



Rep. Daniel J. Burke

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LRB098 15090 RPS 59536 a

1 AMENDMENT TO SENATE BILL 2644

2 AMENDMENT NO. _____. Amend Senate Bill 2644 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-11 as follows:

6 (235 ILCS 5/6-11)

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

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

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

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

20 (c) Nothing in this Section shall prohibit the issuance of
21 a retail license authorizing the sale of alcoholic liquor
22 incidental to a restaurant if (1) the primary business of the
23 restaurant consists of the sale of food where the sale of
24 liquor is incidental to the sale of food and the applicant is a
25 completely new owner of the restaurant, (2) the immediately
26 prior owner or operator of the premises where the restaurant is

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

6 (d) In the interest of further developing Illinois' economy
7 in the area of commerce, tourism, convention, and banquet
8 business, nothing in this Section shall prohibit issuance of a
9 retail license authorizing the sale of alcoholic beverages to a
10 restaurant, banquet facility, grocery store, or hotel having
11 not fewer than 150 guest room accommodations located in a
12 municipality of more than 500,000 persons, notwithstanding the
13 proximity of such hotel, restaurant, banquet facility, or
14 grocery store to any church or school, if the licensed premises
15 described on the license are located within an enclosed mall or
16 building of a height of at least 6 stories, or 60 feet in the
17 case of a building that has been registered as a national
18 landmark, or in a grocery store having a minimum of 56,010
19 square feet of floor space in a single story building in an
20 open mall of at least 3.96 acres that is adjacent to a public
21 school that opened as a boys technical high school in 1934, or
22 in a grocery store having a minimum of 31,000 square feet of
23 floor space in a single story building located a distance of
24 more than 90 feet but less than 100 feet from a high school
25 that opened in 1928 as a junior high school and became a senior
26 high school in 1933, and in each of these cases if the sale of

1 alcoholic liquors is not the principal business carried on by
2 the licensee.

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

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

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

23 (g) Nothing in this Section shall prohibit the issuance of
24 a retail license authorizing the sale of alcoholic liquor at
25 premises within 100 feet, but not less than 90 feet, of a
26 public school if (1) the premises have been continuously

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

13 (h) 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 within premises and at an outdoor patio area attached to
17 premises that are located in a municipality with a population
18 in excess of 300,000 inhabitants and that are within 100 feet
19 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 liquor is not the principal business
23 carried on by the licensee at the premises,

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

25 (4) the premises are owned by the University of
26 Illinois,

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

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

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

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

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

20 (j) Notwithstanding any provision in this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 of a retail license authorizing the sale of alcoholic liquor at
23 a theater that is within 100 feet of a church if (1) the church
24 owns the theater, (2) the church leases the theater to one or
25 more entities, and (3) the theater is used by at least 5
26 different not-for-profit theater groups.

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

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

10 (2) the southeast corner of the premises are at least
11 350 feet from the southwest corner of the school;

12 (3) the school was built in 1978;

13 (4) the sale of alcoholic liquor at the premises is
14 incidental to the sale of food;

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

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

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

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

1 a population in excess of 1,000,000 inhabitants and is within
2 100 feet of a church or school if:

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

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

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

13 (4) the sale of alcoholic liquor at the premises is
14 incidental to the sale of food;

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

17 (6) the premises is at least 3,200 square feet and sits
18 on a lot that is between 7,150 and 7,200 square feet; 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 (m) 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 church if:

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

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

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

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

13 (5) the sale of alcoholic liquor at the premises is
14 incidental to the sale of food;

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

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

20 (n) Notwithstanding any provision in this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at a premises that is located within a municipality with
24 a population in excess of 1,000,000 inhabitants and is within
25 100 feet of a school if:

26 (1) the school is a City of Chicago School District 299

1 school;

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

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

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

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

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

18 (1) the sale of alcoholic liquor at the premises is
19 incidental to the sale of food;

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

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

24 (4) the primary entrance of the premises is at least
25 100 feet from the primary entrance of the church;

26 (5) the shortest distance between any part of the

1 premises and any part of the church is at least 60 feet;

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

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

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

9 (p) Notwithstanding any provision in 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 at a premises that is located within a municipality with
13 a population in excess of 1,000,000 inhabitants and within 100
14 feet of a church if:

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

18 (2) the church was established at the current location
19 in 1889; and

20 (3) liquor has been sold on the premises since at least
21 1985.

22 (q) 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 premises that is located in a municipality with
26 a population in excess of 1,000,000 inhabitants and within 100

1 feet of a church-owned property if:

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

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

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

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

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

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

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

23 (8) (Blank).

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

1 alcoholic liquor incidental to the sale of food within a
2 restaurant established in a premises that is located in a
3 municipality with a population in excess of 1,000,000
4 inhabitants and within 100 feet of a church if:

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

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

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

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

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

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

26 (1) the church was established at the location within

1 100 feet of the premises after a license for the sale of
2 alcoholic liquor at the premises was first issued;

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

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

9 (t) 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 incidental to the sale of food within a restaurant that
13 is established in a premises that is located in a municipality
14 with a population in excess of 1,000,000 inhabitants and within
15 100 feet of a school and a church if:

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

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

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

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

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

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

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

2 (8) the building is north of the school and separated
3 by an alley; and

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

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

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

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

19 (3) the sale of alcoholic liquor is incidental to the
20 sale of food;

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

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

25 (6) the rear lot of the school and the rear corner of
26 the building that the premises occupy are separated by an

1 alley;

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

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

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

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

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

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

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

26 (2) the premises for which the license or renewal is

1 sought has more than 600 parking stalls;

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

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

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

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

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

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

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

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

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

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

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

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

12 (8) the church has been at its location for at least 40
13 years.

14 (x) 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 church 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 church has been operating in its current
23 location since 1973;

24 (3) the premises has been operating in its current
25 location since 1988;

26 (4) the church and the premises are owned by the same

1 parish;

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

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

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

9 (8) the premises is a 2-story building of approximately
10 23,000 square feet; and

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

13 (y) 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 by the licensee at the premises;

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

23 (3) according to the municipality, the distance
24 between the east property line of the premises and the west
25 property line of the school is 97.8 feet;

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

1 school;

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

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

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

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

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

12 (z) Notwithstanding any provision of 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 at a premises that is located within a municipality with
16 a population in excess of 1,000,000 inhabitants and within 100
17 feet of a mosque if:

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

20 (2) the licensee shall only sell packaged liquors at
21 the premises;

22 (3) the licensee is a national retail chain having over
23 100 locations within the municipality;

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

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

26 (6) the premises is located in the North-East quadrant

1 of the municipality;

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

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

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

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

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

13 (aa) 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 church if:

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

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

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

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

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

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

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

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

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

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

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

14 (bb) 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 church 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 sale of alcoholic liquor at the premises is
23 incidental to the sale of food;

24 (3) the primary entrance to the premises and the
25 primary entrance to the church are located on the same
26 street;

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

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

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

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

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

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

13 (cc) 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 by the licensee at the premises;

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

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

24 (4) as of October 25, 2011, the licensee has 1,767
25 stores operating nationwide, 87 stores operating in the
26 State, and 10 stores operating within the municipality;

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

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

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

10 (dd) Notwithstanding any provision in 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 within a full-service grocery store at a premises that
14 is located within a municipality with a population in excess of
15 1,000,000 inhabitants and is within 100 feet of a school if:

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

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

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

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

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

26 (6) the school is a private school;

1 (7) the principal of the school has given written
2 approval for the license;

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

6 (9) the grocery store level of the premises is between
7 60,000 and 70,000 square feet; and

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

11 (ee) 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 within a full-service grocery store at a premises that
15 is located within a municipality with a population in excess of
16 1,000,000 inhabitants and is within 100 feet of a school if:

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

19 (2) the premises is located on land that has undergone
20 environmental remediation;

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

24 (4) the principal activity of any restaurant in the
25 retail complex is the sale of food, and the sale of
26 alcoholic liquor is incidental to the sale of food;

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

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

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

9 (8) the principal of the school has given written
10 consent to the issuance of the license.

11 (ff) 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 at the premises;

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

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

23 (4) the school is a City of Chicago School District 299
24 school;

25 (5) the primary entrance of the premises and the
26 primary entrance of the school are at least 300 feet apart

1 and no more than 400 feet apart;

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

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

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

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

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

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

24 (4) the building in which the church is located is at
25 least 120 years old;

26 (5) the property on which the church is located is

1 immediately adjacent to and west of the property on which
2 the premises are located;

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

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

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

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

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

20 (hh) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor within a hotel and at an outdoor patio area attached to
24 the hotel that are located in a municipality with a population
25 in excess of 1,000,000 inhabitants and that are within 100 feet
26 of a hospital if:

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

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

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

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

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

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

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

23 (4) the primary entrance to the restaurant and the
24 primary entrance to the church are located on the same
25 street;

26 (5) the street on which the restaurant and the church

1 are located is a major east-west street;

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

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

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

9 (jj) 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 at premises located within a municipality with a
13 population in excess of 1,000,000 inhabitants and within 100
14 feet of a church if:

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

17 (2) the sale of alcoholic liquor is incidental to the
18 sale of food;

19 (3) the premises are located east of the church, on
20 perpendicular streets, and separated by an alley;

21 (4) the distance between the primary entrance of the
22 premises and the primary entrance of the church is at least
23 175 feet;

24 (5) the distance between the property line of the
25 premises and the property line of the church is at least 40
26 feet;

1 (6) the licensee has been operating at the premises
2 since 2012;

3 (7) the church was constructed in 1904;

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

7 (9) the principal religious leader of the church has
8 delivered a written statement that he or she does not
9 object to the issuance of a license under this subsection
10 (jj).

11 (kk) 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 (11) 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 (mm) Notwithstanding any provision of 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 within premises and at an outdoor patio or sidewalk
3 cafe, or both, attached to premises that are located in a
4 municipality with a population in excess of 1,000,000
5 inhabitants and that are within 100 feet of a hospital if:

6 (1) the primary business of the restaurant consists of
7 the sale of food where the sale of liquor is incidental to
8 the sale of food;

9 (2) as a restaurant, the premises may or may not offer
10 catering as an incidental part of food service;

11 (3) the primary business of the restaurant is conducted
12 in space owned by a hospital or an entity owned or
13 controlled by, under common control with, or that controls
14 a hospital, and the chief hospital administrator has
15 expressed his or her support for the issuance of the
16 license in writing; and

17 (4) the hospital is an adult acute care facility
18 primarily located within the City of Chicago Institutional
19 Planned Development Number 3.

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

26 (1) the sale of alcoholic liquor is not the principal

1 business carried out on the premises;

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

4 (3) the premises are a building that was constructed in
5 1913 and opened on May 24, 1915 as a vaudeville theater,
6 and the premises were converted to a motion picture theater
7 in 1935;

8 (4) the church was constructed in 1889 with a stone
9 exterior;

10 (5) the primary entrance of the premises and the
11 primary entrance of the church are at least 100 feet apart;
12 and

13 (6) the principal religious leader at the place of
14 worship has indicated his or her consent to the issuance of
15 the license in writing; and

16 (7) the alderman in whose ward the premises are located
17 has expressed his or her support for the issuance of the
18 license in writing.

19 (oo) Notwithstanding any provision of 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 within 100
24 feet of a mosque, church, or other place of worship if:

25 (1) the primary entrance of the premises and the
26 primary entrance of the mosque, church, or other place of

1 worship are perpendicular and are on different streets;

2 (2) the primary entrance to the premises faces West and
3 the primary entrance to the mosque, church, or other place
4 of worship faces South;

5 (3) the distance between the 2 primary entrances is at
6 least 100 feet;

7 (4) the mosque, church, or other place of worship was
8 established in a location within 100 feet of the premises
9 after a license for the sale of alcohol at the premises was
10 first issued;

11 (5) the mosque, church, or other place of worship was
12 established on or around January 1, 2011;

13 (6) a license for the sale of alcohol at the premises
14 was first issued on or before January 1, 1985;

15 (7) a license for the sale of alcohol at the premises
16 has been continuously in effect since January 1, 1985,
17 except for interruptions between licenses of no more than
18 90 days; and

19 (8) the premises are a single-story, single-use
20 building of at least 3,000 square feet and no more than
21 3,380 square feet.

22 (pp) 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 incidental to the sale of food within a restaurant or
26 banquet facility established on premises that are located in a

1 municipality with a population in excess of 1,000,000
2 inhabitants and within 100 feet of at least one church if:

3 (1) the sale of liquor shall not be the principal
4 business carried on by the licensee at the premises;

5 (2) the premises are at least 6,500 square feet and no
6 more than 7,900 ~~7,500~~ square feet and is located in a
7 single-story building;

8 (3) the property on which the premises are located is
9 within an area that, as of 2009, was designated as a
10 Renewal Community by the United States Department of
11 Housing and Urban Development;

12 (4) the property on which the premises are located and
13 the properties on which the churches are located are on the
14 same street;

15 (5) the property on which the premises are located is
16 immediately adjacent to and east of the property on which
17 at least one of the churches is located;

18 (6) the property on which the premises are located is
19 across the street and southwest of the property on which
20 another church is located;

21 (7) the principal religious leaders of the churches
22 have indicated their support for the issuance of the
23 license in writing; and

24 (8) the alderman in whose ward the premises are located
25 has expressed his or her support for the issuance of the
26 license in writing.

1 For purposes of this subsection (pp), "banquet facility"
2 means the part of the building that caters to private parties
3 and where the sale of alcoholic liquors is not the principal
4 business.

5 (qq) 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 on premises that are located within a municipality with
9 a population in excess of 1,000,000 inhabitants and within 100
10 feet of a church or school if:

11 (1) the primary entrance of the premises and the
12 closest entrance of the church or school are at least 200
13 feet apart and no greater than 300 feet apart;

14 (2) the shortest distance between the premises and the
15 church or school is at least 66 ~~35~~ feet apart and no
16 greater than 81 ~~45~~ feet apart;

17 (3) the premises are a single-story, steel-framed
18 commercial building with at least 18,042 square feet, and
19 was constructed in 1925 and 1997;

20 (4) the owner of the business operated within the
21 premises has been the general manager of a similar
22 supermarket within one mile from the premises, which has
23 had a valid license authorizing the sale of alcoholic
24 liquor since 2002, and is in good standing with the City of
25 Chicago;

26 (5) the principal religious leader at the place of

1 worship has indicated his or her support to the issuance or
2 renewal of the license in writing;

3 (6) the alderman of the ward has indicated his or her
4 support to the issuance or renewal of the license in
5 writing; and

6 (7) the principal of the school has indicated his or
7 her support to the issuance or renewal of the license in
8 writing.

9 (rr) 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 at premises located within a municipality with a
13 population in excess of 1,000,000 inhabitants and within 100
14 feet of a club that leases space to a school if:

15 (1) the sale of alcoholic liquor is not the principal
16 business carried out on the premises;

17 (2) the sale of alcoholic liquor at the premises is
18 incidental to the operation of a grocery store;

19 (3) the premises are a building of approximately 1,750
20 square feet and is rented by the owners of the grocery
21 store from a family member;

22 (4) the property line of the premises is approximately
23 68 feet from the property line of the club;

24 (5) the primary entrance of the premises and the
25 primary entrance of the club where the school leases space
26 are at least 100 feet apart;

1 (6) the director of the club renting space to the
2 school has indicated his or her consent to the issuance of
3 the license in writing; and

4 (7) the alderman in whose district the premises are
5 located has expressed his or her support for the issuance
6 of the license in writing.

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

13 (1) the premises are located within a 15 unit building
14 with 13 residential apartments and 2 commercial spaces, and
15 the licensee will occupy both commercial spaces;

16 (2) a restaurant has been operated on the premises
17 since June 2011;

18 (3) the restaurant currently occupies 1,075 square
19 feet, but will be expanding to include 975 additional
20 square feet;

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

23 (5) the premises are located south of the church and on
24 the same street and are separated by a one-way westbound
25 street;

26 (6) the primary entrance of the premises is at least 93

1 feet from the primary entrance of the church;

2 (7) the shortest distance between any part of the
3 premises and any part of the church is at least 72 feet;

4 (8) the building in which the restaurant is located was
5 built in 1910;

6 (9) the alderman of the ward in which the premises are
7 located has expressed, in writing, his or her support for
8 the issuance of the license; and

9 (10) the principal religious leader of the church has
10 delivered a written statement that he or she does not
11 object to the issuance of a license under this subsection
12 (ss).

13 (tt) 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 premises located within a municipality with a
17 population in excess of 1,000,000 inhabitants and within 100
18 feet of a church if:

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

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

23 (3) the sale of alcoholic liquor at the premises was
24 previously authorized by a package goods liquor license;

25 (4) the premises are at least 40,000 square feet with
26 25 parking spaces in the contiguous surface lot to the

1 north of the store and 93 parking spaces on the roof;

2 (5) the shortest distance between the lot line of the
3 parking lot of the premises and the exterior wall of the
4 church is at least 80 feet;

5 (6) the distance between the building in which the
6 church is located and the building in which the premises
7 are located is at least 180 feet;

8 (7) the main entrance to the church faces west and is
9 at least 257 feet from the main entrance of the premises;

10 and

11 (8) the applicant is the owner of 10 similar grocery
12 stores within the City of Chicago and the surrounding area
13 and has been in business for more than 30 years.

14 (Source: P.A. 97-9, eff. 6-14-11; 97-12, eff. 6-14-11; 97-634,
15 eff. 12-16-11; 97-774, eff. 7-13-12; 97-780, eff. 7-13-12;
16 97-806, eff. 7-13-12; 97-1166, eff. 3-1-13; 98-274, eff.
17 8-9-13; 98-463, eff. 8-16-13; 98-571, eff. 8-27-13; 98-592,
18 eff. 11-15-13.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."