

ORDINANCE 19-2021

**AN ORDINANCE AMENDING THE VLLAGE'S UNIFIED DEVELOPMENT
ORDINANCE REGARDING ACCESSORY OUTDOOR SEATING AREAS**

WHEREAS, on January 7, 2014, the Village Board of the Village of Gilberts adopted the Gilberts Unified Development Ordinance ("**UDO**"), which sets forth the zoning and development standards and procedures for the Village; and

WHEREAS, the UDO currently lists permanent outdoor seating areas accessory to bars, restaurants, and taverns as a permitted use in the C-1 Commercial District under Section 4-2 of the UDO; and

WHEREAS, the Village Board desires to amend the UDO to clarify that permanent outdoor seating areas accessory to bars, restaurants, and taverns are allowed in the C-1 Commercial District only upon the issuance of special use permit; and

WHEREAS, due to the COVID-19 Pandemic, the Village Board has allowed temporary outdoor seating accessory to restaurants, bars and taverns pursuant to the executive orders issued by Governor Pritzker; and

WHEREAS, the expansion of temporary outdoor seating areas has been well received by the public, and the Village Board desires to amend the UDO to clarify how such temporary outdoor seating areas will be permitted; and

WHEREAS, the Village Board has proposed an amendment to the UDO to clarify that permanent accessory outdoor seating areas are allowed in the C-1 Commercial District as a special use, and to include temporary outdoor seating areas as a permitted temporary use in the Village's non-residential districts ("**Amendment**"); and

WHEREAS, the Plan Commission conducted a public hearing, pursuant to notice published in accordance with Illinois state law, on the Amendment at its meeting held on July 14, 2021, at which time the Plan Commission recommended approval of the Amendment; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission's recommendation, and has determined that it is in the best interests of the Village to approve the Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SECTION 4-2 OF THE UDO. Chapter 4, Section 4-2, entitled "Permitted Uses," is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

“4-2. – Permitted Uses.

The following uses and no other are permitted as of right in the C-1 District:

1. *Retail Business Uses.*

* * *

~~v. — Permanent outdoor seating areas accessory to bars, restaurants, and taverns.”~~

SECTION 3. AMENDMENT TO SECTION 4-3 OF THE UDO. Chapter 4, Section 4-3, entitled “Special Uses,” is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

“4-3. – Special Uses.

The following uses may be permitted in the C-1 district, subject to the issuance of a special use permit as provided in Section 11-11 of this code and subject to the additional standards set forth in this section.

1. *Retail Business Uses.*

* * *

e. — Permanent outdoor seating areas accessory to bars, restaurants, and taverns.”

SECTION 4. AMENDMENT TO SECTION 8-3 OF THE UDO. Chapter 8, Section 8-3, entitled “Temporary Uses,” is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

“8-3. – Temporary Uses.

* * *

D. Permitted Temporary Uses.

* * *

2. Nonresidential Districts and Old Town District.

a. Temporary Outdoor Sales. A temporary use permit is required for temporary outdoor sales and display, including sidewalk sales, and similar outdoor sales. A permit shall be valid for a period not to exceed seven days, and not more than four permits shall be issued for the same property in one calendar year. The specific hours of operation shall be specified in the temporary use permit. Sales shall be conducted so as not to interfere with traffic or cause a nuisance

b. Temporary outdoor seating areas accessory to bars, restaurants, and taverns. A temporary use permit is required for temporary outdoor

seating areas accessory to bars, restaurants, and taverns. Any permittee seeking to serve alcohol in any temporary outdoor seating area must comply with all applicable liquor licensing requirements.

SECTION 5. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 6. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 20 DAY OF July, 2021, pursuant to roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Brandon Coats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Justin Redfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee David LeClercq	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Guy Zambetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 20 DAY OF July, 2021

[Signature]
Village President, Guy Zambetti

[Signature]
Village Clerk, Courtney Baker

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