



VILLAGE OF WESTMONT
Board of Trustees Memorandum
January 13, 2022

Item for Board of Trustees Consideration:

Board to consider an ordinance approving a Zoning Code text amendment to Article XIV(B), "Definitions," of the Zoning Ordinance to amend the definition for a Craft alcoholic beverage dispenser.

Planning and Zoning Commission recommendation:

At its meeting on December 8, 2021, the Planning and Zoning Commission unanimously recommended approval of the text amendment.

I. Basis of Recommendation

A. Background

In October of 2019, with Ordinance 19-154, the Village adopted codes regulating uses commonly referred to as microbreweries, as the existing code was vague and required clarification. Although adopted, the Village did not receive any immediate requests to test and evaluate the new regulations for appropriateness as related to an applicant's actual business model.

Village staff has now been approached with the first request for a Special Use Permit approval for a "Craft alcoholic beverage dispenser (includes brewpubs)" since the adoption of code regulating such use in 2019.

B. Existing Language

A "Craft alcoholic beverage dispenser (includes brewpubs)" is listed in Appendix A, Article XIV(B) - Definitions, and is defined as:

"A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site, subject to local liquor requirements, to patrons in on-site indoor or outdoor seating areas, limited to sales from the brewery's storage tanks for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted."

The definition is explicit in that the *only* alcohol that can be sold through the business must be manufactured on-site. This creates a conflict for the current petitioner request, as the business model desires to both brew beer on-site, as well as have a full-service bar.

II. Analysis and Critical Issues

A. Zoning

Upon review, there are many examples of craft breweries that serve alcohol beyond what is produced on-site. Whether a guest brew, or a type of alcohol that is often requested, such as cider, seltzer, wine or liquor, the business adjusts to meet customer needs. There is a distinct preference to sell alcohol that is produced on-site due to higher profit margins, but offering alternatives can promote a diverse customer base that does not exclude those that do not prefer a limited menu. When paired with food sales or a full-service restaurant, it creates a greater opportunity for business success.

Although the petitioner could request a variation to the limitation, staff proposes that the appropriate correction would be to amend the definition without the terminology that would prevent sale of other types of liquors.

This option does not alter the need for a Special Use Permit approval for the use, and does not adjust any zoning districts in which the use may be permitted or prohibited. All the Special Use Permit standards of Sec. 13.09 and any listed Special Conditions specific to the zoning district would still be applicable for approval.

B. Comprehensive Plan

Chapter 12 of the Comprehensive Plan discusses goal implementation strategies and specifically notes a needed "Review of Zoning Ordinance" on page 142. As stated, the plan recommends "a review and update of the Village's zoning ordinance, subdivision regulations, and various related codes, ordinances, and other development controls. Policies regarding land use and the quality, character and intensity of new development established in the Comprehensive Plan should be used to revise existing zoning and development regulations. To better reflect the unique needs and aspirations of the Westmont community, all development controls should be made to be consistent with the recommendations of the Comprehensive Plan."

The proposed text amendment is consistent with the above vision.

C. Recommended Language

To remedy the code, Staff proposes to amend Appendix A, Article XIV(B) - Definitions with a simple deletion of "limited to" and replacement "with" as stated below:

"Craft alcoholic beverage dispenser (includes brewpubs): A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site, subject to local liquor requirements, to patrons in on-site indoor or outdoor seating areas, ~~limited to~~with sales from the brewery's storage tanks for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted."

The text is purposeful in that it does not explicitly permit or forbid the sale of other liquors in addition to the brewery sales. As such, a corresponding liquor license can regulate the types of alcohol sales permitted.

III. SUMMARY

Staff presents the above text amendment to the Westmont Zoning Ordinance to amend the definition of a Craft alcoholic beverage dispenser (includes brewpubs) to permit the option of additional alcohol sales beyond those brewed on-site.

IV. DOCUMENTS ATTACHED:

1. Publication notice appearing in the November 18, 2021 Westmont Suburban Life.
2. Proposed new ordinance language.

Certificate of the Publisher

Westmont Suburban Life

Description: TEXT AMENDMENT CRAFT
1936566
PZC 161-2021

VILLAGE OF WESTMONT
31 W QUINCY ST
WESTMONT IL 60559

Shaw Media certifies that it is the publisher of the Westmont Suburban Life. The Westmont Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Westmont, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Westmont Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 11/18/2021

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its publisher, at Westmont, Illinois, on 18th day of November, A.D. 2021

Shaw Media By:



Laura Shaw, Publisher

Account Number 10074602

Amount \$116.14

PUBLIC NOTICE
LEGAL NOTICE / PUBLIC NOTICE
VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLICATION

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, December 8, 2021 at 7:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.

The purpose of the hearing is to consider a request from Village of Westmont, for the following:

(A) Text amendment to Article XIV(B), "Definitions," of the Zoning Ordinance to amend the definition for a Craft alcoholic beverage dispenser.

Village Code(s) Applicable: Appendix A, Article XIV(B)
Appendix A, Section 13.11

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 8:00 A.M. to 4:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting. All interested persons in attendance will be allowed to express their views. Items may be removed from the agenda after mailing or publication without additional notice. Please check with the Community Development Department at (630) 981-6210 before attending the meeting to verify that an item is still on the agenda.

WESTMONT PLANNING AND ZONING COMMISSION
 Doug Carmichael, Chairperson
 Publication Date: November 18, 2021

(Published in Westmont Suburban Life November 18, 2021) 1936566

Proposed revisions to the Village of Westmont Code of Ordinances:

Proposed amendments to the Zoning Code are indicated by underlined and **shaded** text; deletions are indicated by ~~strikeouts~~.

ARTICLE XIV. - DEFINITIONS

(B)Definitions.

“Craft alcoholic beverage dispenser (includes brewpubs): A craft alcoholic beverage manufacturer that specializes in serving alcoholic beverages produced on-site, subject to local liquor requirements, to patrons in on-site indoor or outdoor seating areas, ~~limited to~~with sales from the brewery's storage tanks for sale to-go, for on-site consumption, or for distribution to off-site accounts. Food sales are permitted.”