

# PUBLIC HEARING INFORMATION

## PETITION #16-003

**HEARING DATE:** April 20, 2016.

**BACKGROUND:** In the course of administering and enforcing the Zoning Ordinance the Village staff identifies conflicts, omissions and opportunities for improving the zoning regulations. The proposed amendments cover a wide range of zoning issues and are described in more detail below.

**REQUEST:** The Community Development Department identified a number of regulations that need to be added, modified, or clarified.

### (1) Amend Section 11-3-2 pertaining to the definitions for restaurants.

*There are terms for restaurants defined but not used elsewhere in the Zoning Ordinance, restaurant terms used in the Zoning Ordinance but not defined in the Zoning Ordinance. This amendment is intended to coordinate the definitions with terms used in the body of the Zoning Ordinance.*

#### CURRENT DEFINITIONS:

**CARRYOUT RESTAURANT:** An establishment that by design of the physical facilities, service, or packaging sells prepared ready to eat foods intended primarily to be consumed off the premises

**EATING ESTABLISHMENT:** Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on site consumption.

**FAST FOOD RESTAURANT:** An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption within the restaurant building. Fast food restaurants also include drive-in or carryout restaurants, which offer the rapidly prepared food to customers to consume in cars, or off premises. See definitions of Drive-In Establishment and Carryout Restaurant.

**RESTAURANT:** Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, and consumed within the principal building. The serving of alcoholic beverages may be included in a restaurant when served with, and incidental to, meals.

**RESTAURANT, CARRYOUT OR DRIVE-IN:** See definition of Carryout Restaurant.

#### PROPOSED CHANGES:

**EATING ESTABLISHMENT:** Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on site consumption.

**RESTAURANT:** Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, and consumed within the principal building. The serving of alcoholic beverages may be included in a restaurant when served with, and incidental to, meals.

RESTAURANT, CARRYOUT: An establishment that by design of the physical facilities, service, or packaging sells prepared ready to eat foods intended primarily to be consumed off the premises.

RESTAURANT, DRIVE-IN: An establishment that by design of the physical facilities, service, or packaging sells which offer the rapidly prepared food to customers to consume in cars, or off premises.

RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption within the restaurant building. ~~Fast food restaurants also include drive-in or carryout restaurants, which offer the rapidly prepared food to customers to consume in cars, or off premises. See definitions of Drive-In Establishment and Carryout Restaurant.~~

~~RESTAURANT, CARRYOUT OR DRIVE-IN: See definition of Carryout Restaurant.~~

- (2) Amend Section 11-8-4 by adding "carry-out restaurant" and "restaurant" as permitted uses in the B-1 District.

*The B-1 District is the most restrictive commercial zoning classification but carry-out restaurants and restaurants are not permitted.*

- (3) Amend Section 11-8-5-B-2 by adding "carry-out restaurant" as a permitted use in the B-2 District.

*Remove from list of Special Uses and make this use a permitted use in the zoning district.*

- (4) Amend Section 11-8-6-D-1 by adding "carry-out restaurant" and "restaurant" as permitted uses in the B-3 District.

*Remove from list of Special Uses and make this use a permitted use in the zoning district.*

- (5) Amend Section 11-10-2-B by adding "gymnasiums and health clubs" as permitted uses in the M-1 District.

*Remove from list of Special Uses and make this use a permitted use in the zoning district. Experience with this use has shown the Special Use approach is excessive and a detriment to business development in the Village.*

- (6) Amend Section 11-12-3-H-5 by adding regulations pertaining to the number of driveways permitted on a lot

*This regulation was inadvertently removed when the sign regulations were amended in their entirety in 2014. The Proposed amendment merely returns this regulation to its place in the Zoning Ordinance.*

5. Access Control: There shall be no more than one entrance and one exit or one combined entrance and exit along any street unless additional entrance/exit is approved by the Village Board for the alleviation of traffic congestion and interference of traffic movement along the street:

- a. One-way driveways shall be clearly marked with appropriate entrance and exit signs.
- b. If, in the opinion of the Village Engineer, traffic in the vicinity of the site warrants the restriction of turning movement or access to and from a parking facility, traffic signs or

driveway modifications necessary to accomplish said restrictions shall be provided.

(7) Amend Section 11-12-5 by adding parking requirements for carry-out restaurants

*Presently, the parking requirements for restaurants do not differentiate requirements for different types of restaurants. It is common to have different parking requirements for carry-out restaurants and other restaurant types.*

Section 11-12-5, Schedule of Parking Requirements:

The current parking requirements for restaurants

Restaurants, fast food	13.0 spaces per 1,000 square feet of floor area, plus 8 stacking spaces for each drive-up window through which food and drink is dispensed
Restaurants, sit down, and banquet halls	13.0 spaces per 1,000 square feet of floor area
Restaurants, with live entertainment, and dancing	15.0 spaces per 1,000 square feet of floor area

Change to read as follows:

<b>Restaurants, fast food</b>	<b><del>13.0 spaces per 1,000 square feet of floor area, plus 8 stacking spaces for each drive-up window through which food and drink is dispensed</del></b>
<b>Restaurants, carry-out</b>	<b>6 per 1,000 square feet of floor area</b>
Restaurants, <del>sit down</del> ; <b>drive-ins</b> ; and banquet halls	13.0 spaces per 1,000 square feet of floor area
Restaurants, with live entertainment and/or dancing	15.0 spaces per 1,000 square feet of floor area

The stacking space requirements for drive-through windows is not needed since the drive-through requirements (Section 11-4-11-G) provide the requirements for stacking spaces. "Sit-down restaurant" is not a term used or defined elsewhere in the Zoning Ordinance. The parking requirement for "carry-out restaurant" reflects the norm.

(8) Amend Section 11-13-6 by adding requirements for annual zoning compliance registration for non-residential uses in the Village

*The proposed amendment will establish an annual zoning compliance registration requirement for all non-residential uses in the Village. The purpose of the registration requirement is to verify that the business complies with the zoning requirements and collect basic emergency contact information for the premises.*

(9) Amend Section 11-13-15 pertaining to enforcement and penalties

*The proposed amendment will establish increased fines and penalties for performing work without a building and zoning permit. The proposal is to eliminate the minimum fine and give the Community Development Director discretion in setting fines for performing work without a zoning or building permit.*

(10) Amend Section 11-14-11 pertaining to temporary signs

*The proposed amendment will increase the maximum number of days in a calendar year a business can display temporary signs. The amendment also will permit the use of flags for temporary sign purposes. This is a response to business community complaints that the temporary sign regulations are too restrictive for business purposes.*

**11-14-11: TEMPORARY FOR BUSINESS PERMITTED SIGNS:**

A. Temporary, ground or wall mounted, advertising: There is one type permitted:

1. Nonresidential, business advertising signs. Only advertising a business in operation on the lot. These may be for grand openings, temporary advertising, special events, etc., but must be located on site.
  - a. Number. Up to four (4) signs may be displayed simultaneously ~~are permitted~~ (as long as they ~~are erected simultaneously~~ and advertise the same event) ~~that total no more than thirty two (32) square feet each and no more than one hundred (100) square feet total.~~
  - b. Area. The total area of all temporary signs displayed at one time shall not exceed one hundred (100) square feet, and no temporary sign shall exceed that total no more than thirty two (32) square feet each and no more than one hundred (100) square feet total.
  - c. Height. They may not exceed ten feet (10') in height and ten feet (10') in width. Maximum mounting height is fourteen feet (14').
  - d. Permitted temporary signs include banners, posters, flags and A-frame (sidewalk or sandwich board) signs constructed of a durable material. Balloons, streamers, spinners, pennants, cold air inflatable devices, ~~and flags~~ are not permitted.
  - e. Illumination. Temporary signs shall not be internally illuminated ~~Internal illumination is prohibited.~~
  - f. Duration. These signs are limited to a sixty (60) forty five (45) day maximum display exposure period per calendar year, but no single display period shall exceed thirty (30) days, which may be split into increments, with a separate permit to accompany each increment (e.g., zoning lot 101 may apply for 3 separate 15 day periods, 9 separate 5 day periods, one 45-day period, etc.); provided, however, that all such signs may not be erected prior to one minute after twelve o'clock (12:01) A.M. on the first date of the permit and must be removed by eleven fifty nine o'clock (11:59) P.M. on the date of the expiration of the permit.

- gf. In the case of single zoning lots with multiple tenants, all of the above provisions apply except that each tenant shall be limited to sixty (60) days ~~forty five (45) days and one sign~~.
- hg. Up to four (4) signs shall only be required to pay one fee for each increment of time applied for. Permit fees shall not be reduced or prorated due to the applicant's choice to select a permit for a shorter period of time than they are otherwise entitled.
- ih. Mobile vendors (title 3, chapter 8 of this code) or vendors permitted as a temporary use (section 11-4-8 of this title) may have one temporary advertising sign with permission from the property owner of the host lot and a permit from the village. (Ord. 2014-01-07A, 1-7-2014)

Be advised, any or all of the proposed amendments may be modified by the Plan Commission or Village Board before adoption.