



Village of Morton Grove

Department of Community Development

To: Chairperson Farkas and Members of the Plan Commission

From: Nancy Radzevich, AICP, Community & Economic Development Director
Dominick Argumedo, AICP, Zoning Administrator/Land-Use Planner *JUR*

Date: February 9, 2016

Re: Plan Commission Case PC 16-01 - Application for a Text Amendment to Chapter 17 of Title 12 of the Village of Morton Grove Municipal Code (Ord. #07-07) to modify the definitions for *Restaurant* uses

STAFF MEMORANDUM

Public Notice

The Village provided Public Notice for the February 15, 2016 Plan Commission public hearing for PC 16-01 in accordance with the Unified Development Code. The *Pioneer Press* published the public notice on January 28, 2016. As this request is for a text amendment, not a request for a specific site, no public notice signs or notification letters were required.

Background

The Village of Morton Grove Municipal Code (Title 12, Chapter 17) defines *Restaurant* as, "An establishment where food is prepared, served and consumed". This definition is written in such an inclusive manner that it could define a variety of other types of establishments as a Restaurant. This proposed amendment will not only clarify the general definition of a restaurant (vs. a bar that serves food), but will also clarify restaurant types, which may require a different level of review and/or different parking requirements.

Proposed Amendment

Staff proposes the following Amendment to Section 12-17-1 of the Unified Development Code as follows:

12-17-1: TERMS DEFINED

~~RESTAURANT: An establishment where food is prepared, served and consumed.~~ **An establishment whose principal business is the sale of food and drink that are prepared and served for ready consumption to the general public, primarily within the principal building. A restaurant may have an accessory bar area which caters to customers who are served alcoholic beverages and food, however, kitchen facilities must remain open during accessory bar hours of operation. A restaurant where more than 50% of the food and drink sales are generated from alcoholic beverage sales shall be classified as a "Bar."**

~~RESTAURANT, CARRYOUT: A restaurant where the majority of the food or drink is prepared and served for consumption off the premises~~ **An**

establishment whose principal business is the sale of food and drink that are prepared and served for ready consumption to the general public, of which the majority is served for consumption off premises, and that has no more than eight seats available to patrons for on-premises consumption

RESTAURANT, DRIVE-IN **or DRIVE-THROUGH**: ~~A restaurant where food or beverages may be ordered from a motor vehicle or where an automobile parking area is provided on the premises for the consumption of goods and beverages~~ **A restaurant or carryout restaurant which is also designed or intended to enable a customer, without exiting a motor vehicle, to purchase food and drink for ready consumption either on-site, within their vehicle, or offsite**

RESTAURANT, SIT-DOWN: ~~A restaurant which provides food service to patrons who order and are served while seated and pay after eating.~~

Discussion

Staff reviewed the definitions of "Restaurant" from the surrounding communities of Evanston, Park Ridge, Niles, Des Plaines, Skokie, Glenview and Lincolnwood as well as some other communities around Chicago and other areas of the country. Many municipalities' definitions, however, were similar to the Village's existing definition or were excessively cumbersome. Many communities simply defined restaurant as "an establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages." or "an establishment which is open to the general public and where food and beverages are prepared and offered for consumption." Most notably absent from these definitions is the failure to note that the principal business of a restaurant is the *sale* of food.

In other cases, some communities included up to 5 or 6 variations of restaurants that seemed needless cumbersome. Further, many municipalities used rigid definitions for restaurants, which included requirements for non-disposable plates and/or included conditions on when a customer paid for their meal and how the food was delivered (self-service versus wait-staff). As the restaurant industry is ever changing, those characteristics and other operational factors are not as vital to categorizing a restaurant. In order to cover the key aspects of a "restaurant," without overly complicating the definition, staff reviewed numerous definitions to extract the best concepts for the proposed definitions included in this amendment.

The proposed general definition for a *Restaurant* aims to clarify the use and distinguish restaurants from bars or taverns that also serve food. First, it defines that a restaurant's principal business is the sale of food for ready consumption not merely the preparation and service of food. This definition also brings the restaurant definition into line with the Village's definition of a "Bar" which in part states that a Bar's "primary function is the sale of alcoholic beverages to be consumed on the premises...."

The *Restaurant, Carry-Out* definition is modified to include the specific limit on the number of seats to further clarify that their primary business is the sale of food for consumption *off premises*. Staff noted in researching definitions, many other municipalities set a limit on the number of seats for carryout restaurants at either 5 or 8. When considering the practical application of this definition, staff looked at two primary aspects. The first was to ensure that

these types of carryout places can be located in smaller tenant spaces, by right, as their parking demands are typically not as intense as a traditional sit-down restaurant. Secondly, staff wanted to ensure the zoning definition was consistent with other building and plumbing code requirements for these types of uses. The Illinois Plumbing Code requires eating establishments with a combined number of employees and seats greater than 10 to provide separate bathroom facilities for patrons – this not only adds to the build-out costs, but is also adds to the required amount of ancillary space needed for facilities. In staff's experience, true carry-out type restaurants typically have a small number of employees (typically a maximum of 1-2 employees, onsite, at any given time). In limiting the number of seats to no more than eight (8), these types of restaurants can locate in smaller tenant spaces with lower build-out costs. Staff believes this proposed definition provides better by-right opportunities for locating such businesses within the Village, limits potential parking impacts on adjacent uses, and provides a greater degree of consistency between the other codes.

The *Restaurant, Drive-In* definition is modified to include also *Drive-Through* uses. A specific *Restaurant, Drive Through* use is not currently in the zoning definitions, even though it is referenced in the generic Drive-Through Facility definition. This modified definition combines the two auto-related restaurant uses into a single definition.

Finally, in the interest of clarity, staff proposes to eliminate the *Restaurant, Sit Down* definition. The main distinction between restaurant types is between those that cater to customers who consume food on premises and those that cater to customers who consume food off premises. That distinction has been made through the updated definition of *Restaurant, Carry Out*.

Recommendation

If the Plan Commission decides to support this text amendment, Staff suggests the following motion:

Plan Commission recommends approval of Case #PC16-01 for a Text Amendment to the Section 12-17-1 of the Unified Development Code (Ordinance #07-07) to modify the existing definitions for *Restaurant*, *Restaurant, Carryout*, and *Restaurant Drive-In* and to eliminate the term and definition for *Restaurant, Sit-Down*, as follows:

~~RESTAURANT: An establishment where food is prepared, served and consumed.~~ **An establishment whose principal business is the sale of food and drink that are prepared and served for ready consumption to the general public, primarily within the principal building. A restaurant may have an accessory bar area which caters to customers who are served alcoholic beverages and food, however, kitchen facilities must remain open during accessory bar hours of operation. A restaurant where more than 50% of the food and drink sales are generated from alcoholic beverage sales shall be classified as a "Bar."**

~~RESTAURANT, CARRYOUT: A restaurant where the majority of the food or drink is prepared and served for consumption off the premises~~ **An establishment whose principal business is the sale of food and drink that are prepared and served for ready consumption to the general public, of which the majority is served for consumption off premises,**

and that has no more than eight seats available to patrons for on-premises consumption

~~RESTAURANT, DRIVE-IN~~ **or DRIVE-THROUGH: A restaurant where food or beverages may be ordered from a motor vehicle or where an automobile parking area is provided on the premises for the consumption of goods and beverages** **A restaurant or carryout restaurant which is also designed or intended to enable a customer, without exiting a motor vehicle, to purchase food and drink for ready consumption either on-site, within their vehicle, or offsite**

~~RESTAURANT, SIT DOWN: A restaurant which provides food service to patrons who order and are served while seated and pay after eating.~~

Attachments:

- Application
- Proposed Amendment to Section Grove Unified Development Code (Ordinance #07-07)

PC 16-01 Proposed Text Amendments

12-17-1: DEFINITIONS:

~~RESTAURANT: An establishment where food is prepared, served and consumed.~~ **An establishment whose principal business is the sale of food and drink that are prepared and served for ready consumption to the general public, primarily within the principal building. A restaurant may have an accessory bar area which caters to customers who are served alcoholic beverages and food, however, kitchen facilities must remain open during accessory bar hours of operation. A restaurant where more than 50% of the food and drink sales are generated from alcoholic beverage sales shall be classified as a "Bar."**

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