

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES  
MARCH 22, 2006 – 7:00 p.m.**

Chairman Hay called the meeting to order at 7:00 p.m. Committee members present: Aldermen Hay, Berg, Logan and Leyden. Also present were Mayor Nolan, City Clerk Wells and City Administrator Nelson.

**Chapter 25 – Liquor Code**

The Committee reviewed Administrator Nelson’s memo outlining several recommendations to amend the liquor code:

Outdoor Liquor License - create an outdoor liquor license which would be different than the existing outdoor auxiliary permit which is for special events and would allow for consumption on premises in an outdoor area in conjunction with food service and with a Class R1 Liquor License, in particular for Adriana’s Restaurant which has an outdoor deck. The Committee discussed not limiting the license to a Class R1 Liquor License but limiting it to an outdoor area designed for the service of food. Areas discussed:

- a) License fee. *The general consensus was not to charge an additional license fee.*
- b) Hours of Operation in the outdoor area shall be from 11:00 a.m. to 9:00 p.m. *Change closing to 10 p.m.*
- c) The outdoor area shall be screened or enclosed by either landscaping or fencing so as to prevent alcoholic liquor from leaving premises. The area shall be approved by this liquor commissioner. *Okay*
- d) The outdoor area shall be contiguous to and accessible from the licensed premises. *Okay*
- e) There shall be no entertainment or sound amplification in the outdoor area. *Okay*
- f) The outdoor area shall be no larger than one-half the floor area of the licensed premises. *Okay*
- g) No dispensing of alcoholic liquor shall take place in the outdoor area. *Okay*
- h) Lighting standards. *Add -This shall be approved by this liquor commissioner.*
- i) Glass bottles, glasses verses plastic. *Drop requirement.*

The Committee recommended language from Woodstock’s code reference Prohibited Acts and Conditions, Public Consumption, making changes to the last sentence: “It shall be unlawful for any person to consume any “alcoholic liquor”, as defined by this chapter, or any beer upon or about the following places: 1) any street, sidewalk or public thoroughfare within any area zoned in a business district as defined by the zoning ordinance within the city limits, except to the extent the city waives the enforcement of this section pursuant to a request by a licensee to sell or offer for sale alcoholic beverages at an outdoor dining care. As a condition of being granted this waiver, the licensee shall comply with all requirements imposed by the city regarding screening, sound amplification and location. The licensee shall also comply with all insurance requirements pursuant to Section \_\_\_\_\_ of this chapter and shall make the city an additional insured party under the licensee’s certificate of insurance. This exception shall only be available to retailers who use the area for services or commodities other than alcoholic beverages.” Dave will have ordinance drafted pursuant to Committee discussion for review.

Section 25.14, Abandonment of Liquor Licenses - The Committee discussed amending the liquor code that in the event a liquor license is abandoned, the license would not be available to another potential license holder, and would then reduce the total number of licenses.

One Time License Fee – The Committee discussed charging a one time license fee when parties ask the City Council to amend the liquor code to create an additional license, non-transferable, paid upon the issuance of a license. The Mayor reviewed pending requests for new licenses for carryout and Class A. The general consensus was to charge a one-time fee, non-transferable, for the creation of a new license as follows: \$10,000 for carry-out and \$5,000 for on-premise which would include taverns and restaurants. Also discussed removing the numbers and limits associated with available licenses; any new liquor license other than what already exists would have to be created by the City Council.

Moved by Berg, seconded by Leyden to recommend to the City Council that the liquor code be amended as discussed. City Clerk Wells requested authorization to discuss other language in the liquor code with the Chief. Administrator Nelson noted that an ordinance will be drafted for review which could include some language review. Alderman Berg amended his motion, seconded by Leyden directing that a draft ordinance incorporating all the changes be brought back to the Committee for review. All ayes. Motion carried.

**Metra Parking Lot #2**

Administrator Nelson reported on the need for additional overnight parking in the Metra Parking Lot #2 which is located east of Ayer St. north of the tracks. There are 45 available spaces of which 27 are currently overnight parking only. Moved by Berg, seconded by Leyden to recommend to the City Council that City ordinance be amended to allow for an additional 18 spaces in the Metra Parking Lot #2 which would make the entire parking lot overnight parking only. All ayes. Motion carried.

### **Zoning and Subdivision Code Text Amendments**

City Clerk Wells reviewed proposed zoning code text amendments:

1. Table 1, the minimum lot size for an agriculture use is 40,000 sq. ft. whereas Table 2, Lot Area for Particular Uses, the minimum lot area for an agriculture use is 20 acres. *Remove the requirement from Table 2.*
2. Table 1, the minimum lot size for a three apartment building is 18,712 sq. ft. whereas Table 2, Lot Area for Particular Uses, the minimum lot area for multi-family dwelling over two stores is 20,000 sq. ft. *Amend Table 1 so that both are at 20,000 sq. ft.*
3. Home Occupation – City Clerk has definitions to clarify “grooming and care of live animals”.

Moved by Logan, seconded by Leyden to authorize the City Clerk to incorporate changes as discussed into a petition. All ayes. Motion carried.

City Clerk Wells noted a previous discussion by the City Council to amend the language in the subdivision ordinance reference the topographical survey requirement for simple subdivisions and noted that he would like more time to review the entire chapter. Administrator Nelson noted that text amendments to Chapter 16 do not require a public hearing before the Planning and Zoning Commission.

At 7:50 p.m., moved by Berg, seconded by Leyden to adjourn the meeting. All ayes. Motion carried.

Submitted by:  
Chairman Tom Hay