

VILLAGE OF LONG GROVE

RESOLUTION NO. 2022-R-____

**RESOLUTION APPROVING A PILOT PROGRAM FOR OUTDOOR
FOOD AND BEVERAGE OPERATIONS**

WHEREAS, the Village of Long Grove (the “*Village*”) has endeavored to encourage the development and maintenance of vibrant commercial areas within its corporate limits; and

WHEREAS, encouraging restaurants and other destination locations has been identified as an important component to maintaining the vibrancy of the Village’s commercial areas; and

WHEREAS, the COVID-19 global pandemic has impacted the operations of restaurants and the manner in which patrons visit restaurants, including increased preferences for dining outdoors or in less confined areas; and

WHEREAS, these changing patterns among restaurant-goers have imposed and continue to impose special challenges on restauranteurs; and

WHEREAS, although the Village Zoning Code (the “*Zoning Code*”) offers limited options for outdoor food and beverage service as special uses (Village Code §5-4-5.A.3) and temporary uses [Village Code §5-9-3.D.3(a)] in the B-1 District, those regulations pre-date the pandemic, do not accommodate uses outside the B-1 District, and may not in any event address current outdoor dining needs and demands; and

WHEREAS, the Village Board of Trustees (the “*Village Board*”) desires to help restauranteurs in the Village test-market new ways of serving customers that include safe, comfortable, and non-disruptive outdoor dining experiences; and

WHEREAS, the Village Board has determined that implementing pilot program that will allow the Village to experience and evaluate different outdoor food and beverage service operations will serve the long-term interests of the Village in developing safe,

appropriate, and accessible regulations for outdoor food and beverage service in the Village; and

WHEREAS, the Village Board has further determined that the best interests of the Village and its residents will be served by offering safe and comfortable outdoor food and beverage service options that do not detract from the health, safety, comfort, and welfare of the Village, its residents, and its businesses;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

Section 1: Incorporation of Recitals. The foregoing recitals are incorporated into and made a part of this Resolution.

Section 2: Enforcement Moratorium; Establishing Pilot Program.

A. The Village Board hereby initiates an “Outdoor Food and Beverage Service Pilot Program” (the “**Program**”). Subject to the terms hereinafter set forth, the Village Board authorizes and directs that the Village and its officers and employees temporarily suspend enforcement of restrictions on outdoor food and beverage service [including the need to obtain approvals for and comply with the terms of Sections 5-4-5.A.3 and 5-9-3.D.3(a) of the Zoning Code (the “**Existing Regulations**”)] with respect to any person operating in conformity with the rules and requirements of the Program (the “**Program Rules**”).

B. The Program Rules, as set forth in Exhibit A attached to this Resolution and made a part hereof, shall be in force and effect upon the effective date of this Resolution until **[November 30, 2023]**, unless the Village Board shall either terminate the Program or extend its duration. The Program is independent of the authorizations for outdoor food service provided under the Existing Regulations or during special events separately approved by the Village Board.

C. The Village Manager is hereby authorized to oversee and implement the Program and monitor its effectiveness and impact. The Village Manager shall also report to the

Village Board periodically about the status and assessments of the Program, which reports may also include recommendations for modifications to the Program.

Section 3: **Effective Date.** This Resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED THIS _____ DAY OF _____, 2022.

Ayes:

Nays:

Absent:

Abstain:

APPROVED THIS _____ DAY OF _____, 2022.

President

ATTEST:

Village Clerk

EXHIBIT A

Outdoor Food and Beverage Service Pilot Program

1. Establishment. There is hereby established an Outdoor Food and Beverage Service Pilot Program (the “**Program**”) within the business districts (as identified in Chapter 4 of the Zoning Code of the Village of Long Grove (the “**Village**”). The Program is intended to have a short-term duration, and it is further intended to allow the Village to assess the viability and desirability of maintaining or expanding such a Program. The initial term of the Program is scheduled to conclude effective **[November 30, 2023]** (the “**Initial Term**”).
2. Registration. Any food service establishment (an “**Operator**”) participating in the Program shall be required to apply for and obtain a certificate of registration with the Village in accordance with this Section 2 (the “**Registration Certificate**”). No cost shall be charged for filing such application or receiving a Registration Certificate. The application for the certificate of registration shall set forth:
 - a. The name, address, e-mail address, and phone number (including cellular phone number) of the Operator. If such Operator is a corporation, the name, address, e-mail address, and phone number of each officer(s) and shareholders having greater than a 5% share in the corporation, as well as the name, address, e-mail address, and phone number of the manager of the Operator. If such Operator is a partnership, the name, address, e-mail address, and phone number of each general partner, as well as the name, address, e-mail address, and phone number of the manager of the Operator. If such Operator is a limited liability company, the name, address, e-mail address, and phone number of each member and manager of the limited liability company, as well as the name, address, e-mail address, and phone number of the manager of the Operator.
 - b. Proof that the Operator has all required licensing and authorizations from the Lake County Health Department or equivalent authorizing agency for purposes of conducting outdoor food and beverage services.
 - c. The tax identification number of the Operator.
 - d. The agreement of Operator to adhere to all applicable federal, state, and local laws.
 - e. The Operator’s agreement to indemnify, defend, and hold the Village (including its officers, officials, employees, agents, attorneys, and

representatives) harmless from any claims of injuries, death, damage, loss, judgment or other liability arising from the Program.

- f. The Operator's acknowledgement and agreement that the Program may be terminated at any time by the Village.
- g. A general layout and operation plan for the proposed outdoor food and beverage services.
- h. To the extent that an Operator seeks to utilize any temporary structures or specialized equipment in connection with the outdoor food and beverage services, such information to allow the Village Manager to confirm that such structures and/or equipment satisfy the requirements and advance the purposes of the Program.
- i. Such other information as the Village Manager may reasonably request.

3. Additional Regulations. In addition to any other applicable federal, state, or local laws relating to the operation of outdoor food and beverage services, the following additional regulations shall apply to any Operator acting pursuant to the Program:

- a. Hours of Operation. No outdoor food and beverage services shall operate before 11:00 a.m. or after 10:00 p.m. on Sundays through Thursdays, nor before 10:00 a.m. or after 12:00 midnight on Fridays and Saturdays. In no event may outdoor food and beverage services be conducted when the indoor operation of the Operator is closed for business.
- b. Location. In order to mitigate any disturbances from noise, light, or other impacts of outdoor food and beverage services, the Village Manager or the Manager's designee may identify the particular location upon the premises from which outdoor food and beverage services shall operate.
- c. Temporary Structures. The Village Manager may establish criteria for the use, type, and specifications for structures that may be employed in connection with outdoor food and beverage services. No temporary structures may be employed for outdoor food and beverage services unless they satisfy the criteria so established by the Village manager and expressly approved as part of the Registration Certificate.

- d. Additional Requirements. The Village Manager may establish reasonable rules and regulations to protect the public health, safety, and general welfare in connection with outdoor food and beverage services. The Village Manager may supplement or modify such rules and regulations, and any Operator shall be required to abide fully by such supplemental or modified rules and regulations within the time period designated by the Village Manager, provided that at least seven (7) calendar days shall be afforded for such compliance, unless such supplemental or modified rules and regulations relate to significant public health concerns.