



## Legislation Text

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**File #:** 19-359, **Version:** 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit (requires six positive votes)

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Jennifer Lutzke, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

The Liquor Commission considered this matter on April 4, 2019 and voted unanimously to recommend approval of the text amendment.

#### **BACKGROUND:**

At the June 20, 2017 City Council meeting, Council passed an ordinance allowing for liquor consumption on the public way through an outdoor seating permit. The permit was capped at no more than five (5) liquor licensed establishments in the Downtown. It also contained a sunset provision which causes the outdoor seating permit allowing the consumption of liquor on the public way to expire on March 31, 2018.

On March 21, 2018, City Council considered removal of the sunset provision of the outdoor seating permit. City Council extended the sunset provision until April 30, 2019.

#### **DISCUSSION:**

Three establishments, Craftsmen by Two Brothers, Front Street Cantina and Quiubo, engaged in liquor service on the public way during the past year. Sullivan's did not erect an outdoor seating area on the public way due to cost considerations and the uncertainty of the sunset provision. If the sunset provision is eliminated, it is anticipated that Sullivan's would obtain an outdoor seating permit and the establishments would invest in nicer accommodations for outdoor seating. The recommended ordinance eliminates the sunset provision for the outdoor seating permit.

#### **FISCAL IMPACT:**

An outdoor seating permit on the public way in the Downtown with liquor service is \$500 per year. If allowed, the availability of this permit is expected to generate revenues of \$2,000 per year.