

**Winnetka Village Council**  
**STUDY SESSION**  
**Village Hall**  
510 Green Bay Road  
Tuesday, March 11, 2014  
7:00 PM

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**AGENDA**

- 1) Call to Order
- 2) Progress Report: Urban Land Institute Recommendations.....2
- 3) Updating of Liquor Licensing Procedures and Regulations .....10
- 4) Public Comment
- 5) Executive Session
- 6) Adjournment

**NOTICE**

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## Agenda Item Executive Summary

**Title:** Progress Report: Urban Land Institute Recommendations

**Presenter:** Robert M. Bahan, Village Manager

**Agenda Date:** 03/11/2014

**Consent:**  YES  NO

- |                                     |                         |
|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | Ordinance               |
| <input type="checkbox"/>            | Resolution              |
| <input type="checkbox"/>            | Bid Authorization/Award |
| <input type="checkbox"/>            | Policy Direction        |
| <input checked="" type="checkbox"/> | Informational Only      |

### Item History:

- \*Urban Land Institute (ULI) Chicago final report: August 6, 2013.
- \*Village Council Strategic Planning goal session: September 10, 2013.
- \*Council ULI recommendation prioritization: October 8, 2013.
- \*Last Progress Report: January 14, 2014.

### Executive Summary:

Since the Council's prioritizing of ULI recommendations and the 2014 budget process, progress has been made in three key areas: regulatory review, economic development initiatives, and physical improvements. In addition, as directed by the Council, the Business Community Development Commission, Plan Commission, and Zoning Board of Appeals continue their evaluation of key ULI items, including: parking restrictions, height/density standards, and the Retail Overlay District. The following two reports outline progress to-date on the ULI implementation and upcoming review dates.

Staff anticipates the following schedule of items for Council review and input:

- Fire sprinkler ordinance amendments: April 1, Regular Meeting
- Liquor licensing requirements: March 20, Regular Meeting (introduction) & April 1, Regular Meeting (tentative adoption)
- Economic development staffing: March 20, Regular Meeting
- Post Office lease agreement: March 20, Regular Meeting & Post Office process: April 8, Study Session
- Hubbard Woods Parking Deck improvements bid: May, 2014
- Traffic signal and pole painting project bid: March 20, Regular Meeting

### Recommendation / Suggested Action:

Informational report.

### Attachments:

- 1) Agenda Report, ULI Implementation Progress
- 2) Agenda Report, Lower Board Update on ULI Recommendations

## AGENDA REPORT

TO: Village Council

PREPARED BY: Robert M. Bahan, Village Manager

DATE: March 6, 2014

SUBJECT: Urban Land Institute Implementation Progress

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### **Background**

Following the Urban Land Institute (ULI) Chicago final report in August, 2013, the Council conducted a strategic planning goal session and then a more in-depth review of ULI recommendations. Based on direction received from the Council in October, 2013 and the subsequent items outlined in the 2014 budget, Staff last provided a progress report in January, 2014. A summary of actions related to regulatory review, economic development initiatives, and physical improvements since that time, and including upcoming anticipated review dates, is provided below.

### **Regulatory Review**

The two significant regulatory review items prioritized for short-term action were: 1) evaluating the Village's fire sprinkler requirements and 2) revisiting current liquor licensing requirements.

#### ***Fire Sprinkler Requirements***

Following an appeal to fire sprinkler requirements the Council heard in early January, Chief Berkowsky appeared at the February 11 Study Session and again presented the Council with options for modifying the Village Code fire sprinkler regulations. Chief Berkowsky recommended continuing to enforce the Village's ordinance and encouraged bringing the commercial districts into compliance on a shorter timeframe. The Council concurred that a phased-in approach to retrofit the commercial districts was desirable and also asked Staff to explore low interest loans available to businesses needing to install fire sprinklers. Chief Berkowsky and Village Attorney Kathy Janega are exploring the potential ordinance modifications. It is expected this item will be brought back before the Council at the April 1 Regular Meeting.

#### ***Liquor Licensing***

Attorney Janega and I have been working on modifications to the Village's liquor licensing requirements, based on Council feedback received in January. This appears as a separate agenda item for March 11. We anticipate the required Code amendments will be introduced at the March 20 Regular Meeting and could then be adopted at the April 1 Regular Meeting. Please see the separate agenda materials for full detail.

### **Economic Development Initiatives**

The last progress report on Economic Development Initiatives focused solely on Economic Development Staffing. The update that follows will also address Staff's ongoing work on the Post Office site and the Park District's Hubbard Woods Master Plan process.

#### ***Economic Development Staffing***

At the March 20 Regular Meeting, I plan to recommend awarding a contract for ULI Implementation Assistance. Through much research and several interviews, Staff feels we have found a firm that has the depth of background and unique skills to help us quickly move forward on targeted areas: an implementation/placemaking analysis, process improvement, and a property inventory. The contractual arrangement we envision provides us flexibility, creates accountability, and aligns the project work with our desired objectives. With the proposed team, Staff anticipates this project work can be accomplished by early summer. The arrangement will also leave funds available for other desired work, such as exploration of a marketing strategy/branding program.

#### ***Post Office Site***

Having negotiated a new agreement with the United States Post Office, I intend to bring a lease extension agreement for the Chestnut Street Post Office building before the Council at the March 20 Regular Meeting. While continuing the Post Office's operations in our central business district, the agreement will create flexibility for the Village in considering the options for long-term redevelopment of this site. After approval of the new lease agreement, we can begin to discuss the components of a process for this site at the April 8 Study Session.

#### ***Park District Hubbard Woods Master Plan***

The Winnetka Park District is developing a conceptual Land Use Plan (Master Plan) for Hubbard Woods Park. ULI TAP 2 identified Hubbard Woods Park as an opportunity site—suggesting the park be activated with events such as art and musical festivals, with the Hubbard Woods District branded as the arts, cinema, and design district. The Hubbard Woods Park was the centerpiece of ULI's redevelopment strategy to improve the synergy between the park and commercial district that surrounds it.

In late 2013, the Park District conducted public meetings to introduce their Master Plan project and process. The District's stated goal is to come up with a plan for the Park that "provides opportunity for improvements and enhancements, while being an anchor and lending support to the Hubbard Woods Business District." The Park Board has subsequently engaged The Lakota Group, a land planning firm, who is continuing the engagement process with public open houses. Village Staff have attended one of the open houses and will continue to monitor the process with Park District Staff.

### **Physical Improvements**

In addition to recommendations on process, regulation, and opportunity sites, a number of ULI's suggested actions touched on beautification and physical improvements the Village could undertake to enhance the look and feel of the commercial districts. As such, the Council approved \$450,000 in the 2014 Business District "Downtown" Revitalization Fund budget to pursue several improvement projects, as described below.

- On March 4, the Council approved a bid for maintenance and repair work on the Hubbard Woods Parking Deck. This project will address concrete and mortar repairs and maintenance, as well as water repellent, joint sealing, drainage system needs, and pavement markings, and will begin in April, weather permitting. Public Works plans to make additional improvements, including painting, lighting, and signage improvements, per ULI recommendations, as part of a separate project. An additional \$100,000 in the budget has been allocated for that work. Staff anticipates this project will appear for Council authorization in May and upgrades could be made beginning in August.
- Following a traffic signal and utility pole painting project in the Hubbard Woods District in 2013, the Council directed Staff to expand this effort to the rest of the community. Water & Electric Director Brian Keys is overseeing this project. He anticipates bringing a bid for the remainder of this work to the March 20 Regular Meeting. With Council approval, this work will likely start in April and continue through the summer.
- A major beautification effort undertaken by the Village in 2013 was the Business District Floral Program, originally recommended by the Business Community Development Commission. An abbreviated process was performed in 2013 to get baskets planted with flowers and hung for as much of the season as possible. This year, Staff is undertaking a more inclusive process to gather input about the most desirable plantings and floral design. We have engaged Rosborough Partners, a leading landscape design and maintenance firm, to prepare planting design palettes for the hanging baskets. Rosborough Partners is also meeting with Village Staff and representatives from the Chamber, Hubbard Woods Design District, and the Garden Clubs to review plantings. Once we have input and a final basket design, Staff will determine the bid procedures required to have the Floral Program in place by early spring.
- While not part of the project funding described above, the Village will begin its planned crosswalk replacement project in the Elm Street Business District this spring. 10 existing paver crosswalks were installed in East and West Elm in the mid 1990's and have deteriorated to the point where complete replacement is necessary. The total project cost, including more robust, heavy-duty clay pavers, is \$203,730. Once the frost has left the ground, construction will begin on this substantive physical improvement.

**Conclusion**

Implementation of ULI's recommendations remains a high priority for Staff. We welcome Council feedback and guidance on these matters and look forward to the upcoming opportunities to present recommendations in greater detail.

## **AGENDA REPORT**

**TO:** Village Council

**PREPARED BY:** Michael D'Onofrio, Director of Community Development

**SUBJECT:** Update on ULI Recommendations

**DATE:** March 5, 2014

This memo provides an update on the status of Urban Land Institute (ULI) recommendations that are being reviewed by the Business Community Development Commission (BCDC), Plan Commission (PC) and Zoning Board of Appeals (ZBA).

### **Background**

ULI's Technical Assistance Panel made a number of recommendations which the Village could undertake in order to enhance the business climate. The recommendations included short-term, mid-term and long term measures. More specifically, mention was made of conducting a review of a variety of village regulations, economic development and physical improvements.

As part of the regulatory review, a number of zoning regulations were identified, including:

- Review of the Zoning Ordinance's parking requirements;
- Evaluation of building height regulations in the commercial districts; and
- C-2 Commercial District Retail overlay standards, boundaries and use limitations.

In order to begin working on the recommendations, in November, 2013 the BCDC was tasked with examining the zoning regulations pertaining to these three areas.

### **BCDC**

Beginning in December, 2013 and concluding in January, 2014, the BCDC held five meetings to discuss the three areas identified above. At the February 11 Village Council Study Session, BCDC Chair Harris reported to the Council the Commission's recommendations on the first two items, parking and building height requirements. The BCDC made the following recommendations:

1. The required minimum for non-residential uses should remain at 2 parking spaces per 1,000 s.f. of floor area.
2. The required minimum for residential units should be reduced from the current minimum of 2.25 spaces per dwelling unit to 1.25 spaces/unit for 1 bedroom or less, 1.5 spaces/unit for 2 bedrooms, and 2 spaces for 3 bedrooms or more.

3. When there is a change in use in a building and the parking requirement for the new use is not greater than that for the previous use, additional parking, or zoning relief (variation), should not be necessary.
4. Existing parking lots could be expanded without a special use permit.
5. For purposes of calculating gross floor area (GFA), the definition should be revised to eliminate certain uses such as storage areas, stairwells, common hallways, common restrooms, etc.
6. With respect to building height regulations, the BCDC recommended that the maximum height of buildings in the C-2 district should be increased to 45 feet and 4-stories, from the current 35 feet and 2 ½ story maximums.

At the time of its report at the February 11 meeting, the BCDC had not completed its review of the C-2 Commercial Retail Overlay District.

Subsequently, the review of the Overlay District began at the February 24 BCDC meeting. To provide a framework for discussion, the Overlay District was broken down into two parts: uses and boundaries. The majority of the February 24 meeting was spent discussing what use modifications might be recommended. The BCDC did not begin discussion on the boundaries, but will do so at its next meeting. It's the BCDC's goal to complete its discussion of the boundaries at its March 24, 2014 meeting.

### **Village Council**

At the conclusion of the BCDC report at the February 11 Study Session, the Village Council took the following action:

- Accepted the BCDC recommendations pertaining to the minimum required parking for non-residential uses (#1) and residential uses (#2), with no further review needed.
- Referred the change in use requirements (#3), expansion of existing parking lots not requiring a special use permit (#4), and change of GFA calculations (#5) to the ZBA for additional review and recommendation.
- Referred the change in use requirements (#3), expansion of existing parking lots not requiring a special use permit (#4), changing how gross floor area is calculated (#5), and increasing the building height to 45 feet and 4-stories (#6), to the PC for additional review and recommendation.

### **Plan Commission**

The Plan Commission met on Wednesday, February 26. It began its review of ULI/BCDC recommendations. Following is a summary of its discussion of the recommendations:

- The Commission agreed with the BCDC recommendation that parking for non-residential uses should remain at 2 spaces/1,000 s.f. of floor area. It also concurred that the required minimum parking for residential units should be reduced to the 1.25/1.5/2.0 spaces per dwelling unit ratio.

- The PC requested that staff provide additional data on minimum parking standards for individual uses, i.e. restaurants, medical offices, etc., before making a recommendation on whether a change in use should not require additional parking.
- The Commission expressed concerns about eliminating the need for a special use in expansion of existing parking lots and asked staff to provided language as to how this might be accomplished within a very limited scope. A recommendation on this item is pending.
- The PC agreed with the BCDC recommendation to change the GFA definition to exclude spaces such as common hallways, mechanical rooms, stairways, common restrooms, etc.

In addition to the two outstanding items above, the PC will be taking up the issue of building height at its March 26 meeting. It is the Commission's goal to complete its discussions at the March meeting; however, the building height issue is somewhat complex and may require additional time.

### **ZBA**

The ZBA will be discussing the parking issues (#3, #4 and #5) which the Village Council asked it to review, at its Monday, March 10, meeting. It is anticipated that the ZBA will complete its review at its March 10 meeting.

### **Conclusion**

At this time, the three advisory bodies hope to finish their respective reviews by the end of March. However, given the complex nature of some of the items, particularly building height and the Overlay District, additional review in April may be needed. At the minimum, an update can be provided to the Council on progress or outstanding issues at the April 8 Study Session.



## Agenda Item Executive Summary

**Title:** Updating of Liquor Licensing Procedures and Regulations

**Presenter:** Katherine S. Janega, Village Attorney

**Agenda Date:** 03/11/2014

**Consent:**  YES  NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input checked="" type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

### Item History:

August 6, 2013 - Urban Land Institute (ULI) presented its final report on the two Technical Assistance Panels.  
January 14, 2014 - Staff presented suggested conceptual changes for updating Winnetka's liquor regulations in furtherance of ULI recommendations.  
February 11, 2014 - Staff presented more detailed recommendations and obtained general policy direction to amend the Liquor Control Regulations.

### Executive Summary:

Pursuant to the Council's direction at the February 11, 2014, Study Session, the Village Manager and Village Attorney have done an in-depth analysis of the Village of Winnetka's Liquor Control Regulations.

The following report presents recommendations (i) to amend definitions, including the definitions of restaurant and specialty restaurant, (ii) to add three new zoning classifications to the "A" (restaurant) license categories, creating license categories for limited beer and wine service, (iii) to eliminate riders and incorporate them into the base license characteristics, (iii) to expand hours for liquor service by making them consistent with the underlying restaurant's service hours, and (iv) to allow limited service of liquor without food.

The report enumerates 11 policy issues for Council consideration, most of which stem from the specific recommendations. The report also identifies policy issues pertaining to liquor service at the Park District Clubhouse, BYOB service and BASSET training.

### Recommendation / Suggested Action:

Provide policy direction on the 11 issues identified in the attached Agenda Report.

### Attachments:

Agenda Report dated March 6, 2014  
Attachment 1 - Village Code Section 5.09.010, Definitions  
Attachment 2 - Liquor License Comparison Tables  
Attachment 3 - Liquor License Classifications: Current Winnetka Text  
Attachment 4 - Hours of Service: Summary of Current Winnetka Regulations  
Attachment 5 - List of Current Licenses and Licensees

# AGENDA REPORT

**SUBJECT:** **Proposed Amendments to Liquor License Classifications and Regulations**

**PREPARED BY:** Robert M. Bahan, Village Manager  
Katherine S. Janega, Village Attorney

**REFERENCE:** February 11, 2014 Study Session, Agenda pp. 53 - 71  
January 14, 2014 Study Session, Agenda pp. 140 – 147  
August 6, 2013 Council Meeting, Agenda pp. 22 - 92

**DATE:** March 6, 2014

## **1. Introduction**

In 2013, the Urban Land Institute (ULI) conducted two Technical Assistance Panel (TAP) reviews of Winnetka’s three business districts. The resulting report included a recommendation that the Village Council revisit its liquor licensing regulations and procedures.

After presenting general recommendations to the Council at the January 14, 2014, Study Session, the Village Manager and Village Attorney did an in-depth analysis of the Village’s regulations and fees in relation to those in neighboring communities and presented a more detailed report and analysis for the Council’s consideration at the February 11, 2014, Study Session. At the end of its discussion on February 11<sup>th</sup>, the Council directed that the liquor licensing regulations be amended as suggested by Village staff.

## **2. Proposed Amendments in General**

This report provides draft language and explanatory analysis for proposed amendments to definitions, license classifications and hours of service in the Village’s Liquor Control Regulations, Chapter 5.09 of the Village Code (“Liquor Ordinance”).

Most of the liquor licenses issued in Winnetka fall into one of two categories: (i) “A” Licenses, which are for restaurants; and (ii) “E” licenses, which allow the sale of different types of wine and beer in their original packaging at a specialty beverage store, in some cases, with wine tastings being permitted. The multiplicity of license classifications within these two general categories came about as different business models gradually evolved from the basic service of liquor with food in a full-service restaurant (Class A licenses) and from the retail sale of packaged liquor in different types of stores (Class E licenses). The amendments will therefore necessarily touch these two broad categories more than the remaining categories.<sup>1</sup>

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<sup>1</sup> The other license categories are: (i) Class B (sale in full-service grocery stores); (ii) Class C (special events); (iii) Class D (sale by mail or wholesale); and (iv) Class P (Park District Golf Course).

Part 3 of this report will discuss amendments to definitions, focusing on updating definitions pertaining to the “A” and “E” classifications, with an eye toward updating and clarifying those two principal classifications.

Part 4 of this report will address the specific amendments to the “A” classifications. As discussed at the February 11<sup>th</sup> Study Session, the proposed amendments are intended to achieve three goals. First, they will expand the number of restaurant-based licenses, allowing for different types of liquor service. Second, they will eliminate the television rider and incorporate the sidewalk service and packaged meal riders into the licenses themselves. Third, they will update the provisions pertaining to the service of liquor without food. Fourth, they will modify the permitted hours for liquor service and include those hours as an element of the specific liquor classification.

Part 5 of this report takes a further look at the policy issues related to service hours, in an effort to crystallize the Council’s specific directive from February 11<sup>th</sup> that the hours of service allow liquor to be served later, with the hours for outdoor service of liquor to be shorter if there are residential units above the licensed business. Part 5 also looks at the remaining policy issues of whether to explore BYOB service and whether to require BASSET training.

Several resource materials are attached. Attachment 1 contains the current text of all definitions in Section 5.09.010 of the Village Code. Attachment 2 is a table comparing Winnetka’s license classifications to the license classifications in the neighboring communities of Wilmette, Glencoe and Northfield. Attachment 3 contains the current text of each of the liquor license classifications, as set out in Section 5.09.100 of the Village Code. Attachment 4 provides a categorical listing of the hours of service, as established in Section 5.09.250 of the Village Code. Attachment 5, an Appendix to the Code, lists current liquor license holders.

### 3. Definitions

**a. Introduction.** Section 5.09.010 of the Liquor Ordinance contains definitions of key terms used in the administration of the Village’s liquor control regulations. Most of the definitions are drawn directly from the Illinois Liquor Control Act of 1934<sup>2</sup> (“Liquor Control Act”), which defines both the statewide liquor licensing standards and the scope of the local licensing and regulatory authority.

**b. “Restaurant.”** As previously reported, Winnetka’s definitions of “restaurant” and “specialty restaurant” are both very detailed, and focus on the presence of a hostess, having a pre-printed menu, using nondisposable dishes, glassware and utensils, and taking orders and serving patrons while customers are seated. These characteristics go beyond the statutory definition of restaurant.<sup>3</sup>

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<sup>2</sup> 235 ILCS 5/1-1, *et seq.*

<sup>3</sup> 235 ILCS 5/1-3.23

Winnetka's definition dates back to the inception of liquor licenses in the Village, and reflects an apparent attempt to assure that places such as diners, fast-food and carry-out establishments would not be eligible for a license. The definition has also sometimes been the cause of some confusion, because the Zoning Ordinance also classifies restaurants as "standard," "fast food," and "drive-in," and those definitions are also used in the food service licensing provisions.<sup>4</sup>

As in Winnetka, the definitions of "restaurant" in both Wilmette and Glencoe also go beyond the statutory definition, and both share some of the same service-based characteristics. However, neither requires that patrons be seated by a host or hostess, or that tables be served by wait staff, although Wilmette requires that tables be served by either bus staff or wait staff. Both Wilmette and Glencoe also limit the scope of their definition by clearly excluding certain types of food establishments. Both Wilmette and Glencoe include the standard language requiring the service of alcoholic beverages to be "incidental and complementary" to the service of complete meals, but both also provide substantive characteristics of the menu offerings, rather than simply requiring that menus be pre-printed.

We recommend taking an approach that is similar to Wilmette's, and amending the definition of "restaurant" as set out below. Using a consistent and comprehensive definition of restaurant that contains all of the key aspects of that type of service will allow the defined term to be used in each of the "A" license categories, without having to restate such things as service characteristics in each license classification.

**Current Definition:**

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served, and where complete meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where a host or hostess is present to seat patrons, where patrons order from individual pre-printed menus, where orders are taken from and food is served to patrons while they are seated at tables, where complete meals are served using nondisposable dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service.

**Proposed Definition:**

"Restaurant" means a place of business licensed under Chapter 5.24 of this code, whose primary purpose is the sale and on-site consumption of meals and beverages on non-disposable tableware, where meals are actually and regularly served or consumed at tables that are serviced by bus staff or wait staff. The meal service offered by a restaurant must include a complete menu offering several

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<sup>4</sup> See WVC §§17.04.010(R)(6) – (R)(9).

courses, including dinner or luncheon menus, at which the service of alcoholic beverages is incidental and complementary to the service of such meals. Notwithstanding the foregoing, the term “restaurant” shall not include lounges, luncheonettes, diners, coffee shops, drive-in or fast-food establishments, or self-service or carryout establishments.

We call the Council’s attention to the types of establishments that would be excluded from the definition of “restaurant,” particularly the exclusion of “diners.” While a “diner” is generally understood to be a certain type of restaurant, its application in Winnetka may not be so clear, although requiring that menu offerings be provided by courses could make reference to diners unnecessary, since they generally offer simple meals as a package, not as course options.

**c. “Specialty Restaurant.”** The definition of “specialty restaurant” in Winnetka’s Liquor Ordinance is based on the current definition of “restaurant,” but also includes reference to a scheduled, *prix fixe* seating. Wilmette has a similar definition, which incorporates some of the characteristics that Winnetka includes as elements of the Class E license. The definition of “specialty restaurant” was added to the Liquor Ordinance as part of the Class E-1 license to accommodate the original Corner Cooks, which had cooking demonstration classes, displayed and sold wine, gourmet foods and some cooking utensils, and offered the *prix fixe* dinner as the culmination of a cooking class or demonstration. As Corner Cooks evolved into the full-service restaurant known as “Jerry’s at Corner Cooks,” it ceased the sale of goods and no longer operated as a “specialty restaurant.” Nevertheless, we recommend retaining the term, and amending it to reflect the same changes to the basic definition of “restaurant.” At the same time, the amendment should restore the demonstration classes and specialty sales that were originally the defining characteristics of the Class E-1 license.

**Current Definition:**

“Specialty Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served, and where complete meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where a host or hostess is present to seat patrons, where all patrons are served the same *prix fixe*, multi-course meal at a scheduled seating, where admission to the scheduled seating is by reservation only, where food is served to patrons while they are seated at tables or at a counter, where the meals are served using nondisposable dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service.

**Proposed Definition:**

“Specialty Restaurant” means a restaurant where, as part of a demonstration or instructional program on food preparation techniques, a host or hostess is present to seat patrons, where all patrons are served the same *prix fixe*, multi-course meal

at a scheduled seating, where admission to the scheduled seating is by reservation only, where food is served to patrons while they are seated at tables or at a counter, where the meals are served using nondisposable dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service. A specialty restaurant may be operated in conjunction with a limited food products store, or a specialty beverage store.

**d. Proposed New Definitions.** In order to simplify the classification of licenses, we suggest that the Council consider adding definitions for the terms “serving” and “to sell.”

The definition of “serving” is recommended because of the corresponding recommendation, in Part 4, to allow licensees in the “A” and “E” license categories to serve liquor on a limited basis without the service of food. Defining the term “serving” as follows will allow the regulation to be based on a certain number of servings, which is easily understandable as well as easily administered and enforced:

“Serving” means the sale of not more than one ounce of spirits, four ounces of wine or 12 ounces of beer for consumption on a licensed premises.

The following definition of “to sell” is taken from the Liquor Control Act and addresses a gray area in the Liquor Ordinance:

“To sell” means to cause or effect a sale including to keep or expose for sale and to keep with intent to sell.

**e. Other Definitions.** The terms “alcoholic liquor,” “beer,” and “sale at retail” in Section 5.09.010 are based on the statutory definitions. We recommend technical amendments to these definitions to make them fully consistent with the Liquor Control Act.

#### **4. License Categories: Characteristics; Elimination**

After further reviewing the Liquor Ordinance and examining not only the types of businesses that have previously requested licenses in the Village, but also the types of businesses that are licensed in nearby towns, we are recommending that the “A” and “E” categories of licenses be amended in the following ways: (i) by expanding the categories of restaurants that would be eligible for a license; (ii) by eliminating license riders; and (c) by changing how liquor may be served without food. We are not proposing any changes to the Class B or C licenses.

The new classifications in the Class A category will provide for limited beer and wine licenses, will allow the elimination of the television, sidewalk service and packaged meal riders, and will include limited service without the service of food. This change will also allow the elimination of the beer and wine limitation for sidewalk service, which has proven difficult to enforce. However, the requirement that sidewalk service include the service of food under the Class A and E categories would be retained.

The only rider license that would be retained is the Wine Station rider, which is unique and should be attached to a primary license, rather than being allowed as a free-standing business. We suggest that the Wine Station Rider be reclassified as a “W” license. The “W” designation would follow the basic license. For example, the license for Trifecta, would simply become a Class A-1-W license. Should a Class E-2 wine tasting business move to the self-dispensing machines, the result license would be designated as a Class E-2-W license.

**Class A --** This is the basic restaurant license, without a bar. Service on the right-of-way would be permitted, and two servings of alcoholic beverages (defined in Part 3, above) would be allowed without the service of food. Hours would extend from 11:00 a.m. to midnight, with outdoor service ceasing at 11:00 p.m., rather than the current 9:00 p.m. deadline. The requirement to cease serving alcohol a half hour before closing would be eliminated. (See Attachment 4) Rather than the packaged meal rider, this license would also allow the limited sale of wine in its original package, as long as it is sold with a packaged meal, and as long as the price is the same as it would be if sold to a seated, dine-in customer.

**Class A-1 –** This is also the basic restaurant license, allowing the same full service of alcoholic beverages as in Class A, but would allow a bar with customer seating.

**Class A-2 –** This license would be the same as the Class A, but would be limited to beer and wine without a bar.

**Class A-3 –** This license would be the same as the Class A-2, limited to beer and wine, but would allow a bar with customer seating.

**Class A-4 –** This license would be for a specialty restaurant, with limited wine service. Because of the nature of the specialty restaurant, the service of wine by the glass without a meal would not be permitted. There would be no sidewalk service with this license.

**Class A-5 –** This license would be for a specialty restaurant, with limited wine service, but would also allow the sale of wine by the glass with specialty gourmet desserts. Service of wine with desserts would be allowed on the public sidewalk. Service of wine by the glass without the dessert would be prohibited. (This is similar to Wilmette’s Class N license)

**Class E and E-1 –** Because these two categories allow for the sale of wine and beer in its original package, sidewalk service would not be allowed.

**Class E-2 –** The Winnetka Wine Shop falls into this classification, which also allows the service of food with the wine. Sidewalk service would therefore be allowed.

**Class P –** Park District Golf Course Clubhouse. The license currently permits liquor service only from April through October, and limits service to those “reasonably believed” to be at the clubhouse for the purpose of “engaging in golfing activities.” It also prohibits service of liquor without food. Given the fairly subjective standard for determining whether liquor can be

served, we suggest conferring with the Park District to determine whether the scope of service can be expanded to allow anyone on the premises, and whether the two-drink service without food should be incorporated into the license. Both of these changes would facilitate compliance, and could enhance the food service amenity to the Park District's benefit.

## **5. Additional Policy Issues**

As noted above, we propose that the hours of service be included in the actual license classification rather than in a separate section of the Liquor Ordinance. However, some policy issues remain.

First, as the Council has recognized, outdoor liquor service might have an impact on neighboring residents. This issue arises not only from sidewalk service, but from any licensee that has outdoor space. Currently, restaurants may serve liquor until 11:00 p.m. indoors. Sidewalk service is permitted until 10:00 p.m. on Friday and Saturday, and until 9:00 p.m. the remainder of the week, but there is no such limitation for outdoor service on private property. In addition, Class C special event licenses allow later service than is permitted for restaurants. (See Attachment 4) Therefore, we recommend that, before it makes a final decision on hours, the Council should consider these distinctions, to assure that its ultimate decision has the intended effect.

Second, under the current regulations, service of alcohol without food must cease a half-hour before the applicable closing time, which can create enforcement problems, since it is not readily apparent if someone is drinking an alcoholic beverage without inspecting individual glasses to determine their content. (See Attachment 4) The changes proposed in Part 4, above, would result in a licensee having one fixed time for ceasing all service and removing all glasses.

Another remaining policy issue is whether the Council wishes to address BYOB service in the Liquor Ordinance. There has yet to be a request for that kind of service, and it can pose issues regarding underage service and drink limitations, as a business that doesn't serve liquor might not assume responsibility for controlling how much its patrons drink. Staff is seeking policy direction from the Council about whether it wishes to consider BYOB service, before staff undertakes more research on the topic. ULI encouraged the Village explore BYOB options, as it would differentiate us from other communities in terms of restaurant opportunities.

Finally, staff is seeking policy direction on the issue of BASSET training for liquor licensees. BASSET (Beverage Alcohol Sellers and Servers Education Training) is a widely utilized and low-cost training program for sellers and servers that helps to ensure responsible alcohol service. In the past, Winnetka's Liquor Control Commissioner<sup>5</sup> has required BASSET training as part of the sanctions for serving underage customers. Other communities have required BASSET training in similar circumstances, but it is not widely required for all licensees.

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<sup>5</sup> The Village President serves as the Local Liquor Control Commissioner, as provided in both the Liquor Control Act and Winnetka's Liquor Ordinance.

Staff suggests the Council may wish to consider some form of BASSET training requirement, such as requiring the manager or bartending staff to be trained, as a means of assuring not only that licensees are fully aware of their responsibilities, but also that their bar and service staff know the law and are trained to recognize valid identification.

**Attachments:**

Attachment 1	Village Code Section 5.09.010, Definitions
Attachment 2	Liquor License Comparison Tables
Attachment 3	Liquor License Classifications: Current Winnetka Text
Attachment 4	Hours of Service: Summary of Current Winnetka Regulations
Attachment 5	List of Current Licenses and Licensees

**Recommendation:**

Provide policy direction on the following issues:

- 1) Should the definitions of restaurant and specialty restaurant be amended, as proposed?
- 2) Should diners be among the types of food services excluded from the definition of restaurant?
- 3) Should the proposed Class A-3, A-4 and A-5 license categories be added?
- 4) Should service of liquor without food be limited to two servings, with serving being defined, as proposed?
- 5) Should the television rider be eliminated, as proposed?
- 6) Should the packaged meal rider and sidewalk service rider be incorporated into the basic license, as proposed?
- 7) Should Class E and E-1 licenses include sidewalk service?
- 8) Should the hours of service for the "A" and "E" license categories be expanded, as proposed?
- 9) Should the times liquor service is available at the Park District modified, as proposed?
- 10) Should the Liquor Ordinance permit or prohibit BYOB service, or should it remain silent on the subject?
- 11) Should a BASSET training requirement be included in the Liquor Ordinance and, if so, under what circumstances?

**Winnetka Village Code**  
**Chapter 5.09, Liquor Control Regulations**

**Section 5.09.010 Definitions.**

Unless the context otherwise requires, words and phrases in this chapter shall be construed in accordance with the definitions set forth in this section.

“Alcohol” means the product of distillation of any fermented liquid whether rectified or diluted, whatever may be the origin of such fermented liquid, including synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

“Alcoholic beverage” means any beverage that contains alcoholic liquor and that is not sold in its original package. As used in this chapter, the term “alcoholic beverage” shall include individual bottles of wine and individual bottles or cans of beer that are sold for consumption on the premises where sold.

“Alcoholic liquor” means any alcohol, spirits, wine, or beer or any substance, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of the United States Congress and regulations promulgated under such acts, or to any substance containing not more than one-half of one percent of alcohol by volume.

“Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, ale, stout, lager beer, porter and the like.

“Full-service grocery store” means a retail establishment primarily for the sale of food, generally including fresh fruits and vegetables, fresh meats and a variety of packaged products. Such establishment shall consist of at least five thousand (5,000) square feet and shall not normally have retail business hours after 10:00 p.m. in the evening.

“Domestic craft beer” means beer brewed in the United States by a domestic craft brewer.

“Domestic craft brewer” means an American brewer that has the characteristics of any or all of the following types of brewers: (i) small brewer; (ii) independent brewer; or traditional brewer.

“Fine wine” means wine sold only in glass bottles and made from vinifera (grape varieties) and not from other fermented fruit juices.

“Full-service grocery store” means a retail establishment primarily for the sale of food, generally including fresh fruits and vegetables, fresh meats and a variety of packaged products. Such establishment shall consist of at least five thousand (5,000) square feet and shall not normally have retail business hours after 10:00 p.m. in the evening.

“Imported beer” means beer not brewed in the United States.

“Independent brewer” means a craft brewer for which less than 25% of the brewery is owned or controlled by an alcoholic beverage industry member that is not itself a craft brewer.

“Licensee” means any person who has been issued a license under this chapter.

“Limited food products store” means a retail establishment for the sale only of fresh foods, frozen or pre-packaged foods, and food-related products, including packaged meals either prepared on the premises or prepared for sale solely on the premises. Such establishment shall not normally have retail business hours after 7:00 p.m. or before 8:30 a.m.

“Original package” means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

“Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served, and where complete meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where a host or hostess is present to seat patrons, where patrons order from individual pre-printed menus, where orders are taken from and food is served to patrons while they are seated at tables, where complete meals are served using nondisposable dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service.

“Sale” means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, for a consideration and includes and means all sales made by any person, with the principal, proprietor, agent, servant or employee.

“Sale at retail,” “sell at retail” or “retail sale” means sales for use or consumption and not for resale in any form.

“Sale of package liquor” means the sale of alcoholic liquor in the original package for use or consumption off the premises where sold.

“Service” shall mean and include any or all of the following: (i) the sale, service or delivery of any alcoholic beverage to any person by any licensee or employee or agent of such licensee; (ii) the consumption of any alcoholic beverage by any person on the licensed premises, regardless of the manner by which the beverage is served; (iii) the presence on a table, bar or counter, or in the hand of any person on the licensed premises, of any alcoholic beverage in any form of container, including without limitation a bottle, can, glass or pitcher; and (iv) the sale, service or delivery of any alcoholic beverage to any person through the use of an automated dispenser or other mechanical or electronic device, including a wine station as defined in this Code.

“Small brewer” means a brewer that has annual production of less than two million barrels or otherwise qualifies for the federal small brewer's excise tax differential, as administered by the U.S. Treasury Department by producing less than two million barrels annually.

“Specialty beverage store” means a retail establishment whose principal business is the sale at retail of fine wines, with ancillary sales limited to related accessories, small gourmet food products, and specialty gift products such as fine food accessories. A specialty beverage store may also include the sale at retail of premium imported beers and/or domestic craft beers and related accessories, provided that such sales are at all times subordinate to the sale of fine wines.

“Specialty Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where complete meals are served, and where complete meals are

actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed in such space a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons, where a host or hostess is present to seat patrons, where all patrons are served the same prix fixe, multi-course meal at a scheduled seating, where admission to the scheduled seating is by reservation only, where food is served to patrons while they are seated at tables or at a counter, where the meals are served using nondisposable dishes, glassware and utensils, and at which the service of alcoholic beverages is incidental and complementary to such meal service.

“Spirits” means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

“Traditional brewer” means a brewer that either (i) has an all-malt flagship beer that has the greatest volume of sales among all of the brewer's brands, or (ii) has at least 50% of its sales volume in either all-malt beers or in beers that use adjuncts to enhance, rather than lighten, the flavor of the beer.

“Wine” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

“Wine station” shall mean a portable machine that dispenses individual servings of wine in pre-measured portions and that can be operated by either the customers or the service staff of a licensee.

(MC-2-2012, Amended, 04/17/2012, Adds Wine station; MC-11-2009, Amended, 10/06/2009, Adds Domestic craft beer, Domestic craft brewer, Fine wine, Imported beer, Independent brewer, Small brewer, Specialty beverage store, Traditional brewer definitions; MC-4-2008, Amended, 06/17/2008, Adds Service definition; MC-9-2002, Added, 09/17/2002; MC-4-2001, Amended, 06/05/2001, Adds Specialty Restaurant definition; MC-218-99 § 2, 1999; prior code § 35.01)

**Liquor License Comparison Tables**

**Note:** Columns 2 – 5 show liquor license classification and fees by municipality for the type of service shown in Column 1.

**Table 1 – Restaurants**

Type of Service	Winnetka	Wilmette	Glencoe	Northfield
<b>Restaurant without Bar</b>				
Full liquor service	A (\$750)	A (\$2,000)	C-1 (\$1,000)	D (\$3,200)
Full liquor service, limited hours		A (\$1,000)		I (\$2,345)
Beer and/or wine only	--	B (\$1,000) O (Café) (\$1,500)	C-2 (\$500) K (Coffee Shop) (\$1,750; 2-drink limit) C-3 (Food Court) (\$2,000)	B (\$3,200)
<b>Restaurant with Bar</b>				
Full liquor service	A-1 (\$1,000)	C (\$2,500) J (\$3,000; in VC) M (\$5,000; in VC, PCD, GC-1)	C-4 (\$2,000) C-6 (\$2,500)	K (restaurant, lounge, corkage & certain package sales; \$5,500)
Beer and/or wine only	--	C-B (\$1,500)	C-5 (\$1,500)	

Liquor License Comparison Tables

Table 1 – Restaurants (cont'd)

Type of Service	Winnetka	Wilmette	Glencoe	Northfield
<b>Other Service Features</b>				
Wine by the bottle for off-premises consumption	Only with packaged meals  Rider to A, A-1 (\$150; Packaged Meals)	(Only with packaged meals; 1,500 ml limit)  A-1 (includes A service; \$2,000; \$1,000 for limited hours) B-1 (includes B service; \$1,100) C-1 (\$2,600) C-B-1 (\$1,600)	L (includes A-1 or C-4; requires “market area” for other products; \$3,000)	
Service of liquor without food	A, A-1 (Waiting; or limited hours, area)	A, (Waiting; or by the drink if food also offered)	C-1, C-2 (2-drink limit)	
BYOB / Corkage	--	--	--	J (\$1,500)
Outdoor service (public right-of way)	Rider to A, A-1 (\$150; beer & wine)	(Included)	(Included)	(Included)
Television	Rider to A, A-1 (No charge)	No reference; (but see Class T, below)	No reference	No reference
Wine Station	Rider to A, A-1 (No charge)	--	--	--

Liquor License Comparison Tables

Table 2 – Packaged Sales

Type of Service	Winnetka	Wilmette	Glencoe	Northfield
<b>Packaged Sales</b>				
Package retail (Grocery, Convenience)	B (\$750)	I (\$3,000)		
Package retail (General)	--	--	A-3 (\$3,000)	A, B (\$3,825)
Package retail – Beer & wine (Grocery, Pharmacy)	--	H (\$1,500)	A-2 (\$1,000)	--
Wine, retail by mail, on-line	D (\$150)			
Wine, wholesale to retailer	D-1 (No licenses)			

**Liquor License Comparison Tables**  
**Table 3 – Specialty/Limited Food Product Stores**

Type of Service	Winnetka	Wilmette	Glencoe	Northfield
<b>Specialty/Limited Food Products Stores</b>				
Specialty/Limited food products: Packaged, with food, off-premises consumption	E (\$500) (Wine only)	K (\$500) (Beer & wine; limited <i>prix fixe</i> dinner)	A-1 (\$2,000)	
Limited wine: Desserts, pastries, confections	--	N (\$500)		
Beer and Wine, packaged, with food, off-premises consumption	E-1 (\$500)	--	J (\$2,000) (2 drinks on premises)	
Fine Wines, Premium Beers (imported, American craft), packaged, tastings; pre-made food on premises	E-2 (\$500)	L (\$1,500)		

**Liquor License Comparison Tables**  
**Table 4 – Special Events and Other Categories**

<b>Type of Service</b>	<b>Winnetka</b>	<b>Wilmette</b>	<b>Glencoe</b>	<b>Northfield</b>
<b>Special Events</b>				
Fraternal, Civic, NFP, Festival	C (\$25/day; max \$75; 7 events/year)	E (\$25/event 2 hours; \$35/add'l event in 90 days; 4 events/year)	D, D-1 (\$50/day)	F (\$75/event; 10 events/year)
Business Events (attendees not charged for drinks)	--	--	E (\$50/event; 2/year; max of 8 hours/event)	G (\$75; 10 events/year; beer & wine)
Art Exhibits (attendees not charged for drinks)	--	--	H (\$100/year; 15 /year)	
NFP Historic Exhibits (attendees not charged for drinks)			I (\$100/year; 5 events/year)	
<b>Other Categories</b>				
Bowling Alley (Beer & wine)	--	B-2 (\$1,000;		
Clubs (For profit)		D (\$1,500)	B-1 (\$2,000)	

Liquor License Comparison Tables

Table 4 – Special Events and Other Categories (cont'd)

Type of Service	Winnetka	Wilmette	Glencoe	Northfield
<b>Other Categories (cont'd)</b>				
Clubs (NFP)	--	--	B-2 (\$375)	L (Full service in restaurant & lounge; beer and wine; periodic sale of cases; (\$3,500)
Corporate HQ Food Service	--	--	--	M (\$4,000)
Golf (Public)	P (\$500; Parks)	F (\$1,000; Parks)	(\$100; Village)	
Private party facilities (For profit; attendees not charged for drinks)	--	--	F (\$700/year)	--
Tavern	--	--	--	C (\$4,455; \$100/day for off-premises concession, up to 15 days/year)
Theater (Beer and wine; incidental to performance)	--	T (\$1,500)	G (\$200)	

**Village of Winnetka Liquor License Classifications**  
**Winnetka Village Code § 5.09.100**

<b>Classification</b>	<b>Characteristics</b>
<b>A</b>	<p>Current:</p> <p>Class A licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of complete meals for consumption only on the premises where sold, which incidental and complementary sales and service may include the occasional service of alcoholic beverages alone or with less than a full meal, subject to the provisions of Section 5.09.205 of this Chapter.</p>
<b>A-1</b>	<p>Current:</p> <p>Class A-1 licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of complete meals served in multiple courses for consumption only on the premises where sold, which incidental and complementary sales and service may include the service of food or liquor at a counter, bar or waiting area, subject to the conditions set forth in this subsection. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales and service of alcoholic beverages may include the occasional sale and service of alcoholic beverages alone or with less than a full meal.</p> <ol style="list-style-type: none"> <li>1. Except as provided in section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.</li> <li>2. (Repealed.)</li> <li>3. (Repealed.)</li> <li>4. (Repealed.)</li> <li>5. The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.</li> </ol>
<b>B</b>	<p>Current:</p> <p>Class B licenses authorize the sale of package liquor in a full-service grocery store. A Class B license shall authorize the licensee to use no more than ten (10) percent of the total floor space of the full-service grocery store for the display and sale of alcoholic liquor in the original package.</p>

<b>Classification</b>	<b>Characteristics</b>
<b>C</b>	<p>Current:</p> <p>Class C licenses authorize the retail sale and service of alcoholic beverages by civic, fraternal, service or charitable not-for-pecuniary-profit organizations, at picnics, outings, festivals, theater nights or other such similar special occasions for consumption on the premises or within the area specifically designated for such license. No more than seven such licenses shall be issued to any one licensee within any calendar year. The license shall specify the date(s) and hours for the authorized sale of alcoholic liquors under this section.</p>
<b>D</b>	<p>Current:</p> <p>Class D licenses authorize the retail sale of wine in the original package for consumption off the premises where sold and where delivery is made exclusively through the mail or similar package delivery service.</p>
<b>D-1</b>	<p>Current:</p> <p>Class D-1 licenses authorize the sale of wine at wholesale in the original package by an importer/distributor to a Class D licensee as provided in this chapter.</p>
<b>E</b>	<p>Current:</p> <p>Class E licenses authorize the retail sale of wine only, by a limited food products store, subject to all of the following conditions:</p> <ol style="list-style-type: none"> <li>1. The wine must be sold in its original package, for consumption only off the premises where sold, and not for consumption on the premises where sold.</li> <li>2. The sale of the wine must be incidental and complementary to the sale of food for consumption off the premises. It is unlawful for any holder of a Class E license to render a bill for sale of wine in its original package which does not include a charge for food to be consumed off the premises.</li> <li>3. All wine sold under a Class E license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.</li> <li>4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise.</li> <li>5. A limited food products store may be operated in the same premises as a specialty restaurant, provided the food sales and display area is separate from the meal service area</li> </ol>

Classification	Characteristics
<p style="text-align: center;"><b>E-1</b></p>	<p>Current:</p> <p>Class E-1 licenses authorize the retail sale of beer or wine by a limited food products store, subject to all of the following conditions:</p> <ol style="list-style-type: none"> <li>1. (Reserved.)</li> <li>2. The beer or wine must be sold in its original package.</li> <li>3. The sale of the beer or wine must be incidental and complementary to the sale of food for consumption on or off the premises. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales may include the occasional sale of wine in its original package without the sale of food.</li> <li>3. All beer or wine sold under a Class E-1 license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.</li> <li>4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise, except that the display of beer for sale is prohibited.</li> </ol>
<p style="text-align: center;"><b>E-2</b></p>	<p>Current:</p> <p>Class E-2 Licenses. Class E-2 licenses authorize the retail sale of fine wines, premium imported beer and domestic craft beer at a specialty beverage store, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Except as provided in paragraphs 2 through 5 of this subsection, wines and beers must be sold in their original packages, for consumption only off the premises where sold.</li> <li>2. The limited tasting of small quantities of varieties of fine wine, imported beer, and domestic craft beer shall be permitted on the licensed premises, subject to the following conditions: <ol style="list-style-type: none"> <li>a. The tasting shall be provided at a counter identified and used solely for that purpose.</li> <li>b. The licensee may charge a fee for such tastings; provided, that the fee shall be applied to the contemporaneous purchase of a fine wine, imported beer or domestic craft beer.</li> <li>c. All tasting samples shall be served in winery tasting glasses.</li> <li>d. No more than four tasting samples shall be served to any person, regardless of the type or types of beverages sampled.</li> <li>e. No signage on the premises shall advertise the availability of samples.</li> </ol> </li> </ol>

Classification	Characteristics
<b>E-2 (cont'd)</b>	<p>3. The tasting of varieties of fine wine, imported beer, and domestic craft beer shall be permitted at private events, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>a. The event must require advance registration, which shall include a fixed-price registration fee.</li> <li>b. The store must be closed to the general public during the event.</li> <li>c. The event must be for the purpose of providing instruction pertaining to the production, qualities, selection and use of fine wines, imported beers or domestic craft beers.</li> <li>d. The class or event must have a written agenda or curriculum.</li> <li>e. The class or event must end by 9:00 p.m.</li> </ol> <p>4. The retail display area devoted to the sale of beer shall not exceed 10% of the total retail display area.</p> <p>5. In addition, a Class E-2 licensee shall be permitted to serve fine wine, imported beer and domestic craft beer for immediate consumption on the licensed premises, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>a. Such service must be incidental and complementary to the concurrent service of meals sold for consumption on the premises by patrons seated at tables.</li> <li>b. The meals may be pre-packaged meals that are prepared off-premises.</li> <li>c. The meals shall be served using non-disposable dishes, glassware and utensils.</li> <li>d. The meals shall not be served at a bar or counter.</li> <li>e. The table seating area must be separated from the retail area of the license premises by a rail or similar means to segregate it from the retail area of the license premises, but shall not be located in a separate room.</li> <li>f. The table seating area must not exceed 30% of the total interior area of licensed premises open to patrons, not including restrooms.</li> </ol> <p>6. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.</p> <p>7. The areas of the licensed premises shall not be more than two thousand, five hundred (2,500) square feet, excluding storage areas not accessible to customers.</p> <p>8. The licensed business may be open for the sale of food and packaged products from 11:00 a.m. to 10:00 p.m. on Friday, from 9:00 a.m. to 10:00 p.m. on Saturday, and from 11:00 a.m. to 8:00 p.m. on all other days of the week; provided, that (i) tasting portions may be served at events authorized by paragraph 3 of this subsection K until the time specified in said paragraph 3; and provided further, that the sale or service of permitted alcoholic beverages for consumption on the premises as provided in</p>

Classification	Characteristics
	<p>paragraph 5 of this subsection K shall be limited to the hours established in section 5.09.250 of this Chapter.</p>
<p style="text-align: center;"><b>P</b></p>	<p>Current:</p> <p>The Class P license authorizes the Winnetka Park District to engage in the retail sale and service of alcoholic beverages, at the “Halfway House” and in the clubhouse of the Winnetka Park District Golf Course, to persons the attendants at those facilities reasonably believe to be at the Winnetka Park District Golfing Facilities for the principal purpose of engaging in golfing activities, subject to the following terms and conditions:</p> <ol style="list-style-type: none"> <li>1. The sale and service of alcoholic beverages in the clubhouse shall be incidental and complementary to the sale and service of food in the clubhouse food service facility and shall be for consumption only in the clubhouse food service area. Subject to the provisions of Section 5.09.205 of this chapter, the sales and service of alcoholic beverages at the clubhouse food service facility may include the occasional service of alcoholic beverages alone.</li> <li>2. Alcoholic beverages served at the Halfway House may be taken from the Halfway House for consumption in any other part of the Winnetka Park District Golf Course. Food and liquor may be served at a counter or bar at the Halfway House. Subject to the provisions of Section 5.09.205 of this chapter, the sale and service of alcoholic beverages at the Halfway House may include the occasional service of alcoholic beverages alone.</li> <li>3. Food and liquor may be served at a counter, bar or waiting area within the clubhouse food service facility, provided that the percentage of the total space available that is allocated to counter, bar and waiting area service in the clubhouse food service facility shall not exceed ten (10) percent of the total space of the food service facility that is accessible to patrons.</li> <li>4. No alcoholic beverages shall be removed from the clubhouse or Halfway House for consumption on any Winnetka Park District property other than the Winnetka Park District Golf Course. For purpose of this provision, the Winnetka Park District Golf Course shall include the Golf Course's clubhouse and Halfway House facilities, as well as connecting paths and walkways, but shall exclude all other areas of the Park District's facilities, including other buildings and activity centers, parking lots and external walkways.</li> <li>5. The sale of alcoholic beverages pursuant to the Class P liquor license shall be permitted only during the months of April through October.</li> </ol>

<b>Classification</b>	<b>Characteristics</b>
<b>TV Rider</b>	<p>Current:</p> <p>Television rider licenses authorize Class A or Class A-1 licensees to place a one or more televisions on the licensed premises in an area where patrons are served, subject to the following conditions: (1) no signs on the premises shall advertise the presence of the television; (2) no promotions or advertisements for the restaurant shall include reference to the presence of the television; and (3) the Local Liquor Commissioner shall have the authority and discretion to determine the number and size of televisions that shall be permitted, and to impose such other conditions or limitations he or she may deem necessary and appropriate, either in the general exercise of his or her rulemaking powers, or as a specific condition or limitation related to the nature of the restaurant operated by the licensee.</p>
<b>Packaged Meal Rider</b>	<p>Current:</p> <p>Packaged meal rider licenses authorize the retail sale, by a Class A or Class A-1 licensee, of beer and wine in the original package, for consumption only off the premises where sold, and not for consumption on the premises, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Such sale of wine or beer shall be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises.</li> <li>2. It is unlawful for any holder of a packaged meal rider license to render a bill for the sale of wine or beer in its original package which does not include a charge for a complete meal.</li> <li>3. All wine and beer sold under a packaged meal rider license shall be paid for and delivered to the purchaser only on the premises of the restaurant operated by the licensee.</li> <li>4. There shall be no display of wine or beer offered for sale under a packaged meal rider license, except to the extent that wine or beer is displayed as part of the normal operations of the restaurant for which the Class A or Class A-1 license was issued.</li> </ol>
<b>Sidewalk Rider</b>	<p>Current:</p> <p>Sidewalk restaurant rider licenses authorize Class A, Class A-1, Class E-1 and Class E-2 licensees to sell and serve beer or wine at retail for consumption by customers seated at tables at a permitted sidewalk restaurant located on the public sidewalk adjacent to the premises for which the Class-A, Class A-1, Class E-1 or Class E-2 license was issued, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The sale and service of the beer or wine must be incidental and complementary to the sale and service of complete meals for consumption only at a table in the area defined in the license.</li> </ol>

Classification	Characteristics
<p><b>Sidewalk Rider (cont'd)</b></p>	<p>2. Except as provided in section 5.09.205 of this Chapter, it is unlawful for any holder of a sidewalk restaurant rider license to render a bill for the sale of wine or beer that does not include a charge for a complete meal.</p> <p>3. The sale, service and consumption of the beer or wine at the sidewalk restaurant shall cease no later than the hour specified in Section 5.09.250.A of this Chapter unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license.</p> <p>4. The area for service shall be contiguous to the premises for which the Class A, Class A-1, Class E-1 or Class E-2 license is issued, shall be defined in the application and specified in the license, and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified by the Local Liquor Commissioner in the license.</p> <p>5. The licensee shall indemnify and hold harmless the Village, its officers and employees from any and all costs arising from claims for personal injury or property damage resulting in any way from the licensee's use of the public way, whether the claim, injury or damages arise from an incident on the licensed premises or on the adjacent portion of the public way that remains open for public use.</p> <p>6. The licensee shall maintain dram shop insurance in an amount specified by statute or ordinance, or by rule of the State Liquor Control Commission or the Local Liquor Commissioner, but in no event shall the amount of dram shop insurance be less than \$1,000,000.</p> <p>7. The licensee shall maintain general liability insurance coverage of at least \$2 million, with excess liability coverage of at least an additional \$2 million, with the Village named as additional insured. The certificate of insurance shall be in a form acceptable to the Village.</p> <p>8. The licensed premises shall be supervised at all times by an employee of the restaurant who is at least 21 years old.</p> <p>9. The term of any sidewalk restaurant rider license shall begin no earlier than April 1 of any year and shall end no later than November 30 of the same year, except that no service shall be allowed under any such license when weather conditions necessitate the removal of snow or other debris from the public sidewalks.</p> <p>10. Every sidewalk restaurant rider license issued pursuant to this subsection shall expire on December 1 of the year it is issued and shall not be subject to renewal. Any Class A, Class A-1, Class E-1 or Class E-2 licensee who operates a permitted sidewalk restaurant may apply for a new sidewalk restaurant rider license to which the rider is attached, provided that the application for the sidewalk restaurant rider license shall be de novo each year, and being granted a sidewalk restaurant rider license in any year shall not be deemed to create a right or expectation of renewal or reissuance</p>

Classification	Characteristics
<p><b>Sidewalk Rider (cont'd)</b></p>	<p>of the sidewalk restaurant rider license for the following or any subsequent year.</p> <p>11. Any licensee who violates any provision of a sidewalk restaurant rider may be disqualified from receiving a sidewalk restaurant rider for any location in the Village for a period of up to 5 years.</p> <p>12. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a sidewalk restaurant rider license as he or she may deem reasonably necessary.</p>
<p><b>Wine Station Rider</b></p>	<p>Current:</p> <p>A wine station rider license authorizes a Class A or Class A-1 licensee to allow certain of the licensee's customers to dispense individual servings of wine for their own consumption from one or more wine stations located in a customer seating area, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The customer seating area in which the wine stations are located shall be adjacent to, but separate from, all other seating areas of the licensed premises and shall be defined in the application and specified in the license.</li> <li>2. The number of wine stations to be permitted under the wine station rider license shall be specified in both the application and the license.</li> <li>3. No person under the age of 21 shall be permitted in that part of the licensed premises that is the subject of the wine station rider license.</li> <li>4. A host or hostess who is at least 21 years old shall be present at all times in the seating area with the wine stations, to monitor admission to and service within that area.</li> <li>5. All members of the service staff in the seating area with the wine stations shall be at least 21 years old.</li> <li>6. Admission to the wine station area shall be limited only to customers who have been seated there for meal service.</li> <li>7. Each wine station shall be set to provide pre-measured servings of wine.</li> <li>8. The dispensing process of the wine stations shall be activated only by inserting a pre-paid card or by using a similar electronically coded device that is purchased by the customer from the licensee for use by the customer, or that is possessed and used solely by the licensee's service staff for service to licensee's customers.</li> <li>9. No customer shall dispense more than a single serving of wine at a time.</li> <li>10. The full service of alcoholic beverages shall be permitted in the wine station area, including the occasional service of alcoholic beverages without the service of a full meal as provided in section 5.09.205 of this</li> </ol>

<b>Classification</b>	<b>Characteristics</b>
<b>Wine Station Rider</b>	<p>code, provided that the self-service of wine from a wine station without the service of a full meal is expressly prohibited.</p> <p>11. The pre-paid card or similar device used for dispensing wine from the wine station shall be encoded so as to enable the licensee to maintain records of the numbers of cards issued, the dates and amounts of the pre-payments posted to each card, the size and number of servings charged against each card, and the dates on which such servings occurred.</p> <p>12. A wine station rider license shall not be required for any wine station that is located behind a bar or in a part of the licensed restaurant's premises that is accessible only to the licensee's employees.</p> <p>13. All wine station rider licenses shall expire on the same date as the underlying Class A or Class A-1 license, unless terminated sooner pursuant to the procedures established in this chapter.</p> <p>14. The service of wine using a wine station shall at all times be deemed service by the licensee, whether the wine is dispensed (i) by the licensee or an employee of the licensee for service to a customer, or (ii) by a customer for the customer's own consumption.</p> <p>15. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a wine station rider license as he or she may deem reasonably necessary.</p>

**Village of Winnetka - Liquor Service Hours (WVC 5.09.250)**

- **Class A or Class A-1**
  - 11:00 a.m. to 11:00 p.m. daily
  - Restaurant must close at midnight, except
    - Complete a meal served prior to 11:30 p.m., all patrons shall leave the premises no later than 12:30 a.m.
    - New Year's Eve - 2:00 a.m. a.m., but no food or alcoholic beverages shall be served after 1:00 a.m.; no one admitted after 1:00 a.m.
  
- **Beer or Wine – Sidewalk Service**
  - 11:00 a.m. to 9:00 p.m., Sundays through Thursdays
  - 11:00 a.m. to 10:00 p.m., Fridays and Saturdays.
  
- **Class B - Full-service grocery store**
  - 7:00 a.m. and 10:00 p.m. each day of the week.
  
- **Class C**
  - 11:00 a.m. to 2:00 a.m. of the following day, subject to the following limitations:
    - 11:00 a.m. to 2:00 a.m. - indoors in a fixed, permanent structure.
    - 2. 11:00 a.m. to 2:00 a.m. - in a tent or comparable temporary or movable structure, for consumption at tables and chairs located within the tent or structure; but must be incidental and complementary to the sale and consumption of other foods.
    - 11:00 a.m. to 10:00 p.m. - sold or consumed outdoors, or in a tent, booth, concession stand, or other such temporary or movable structure; but must be incidental and complementary to the sale and consumption of other foods.
  
- **Class E, E-1 or E-2**
  - only during the store's regular business hours
  - 11:00 to 8:00 p.m. - service of fine wine, imported beer or domestic craft beer with food
  
- **Service of liquor without food**
  - 30 minutes before licensed closing time - cease service, remove partially consumed alcoholic beverages, remove beverage serving containers.
  
- **Park District**
  - 11:00 a.m. to 7:30 p.m.
    - Golfing Facilities must be open for golfing activities and
    - Food service facility at the clubhouse must be in operation.

**Winnetka, IL Village Code  
Appendix to Winnetka Village Code Chapter 5.09  
Authorized Liquor Licenses**

<b>Classification</b>	<b>Number</b>	<b>Licensee</b>
A	5	D's Haute Dogs Kyoto Michael Lemongrass Little Lan's
A-1	7	Avli Restaurant Café Aroma Corner Cooks/Jerry's Little Ricky's Mirani's O'Neil's Trifecta Grill
B	2	Grand Food Center Lakeside Foods
C	Unlimited	Issued on an event-by-event basis
D	1	Acute Angle Wines
E	0	
E-1	0	
E-2	1	Winnetka Wine Shop
TV Rider	4	D's Haute Dogs Avli Restaurant Little Ricky's Trifecta Grill
Packaged Meal Rider	1	Avli Restaurant
Sidewalk Restaurant Rider	6	Café Aroma Corner Cooks D's Haute Dogs Little Ricky's Mirani's Winnetka Wine Shop
Wine Station Rider	1	Trifecta Grill
P	1	Winnetka Park District

(R-33-2012, Amended, 09/06/2012; R-15-2012, Amended, 04/17/2012; R-34-2011, Amended, 12/6/2011; R-22-2011, Amended, 05/03/2011; R-40-2010, Amended, 11/16/2010; R-31-2010, Amended, 9/21/2010; R-34-2009, Amended, 12/08/2009; R-27-2009, Amended, 06/16/2009; R-29-2008, Amended, 05/06/2008; R-6-2008, Amended, 03/04/2008; R-48-2007, Amended, 11/06/2007; R-24-2006, Amended, 09/19/2006; R-31-2005, Amended, 06/21/2005; MC-14-2003, Amended, 09/02/2003)