

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)   X   *Waiver of First Requested*  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: February 26, 2020 (B of T) Date: March 5, 2020

TITLE: Amending the Alcoholic Liquor Code – Outdoor Seating Areas

SUBMITTED BY: Keith T. Giagnorio  
Local Liquor Control Commissioner  
Village President

**BACKGROUND/POLICY IMPLICATIONS:**

Attached is an ordinance amending Title XI, Chapter 112, Section 112.24(B) relative to outdoor seating areas being considered part of the licensed premises for a business that has been issued a liquor license.

Staff has requested a waiver of first reading.

Please place this item on the March 5, 2020 Board of Trustees agenda.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** Scott Niehaus, Village Manager

**FROM:** Keith Giagnorio, Local Liquor Commissioner

**DATE:** March 5, 2020

**SUBJECT:** Text Amendment to Title XI, Chapter 112, Section 112.24(B)  
Alcoholic Beverages - Outdoor Seating Areas

The Community Development Department is currently requesting text amendments to the Zoning Code, Title XV, Chapter 155, relative to allowing outdoor dining on private property as a permitted use in all business districts as well as defining the terms outdoor dining and outdoor cafes. At the February 20, 2020 Village Board meeting, these text amendments were approved on first reading and are currently on second reading. (See Legistar Number 200049).

Village Code Title XI, Chapter 112: Alcoholic Beverages, Section 112.24(B) states the conditions associated with liquor licensing, specifically, when outdoor seating areas would be considered part of the licensed premises for a business that has been issued a liquor license. The text amendments requested by Chapter 155 of the Zoning Code necessitates the need to amend Section 112.24(B) of Village Code.

Village Counsel prepared the attached ordinance for the Village Board's consideration. Subsection (B) has been amended. Language that has been struck will be deleted and language in red and underlined will be added:

(B)

"Except as allowed pursuant to 235 ILCS 5/6-33, It shall be a violation of this Chapter for any licensee, or any officer, associate, member, representative, agent or employee of any licensee to allow or permit any individual to exit the licensed premises with alcoholic liquor in his or her possession, other than package goods. For purposes of this subsection, a parking area shall not constitute part of the licensed premises, except on those days on which a liquor licensee is serving alcoholic beverages pursuant to a Class "P" liquor license. ~~For purposes of this subsection, an outdoor seating and service area on private property that: (1) is approved pursuant to the granting of a conditional use therefor; or (2) is an "Outdoor Café," as defined in Section 155.802 of this Code, and is located in either the B5 Central Business District or B5A Downtown Perimeter District; shall be considered part of the licensed premises for a business that has been issued a liquor license for the consumption of alcoholic beverages on the licensed premises.~~ For purposes of this subsection, an area designated for "Outdoor Dining," as defined in Section 155.802 of this Code, on private property in any Business Zoning district, or an "Outdoor Café," as defined in Section 155.802 of this code in either the B5 Central Business district of B5A Downtown Perimeter District, shall be considered part of the licensed premises for a business that has been issued a liquor license for the consumption of alcoholic beverages on the licensed premises.

Staff is requesting a waiver of first reading in order to effectuate Section 112.24(B) of Village Code concurrently with the approval of the text amendments associated with Chapter 155 of the Zoning Code.

If you have any questions, please feel free to contact me.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112,  
SECTION 112.24(B) OF THE LOMBARD VILLAGE CODE  
IN REGARD TO LIQUOR LICENSES AND OUTDOOR SEATING AREAS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Title XI, Chapter 112, Section 112.24(B) of the Lombard Village Code is amended by revising the last sentence thereof to read in its entirety as follows:

“For purposes of this subsection, an area designated for “Outdoor Dining,” as defined in Section 155.802 of this Code, on private property in any Business Zoning District, or an “Outdoor Café,” as defined in Section 155.802 of this Code, in either the B5 Central Business District or B5A Downtown Perimeter District, shall be considered part of the licensed premises for a business that has been issued a liquor license for the consumption of alcoholic beverages on the licensed premises.”

**SECTION 2:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk