

**ORDINANCE 2017 – O - 26**

**AN ORDINANCE CLARIFYING THE ZONING REGULATIONS  
RELATING TO OUTDOOR CAFES AND BEER GARDENS**

**WHEREAS,** the Village Director of Community Development petitioned the Planning and Zoning Board to consider making certain modifications to the zoning code to clarify the regulations allowing bars and restaurants to have outdoor beer gardens and cafes, under Docket 09-PZB-17, it having been permitted by the provisions of the liquor code for a number of years, but has not previously been incorporated into the appropriate business district zoning rules, and

**WHEREAS,** the PZB held a public hearing on the said petition on November 14, 2017, concluding with a unanimous recommendation to the Village Board to accept the suggested text amendments, and

**WHEREAS,** the Village Board has considered the said petition and recommendation and finds that the same will enhance the opportunities for business owners to utilize their properties without unduly intruding upon the rights of others nearby,

**NOW THEREFORE, BE IT ORDAINED** by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

**SECTION ONE:** Section 154.078 (C)(2)(d)(1) of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter as follows (additions underlined, deletions ~~stricken~~):

154.078 (C)(2)(d)1. Neighborhood Service. A use in this category occupies a space of less than or equal to 8,000 square feet. Neighborhood service includes such uses as those listed in Table (C)(3) 2. Neighborhood services may include outdoor café dining and beer gardens, subject to the regulations provided in sections 110.25 and 110.31 of this Code.

**SECTION TWO:** Section 154.085(C) of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (deletions ~~stricken~~, additions underlined):

154.085 (C) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings. As a function of a permitted use, outdoor café dining and beer gardens are permitted, subject to the regulations provided in sections 110.25 and 110.31 of this Code.

**SECTION THREE:** Section 154.095(C) of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (deletions ~~stricken~~, additions underlined):

154.095 (C) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced. As a function of a permitted use, outdoor café dining and beer

gardens are permitted, subject to the regulations provided in sections 110.25 and 110.31 of this Code.

**SECTION FOUR:** Section 154.106(C) of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (deletions ~~stricken~~, additions underlined):

154.106 (C) All operations, activities, and storage shall be conducted and maintained wholly inside enclosed buildings, except for automobile parking spaces and off-street loading areas, and except that merchandise may be kept in any open area for immediate sale or temporary display. As a function of a permitted use, outdoor café dining and beer gardens are permitted, subject to the regulations provided in sections 110.25 and 110.31 of this Code.

**SECTION FIVE:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 5th DAY OF November, 2017 .

ATTEST:

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DR. MICHAEL BRUNO, MAYOR

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JULIE RITTENHOUSE, VILLAGE CLERK