 acres that is adjacent to a public
23 school that opened as a boys technical high school in 1934, or
24 in a grocery store having a minimum of 31,000 square feet of
25 floor space in a single story building located a distance of
26 more than 90 feet but less than 100 feet from a high school

1 that opened in 1928 as a junior high school and became a senior
2 high school in 1933, and in each of these cases if the sale of
3 alcoholic liquors is not the principal business carried on by
4 the licensee.

5 For purposes of this Section, a "banquet facility" is any
6 part of a building that caters to private parties and where the
7 sale of alcoholic liquors is not the principal business.

8 (e) Nothing in this Section shall prohibit the issuance of
9 a license to a church or private school to sell at retail
10 alcoholic liquor if any such sales are limited to periods when
11 groups are assembled on the premises solely for the promotion
12 of some common object other than the sale or consumption of
13 alcoholic liquors.

14 (f) Nothing in this Section shall prohibit a church or
15 church affiliated school located in a home rule municipality or
16 in a municipality with 75,000 or more inhabitants from locating
17 within 100 feet of a property for which there is a preexisting
18 license to sell alcoholic liquor at retail. In these instances,
19 the local zoning authority may, by ordinance adopted
20 simultaneously with the granting of an initial special use
21 zoning permit for the church or church affiliated school,
22 provide that the 100-foot restriction in this Section shall not
23 apply to that church or church affiliated school and future
24 retail liquor licenses.

25 (g) Nothing in this Section shall prohibit the issuance of
26 a retail license authorizing the sale of alcoholic liquor at

1 premises within 100 feet, but not less than 90 feet, of a
2 public school if (1) the premises have been continuously
3 licensed to sell alcoholic liquor for a period of at least 50
4 years, (2) the premises are located in a municipality having a
5 population of over 500,000 inhabitants, (3) the licensee is an
6 individual who is a member of a family that has held the
7 previous 3 licenses for that location for more than 25 years,
8 (4) the principal of the school and the alderman of the ward in
9 which the school is located have delivered a written statement
10 to the local liquor control commissioner stating that they do
11 not object to the issuance of a license under this subsection
12 (g), and (5) the local liquor control commissioner has received
13 the written consent of a majority of the registered voters who
14 live within 200 feet of the premises.

15 (h) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor within premises and at an outdoor patio area attached to
19 premises that are located in a municipality with a population
20 in excess of 300,000 inhabitants and that are within 100 feet
21 of a church if:

22 (1) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food,

24 (2) the sale of liquor is not the principal business
25 carried on by the licensee at the premises,

26 (3) the premises are less than 1,000 square feet,

1 (4) the premises are owned by the University of
2 Illinois,

3 (5) the premises are immediately adjacent to property
4 owned by a church and are not less than 20 nor more than 40
5 feet from the church space used for worship services, and

6 (6) the principal religious leader at the place of
7 worship has indicated his or her support for the issuance
8 of the license in writing.

9 (i) Notwithstanding any provision in this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license to sell alcoholic liquor at a premises
12 that is located within a municipality with a population in
13 excess of 300,000 inhabitants and is within 100 feet of a
14 church, synagogue, or other place of worship if:

15 (1) the primary entrance of the premises and the
16 primary entrance of the church, synagogue, or other place
17 of worship are at least 100 feet apart, on parallel
18 streets, and separated by an alley; and

19 (2) the principal religious leader at the place of
20 worship has not indicated his or her opposition to the
21 issuance or renewal of the license in writing.

22 (j) Notwithstanding any provision in this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 of a retail license authorizing the sale of alcoholic liquor at
25 a theater that is within 100 feet of a church if (1) the church
26 owns the theater, (2) the church leases the theater to one or

1 more entities, and (3) the theater is used by at least 5
2 different not-for-profit theater groups.

3 (k) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and is within
8 100 feet of a school if:

9 (1) the primary entrance of the premises and the
10 primary entrance of the school are parallel, on different
11 streets, and separated by an alley;

12 (2) the southeast corner of the premises are at least
13 350 feet from the southwest corner of the school;

14 (3) the school was built in 1978;

15 (4) the sale of alcoholic liquor at the premises is
16 incidental to the sale of food;

17 (5) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises;

19 (6) the applicant is the owner of the restaurant and
20 has held a valid license authorizing the sale of alcoholic
21 liquor for the business to be conducted on the premises at
22 a different location for more than 7 years; and

23 (7) the premises is at least 2,300 square feet and sits
24 on a lot that is between 6,100 and 6,150 square feet.

25 (l) Notwithstanding any provision in this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at a premises that is located within a municipality with
3 a population in excess of 1,000,000 inhabitants and is within
4 100 feet of a church or school if:

5 (1) the primary entrance of the premises and the
6 closest entrance of the church or school is at least 90
7 feet apart and no greater than 95 feet apart;

8 (2) the shortest distance between the premises and the
9 church or school is at least 80 feet apart and no greater
10 than 85 feet apart;

11 (3) the applicant is the owner of the restaurant and on
12 November 15, 2006 held a valid license authorizing the sale
13 of alcoholic liquor for the business to be conducted on the
14 premises for at least 14 different locations;

15 (4) the sale of alcoholic liquor at the premises is
16 incidental to the sale of food;

17 (5) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises;

19 (6) the premises is at least 3,200 square feet and sits
20 on a lot that is between 7,150 and 7,200 square feet; and

21 (7) the principal religious leader at the place of
22 worship has not indicated his or her opposition to the
23 issuance or renewal of the license in writing.

24 (m) Notwithstanding any provision in this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and is within
3 100 feet of a church if:

4 (1) the premises and the church are perpendicular, and
5 the primary entrance of the premises faces South while the
6 primary entrance of the church faces West and the distance
7 between the two entrances is more than 100 feet;

8 (2) the shortest distance between the premises lot line
9 and the exterior wall of the church is at least 80 feet;

10 (3) the church was established at the current location
11 in 1916 and the present structure was erected in 1925;

12 (4) the premises is a single story, single use building
13 with at least 1,750 square feet and no more than 2,000
14 square feet;

15 (5) the sale of alcoholic liquor at the premises is
16 incidental to the sale of food;

17 (6) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises; and

19 (7) the principal religious leader at the place of
20 worship has not indicated his or her opposition to the
21 issuance or renewal of the license in writing.

22 (n) Notwithstanding any provision in this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at a premises that is located within a municipality with
26 a population in excess of 1,000,000 inhabitants and is within

1 100 feet of a school if:

2 (1) the school is a City of Chicago School District 299
3 school;

4 (2) the school is located within subarea E of City of
5 Chicago Residential Business Planned Development Number
6 70;

7 (3) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee on the premises;

9 (4) the sale of alcoholic liquor at the premises is
10 incidental to the sale of food; and

11 (5) the administration of City of Chicago School
12 District 299 has expressed, in writing, its support for the
13 issuance of the license.

14 (o) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a retail license authorizing the sale of
17 alcoholic liquor at a premises that is located within a
18 municipality in excess of 1,000,000 inhabitants and within 100
19 feet of a church if:

20 (1) the sale of alcoholic liquor at the premises is
21 incidental to the sale of food;

22 (2) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (3) the premises is located on a street that runs
25 perpendicular to the street on which the church is located;

26 (4) the primary entrance of the premises is at least

1 100 feet from the primary entrance of the church;

2 (5) the shortest distance between any part of the
3 premises and any part of the church is at least 60 feet;

4 (6) the premises is between 3,600 and 4,000 square feet
5 and sits on a lot that is between 3,600 and 4,000 square
6 feet; and

7 (7) the premises was built in the year 1909.

8 For purposes of this subsection (o), "premises" means a
9 place of business together with a privately owned outdoor
10 location that is adjacent to the place of business.

11 (p) Notwithstanding any provision in this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at a premises that is located within a municipality with
15 a population in excess of 1,000,000 inhabitants and within 100
16 feet of a church if:

17 (1) the shortest distance between the backdoor of the
18 premises, which is used as an emergency exit, and the
19 church is at least 80 feet;

20 (2) the church was established at the current location
21 in 1889; and

22 (3) liquor has been sold on the premises since at least
23 1985.

24 (q) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor within a premises that is located in a municipality with
2 a population in excess of 1,000,000 inhabitants and within 100
3 feet of a church-owned property if:

4 (1) the premises is located within a larger building
5 operated as a grocery store;

6 (2) the area of the premises does not exceed 720 square
7 feet and the area of the larger building exceeds 18,000
8 square feet;

9 (3) the larger building containing the premises is
10 within 100 feet of the nearest property line of a
11 church-owned property on which a church-affiliated school
12 is located;

13 (4) the sale of liquor is not the principal business
14 carried on within the larger building;

15 (5) the primary entrance of the larger building and the
16 premises and the primary entrance of the church-affiliated
17 school are on different, parallel streets, and the distance
18 between the 2 primary entrances is more than 100 feet;

19 (6) the larger building is separated from the
20 church-owned property and church-affiliated school by an
21 alley;

22 (7) the larger building containing the premises and the
23 church building front are on perpendicular streets and are
24 separated by a street; and

25 (8) (Blank).

26 (r) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance,
2 renewal, or maintenance of a license authorizing the sale of
3 alcoholic liquor incidental to the sale of food within a
4 restaurant established in a premises that is located in a
5 municipality with a population in excess of 1,000,000
6 inhabitants and within 100 feet of a church if:

7 (1) the primary entrance of the church and the primary
8 entrance of the restaurant are at least 100 feet apart;

9 (2) the restaurant has operated on the ground floor and
10 lower level of a multi-story, multi-use building for more
11 than 40 years;

12 (3) the primary business of the restaurant consists of
13 the sale of food where the sale of liquor is incidental to
14 the sale of food;

15 (4) the sale of alcoholic liquor is conducted primarily
16 in the below-grade level of the restaurant to which the
17 only public access is by a staircase located inside the
18 restaurant; and

19 (5) the restaurant has held a license authorizing the
20 sale of alcoholic liquor on the premises for more than 40
21 years.

22 (s) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit renewal of a
24 license authorizing the sale of alcoholic liquor at a premises
25 that is located within a municipality with a population more
26 than 5,000 and less than 10,000 and is within 100 feet of a

1 church if:

2 (1) the church was established at the location within
3 100 feet of the premises after a license for the sale of
4 alcoholic liquor at the premises was first issued;

5 (2) a license for sale of alcoholic liquor at the
6 premises was first issued before January 1, 2007; and

7 (3) a license for the sale of alcoholic liquor on the
8 premises has been continuously in effect since January 1,
9 2007, except for interruptions between licenses of no more
10 than 90 days.

11 (t) Notwithstanding any provision of this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor incidental to the sale of food within a restaurant that
15 is established in a premises that is located in a municipality
16 with a population in excess of 1,000,000 inhabitants and within
17 100 feet of a school and a church if:

18 (1) the restaurant is located inside a five-story
19 building with over 16,800 square feet of commercial space;

20 (2) the area of the premises does not exceed 31,050
21 square feet;

22 (3) the area of the restaurant does not exceed 5,800
23 square feet;

24 (4) the building has no less than 78 condominium units;

25 (5) the construction of the building in which the
26 restaurant is located was completed in 2006;

1 (6) the building has 10 storefront properties, 3 of
2 which are used for the restaurant;

3 (7) the restaurant will open for business in 2010;

4 (8) the building is north of the school and separated
5 by an alley; and

6 (9) the principal religious leader of the church and
7 either the alderman of the ward in which the school is
8 located or the principal of the school have delivered a
9 written statement to the local liquor control commissioner
10 stating that he or she does not object to the issuance of a
11 license under this subsection (t).

12 (u) Notwithstanding any provision in this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license to sell alcoholic liquor at a premises
15 that is located within a municipality with a population in
16 excess of 1,000,000 inhabitants and within 100 feet of a school
17 if:

18 (1) the premises operates as a restaurant and has been
19 in operation since February 2008;

20 (2) the applicant is the owner of the premises;

21 (3) the sale of alcoholic liquor is incidental to the
22 sale of food;

23 (4) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee on the premises;

25 (5) the premises occupy the first floor of a 3-story
26 building that is at least 90 years old;

1 (6) the rear lot of the school and the rear corner of
2 the building that the premises occupy are separated by an
3 alley;

4 (7) the distance from the southwest corner of the
5 property line of the school and the northeast corner of the
6 building that the premises occupy is at least 16 feet, 5
7 inches;

8 (8) the distance from the rear door of the premises to
9 the southwest corner of the property line of the school is
10 at least 93 feet;

11 (9) the school is a City of Chicago School District 299
12 school;

13 (10) the school's main structure was erected in 1902
14 and an addition was built to the main structure in 1959;
15 and

16 (11) the principal of the school and the alderman in
17 whose district the premises are located have expressed, in
18 writing, their support for the issuance of the license.

19 (v) Notwithstanding any provision in this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at a premises that is located within a municipality with
23 a population in excess of 1,000,000 inhabitants and is within
24 100 feet of a school if:

25 (1) the total land area of the premises for which the
26 license or renewal is sought is more than 600,000 square

1 feet;

2 (2) the premises for which the license or renewal is
3 sought has more than 600 parking stalls;

4 (3) the total area of all buildings on the premises for
5 which the license or renewal is sought exceeds 140,000
6 square feet;

7 (4) the property line of the premises for which the
8 license or renewal is sought is separated from the property
9 line of the school by a street;

10 (5) the distance from the school's property line to the
11 property line of the premises for which the license or
12 renewal is sought is at least 60 feet;

13 (6) as of the effective date of this amendatory Act of
14 the 97th General Assembly, the premises for which the
15 license or renewal is sought is located in the Illinois
16 Medical District.

17 (w) Notwithstanding any provision in this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license to sell alcoholic liquor at a premises
20 that is located within a municipality with a population in
21 excess of 1,000,000 inhabitants and within 100 feet of a church
22 if:

23 (1) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food;

25 (2) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (3) the premises occupy the first floor and basement of
2 a 2-story building that is 106 years old;

3 (4) the premises is at least 7,000 square feet and
4 located on a lot that is at least 11,000 square feet;

5 (5) the premises is located directly west of the
6 church, on perpendicular streets, and separated by an
7 alley;

8 (6) the distance between the property line of the
9 premises and the property line of the church is at least 20
10 feet;

11 (7) the distance between the primary entrance of the
12 premises and the primary entrance of the church is at least
13 130 feet; and

14 (8) the church has been at its location for at least 40
15 years.

16 (x) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at a premises that is located within a municipality with
20 a population in excess of 1,000,000 inhabitants and within 100
21 feet of a church if:

22 (1) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (2) the church has been operating in its current
25 location since 1973;

26 (3) the premises has been operating in its current

1 location since 1988;

2 (4) the church and the premises are owned by the same
3 parish;

4 (5) the premises is used for cultural and educational
5 purposes;

6 (6) the primary entrance to the premises and the
7 primary entrance to the church are located on the same
8 street;

9 (7) the principal religious leader of the church has
10 indicated his support of the issuance of the license;

11 (8) the premises is a 2-story building of approximately
12 23,000 square feet; and

13 (9) the premises houses a ballroom on its ground floor
14 of approximately 5,000 square feet.

15 (y) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at a premises that is located within a municipality with
19 a population in excess of 1,000,000 inhabitants and within 100
20 feet of a school if:

21 (1) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the premises;

23 (2) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food;

25 (3) according to the municipality, the distance
26 between the east property line of the premises and the west

1 property line of the school is 97.8 feet;

2 (4) the school is a City of Chicago School District 299
3 school;

4 (5) the school has been operating since 1959;

5 (6) the primary entrance to the premises and the
6 primary entrance to the school are located on the same
7 street;

8 (7) the street on which the entrances of the premises
9 and the school are located is a major diagonal
10 thoroughfare;

11 (8) the premises is a single-story building of
12 approximately 2,900 square feet; and

13 (9) the premises is used for commercial purposes only.

14 (z) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at a premises that is located within a municipality with
18 a population in excess of 1,000,000 inhabitants and within 100
19 feet of a mosque if:

20 (1) the sale of alcoholic liquor is not the principal
21 business carried on by the licensee at the premises;

22 (2) the licensee shall only sell packaged liquors at
23 the premises;

24 (3) the licensee is a national retail chain having over
25 100 locations within the municipality;

26 (4) the licensee has over 8,000 locations nationwide;

1 (5) the licensee has locations in all 50 states;

2 (6) the premises is located in the North-East quadrant
3 of the municipality;

4 (7) the premises is a free-standing building that has
5 "drive-through" pharmacy service;

6 (8) the premises has approximately 14,490 square feet
7 of retail space;

8 (9) the premises has approximately 799 square feet of
9 pharmacy space;

10 (10) the premises is located on a major arterial street
11 that runs east-west and accepts truck traffic; and

12 (11) the alderman of the ward in which the premises is
13 located has expressed, in writing, his or her support for
14 the issuance of the license.

15 (aa) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at a premises that is located within a municipality with
19 a population in excess of 1,000,000 inhabitants and within 100
20 feet of a church if:

21 (1) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the premises;

23 (2) the licensee shall only sell packaged liquors at
24 the premises;

25 (3) the licensee is a national retail chain having over
26 100 locations within the municipality;

1 (4) the licensee has over 8,000 locations nationwide;

2 (5) the licensee has locations in all 50 states;

3 (6) the premises is located in the North-East quadrant
4 of the municipality;

5 (7) the premises is located across the street from a
6 national grocery chain outlet;

7 (8) the premises has approximately 16,148 square feet
8 of retail space;

9 (9) the premises has approximately 992 square feet of
10 pharmacy space;

11 (10) the premises is located on a major arterial street
12 that runs north-south and accepts truck traffic; and

13 (11) the alderman of the ward in which the premises is
14 located has expressed, in writing, his or her support for
15 the issuance of the license.

16 (bb) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at a premises that is located within a municipality with
20 a population in excess of 1,000,000 inhabitants and within 100
21 feet of a church if:

22 (1) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (2) the sale of alcoholic liquor at the premises is
25 incidental to the sale of food;

26 (3) the primary entrance to the premises and the

1 primary entrance to the church are located on the same
2 street;

3 (4) the premises is across the street from the church;

4 (5) the street on which the premises and the church are
5 located is a major arterial street that runs east-west;

6 (6) the church is an elder-led and Bible-based Assyrian
7 church;

8 (7) the premises and the church are both single-story
9 buildings;

10 (8) the storefront directly west of the church is being
11 used as a restaurant; and

12 (9) the distance between the northern-most property
13 line of the premises and the southern-most property line of
14 the church is 65 feet.

15 (cc) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at a premises that is located within a municipality with
19 a population in excess of 1,000,000 inhabitants and within 100
20 feet of a school if:

21 (1) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the premises;

23 (2) the licensee shall only sell packaged liquors at
24 the premises;

25 (3) the licensee is a national retail chain;

26 (4) as of October 25, 2011, the licensee has 1,767

1 stores operating nationwide, 87 stores operating in the
2 State, and 10 stores operating within the municipality;

3 (5) the licensee shall occupy approximately 124,000
4 square feet of space in the basement and first and second
5 floors of a building located across the street from a
6 school;

7 (6) the school opened in August of 2009 and occupies
8 approximately 67,000 square feet of space; and

9 (7) the building in which the premises shall be located
10 has been listed on the National Register of Historic Places
11 since April 17, 1970.

12 (dd) Notwithstanding any provision in this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor within a full-service grocery store at a premises that
16 is located within a municipality with a population in excess of
17 1,000,000 inhabitants and is within 100 feet of a school if:

18 (1) the premises is constructed on land that was
19 purchased from the municipality at a fair market price;

20 (2) the premises is constructed on land that was
21 previously used as a parking facility for public safety
22 employees;

23 (3) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee at the premises;

25 (4) the main entrance to the store is more than 100
26 feet from the main entrance to the school;

1 (5) the premises is to be new construction;

2 (6) the school is a private school;

3 (7) the principal of the school has given written
4 approval for the license;

5 (8) the alderman of the ward where the premises is
6 located has given written approval of the issuance of the
7 license;

8 (9) the grocery store level of the premises is between
9 60,000 and 70,000 square feet; and

10 (10) the owner and operator of the grocery store
11 operates 2 other grocery stores that have alcoholic liquor
12 licenses within the same municipality.

13 (ee) Notwithstanding any provision in this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor within a full-service grocery store at a premises that
17 is located within a municipality with a population in excess of
18 1,000,000 inhabitants and is within 100 feet of a school if:

19 (1) the premises is constructed on land that once
20 contained an industrial steel facility;

21 (2) the premises is located on land that has undergone
22 environmental remediation;

23 (3) the premises is located within a retail complex
24 containing retail stores where some of the stores sell
25 alcoholic beverages;

26 (4) the principal activity of any restaurant in the

1 retail complex is the sale of food, and the sale of
2 alcoholic liquor is incidental to the sale of food;

3 (5) the sale of alcoholic liquor is not the principal
4 business carried on by the grocery store;

5 (6) the entrance to any business that sells alcoholic
6 liquor is more than 100 feet from the entrance to the
7 school;

8 (7) the alderman of the ward where the premises is
9 located has given written approval of the issuance of the
10 license; and

11 (8) the principal of the school has given written
12 consent to the issuance of the license.

13 (ff) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at a premises that is located within a municipality with
17 a population in excess of 1,000,000 inhabitants and within 100
18 feet of a school if:

19 (1) the sale of alcoholic liquor is not the principal
20 business carried on at the premises;

21 (2) the sale of alcoholic liquor at the premises is
22 incidental to the operation of a theater;

23 (3) the premises is a one and one-half-story building
24 of approximately 10,000 square feet;

25 (4) the school is a City of Chicago School District 299
26 school;

1 (5) the primary entrance of the premises and the
2 primary entrance of the school are at least 300 feet apart
3 and no more than 400 feet apart;

4 (6) the alderman of the ward in which the premises is
5 located has expressed, in writing, his support for the
6 issuance of the license; and

7 (7) the principal of the school has expressed, in
8 writing, that there is no objection to the issuance of a
9 license under this subsection (ff).

10 (gg) Notwithstanding any provision of this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor incidental to the sale of food within a restaurant or
14 banquet facility established in a premises that is located in a
15 municipality with a population in excess of 1,000,000
16 inhabitants and within 100 feet of a church if:

17 (1) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises;

19 (2) the property on which the church is located and the
20 property on which the premises are located are both within
21 a district originally listed on the National Register of
22 Historic Places on February 14, 1979;

23 (3) the property on which the premises are located
24 contains one or more multi-story buildings that are at
25 least 95 years old and have no more than three stories;

26 (4) the building in which the church is located is at

1 least 120 years old;

2 (5) the property on which the church is located is
3 immediately adjacent to and west of the property on which
4 the premises are located;

5 (6) the western boundary of the property on which the
6 premises are located is no less than 118 feet in length and
7 no more than 122 feet in length;

8 (7) as of December 31, 2012, both the church property
9 and the property on which the premises are located are
10 within 250 feet of City of Chicago Business-Residential
11 Planned Development Number 38;

12 (8) the principal religious leader at the place of
13 worship has indicated his or her support for the issuance
14 of the license in writing; and

15 (9) the alderman in whose district the premises are
16 located has expressed his or her support for the issuance
17 of the license in writing.

18 For the purposes of this subsection, "banquet facility"
19 means the part of the building that is located on the floor
20 above a restaurant and caters to private parties and where the
21 sale of alcoholic liquors is not the principal business.

22 (hh) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor within a hotel and at an outdoor patio area attached to
26 the hotel that are located in a municipality with a population

1 in excess of 1,000,000 inhabitants and that are within 100 feet
2 of a hospital if:

3 (1) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the hotel;

5 (2) the hotel is located within the City of Chicago
6 Business Planned Development Number 468; and

7 (3) the hospital is located within the City of Chicago
8 Institutional Planned Development Number 3.

9 (ii) Notwithstanding any provision of this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license authorizing the sale of alcoholic
12 liquor within a restaurant and at an outdoor patio area
13 attached to the restaurant that are located in a municipality
14 with a population in excess of 1,000,000 inhabitants and that
15 are within 100 feet of a church if:

16 (1) the sale of alcoholic liquor at the premises is not
17 the principal business carried on by the licensee and is
18 incidental to the sale of food;

19 (2) the restaurant has been operated on the street
20 level of a 2-story building located on a corner lot since
21 2008;

22 (3) the restaurant is between 3,700 and 4,000 square
23 feet and sits on a lot that is no more than 6,200 square
24 feet;

25 (4) the primary entrance to the restaurant and the
26 primary entrance to the church are located on the same

1 street;

2 (5) the street on which the restaurant and the church
3 are located is a major east-west street;

4 (6) the restaurant and the church are separated by a
5 one-way northbound street;

6 (7) the church is located to the west of and no more
7 than 65 feet from the restaurant; and

8 (8) the principal religious leader at the place of
9 worship has indicated his or her consent to the issuance of
10 the license in writing.

11 (jj) Notwithstanding any provision of this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at a premises that is located within a municipality with
15 a population in excess of 1,000,000 inhabitants and within 100
16 feet of a school if:

17 (1) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises;

19 (2) the licensee shall only sell packaged liquors on
20 the premises;

21 (3) the licensee is a national retail chain;

22 (4) as of February 27, 2013, the licensee had 1,778
23 stores operating nationwide, 89 operating in this State,
24 and 11 stores operating within the municipality;

25 (5) the licensee shall occupy approximately 169,048
26 square feet of space within a building that is located

1 across the street from a tuition-based preschool; and

2 (6) the alderman of the ward in which the premises is
3 located has expressed, in writing, his or her support for
4 the issuance of the license.

5 (kk) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at a premises that is located within a municipality with
9 a population in excess of 1,000,000 inhabitants and within 100
10 feet of a school if:

11 (1) the sale of alcoholic liquor is not the principal
12 business carried on by the licensee at the premises;

13 (2) the licensee shall only sell packaged liquors on
14 the premises;

15 (3) the licensee is a national retail chain;

16 (4) as of February 27, 2013, the licensee had 1,778
17 stores operating nationwide, 89 operating in this State,
18 and 11 stores operating within the municipality;

19 (5) the licensee shall occupy approximately 191,535
20 square feet of space within a building that is located
21 across the street from an elementary school; and

22 (6) the alderman of the ward in which the premises is
23 located has expressed, in writing, his or her support for
24 the issuance of the license.

25 (Source: P.A. 96-283, eff. 8-11-09; 96-744, eff. 8-25-09;
26 96-851, eff. 12-23-09; 96-871, eff. 1-21-10; 96-1051, eff.

1 7-14-10; 97-9, eff. 6-14-11; 97-12, eff. 6-14-11; 97-634, eff.
2 12-16-11; 97-774, eff. 7-13-12; 97-780, eff. 7-13-12; 97-806,
3 eff. 7-13-12; 97-1166, eff. 3-1-13.)".