



**REGULAR MEETING
ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, January 8, 2020
6:00 PM
Burr Ridge Village Hall – Board Room**

The mission of the Economic Development Committee (EDC) is to grow a stronger business climate by being an active partner with businesses, investors, and residents. The EDC shall strengthen economic development in the Village by developing business retention, expansion, and attraction programs; the creation and implementation of economic development plans and policies; being business ambassadors to the community; coordinating with other governments on projects; and submitting an annual Economic Development Position Report to the Village Board at the beginning of the fiscal year.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES OF DECEMBER 4, 2019 MEETING**
- 4. CONSIDERATION OF BUSINESS LICENSE REGULATIONS AND POLICIES**
- 5. CONSIDERATION OF HOTEL/MOTEL BUDGET REVISIONS**
- 6. CONSIDERATION OF DEVELOPMENT OPPORTUNITY AT 15W776 NORTH FRONTAGE ROAD (PORTERHOUSE STEAK AND SEAFOOD)**
- 7. OTHER CONSIDERATIONS**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

MINUTES
ECONOMIC DEVELOPMENT COMMITTEE MEETING
December 4, 2019

CALL TO ORDER: Chairperson Gary Grasso called the meeting to order at 6:00 p.m.

ROLL CALL: **Present:** Mayor Gary Grasso, Trustee Tony Schiappa, Leslie Bowman, Bhagwan Sharma, Michael Simmons, Mark Stangle, Paul Stettin, Sam Odeh, and Kirsten Jepsen (arrived at 6:15 p.m.)

Absent: Debbie Hamilton and Ramzi Hassan

Also Present: Village Administrator Doug Pollock, Assistant Village Administrator Evan Walter, Communications & Public Relations Coordinator Janet Kowal, and Management Analyst Andrez Beltran

MINUTES: A **MOTION** was made by Trustee Schiappa to approve the Minutes from the November 4, 2019 meeting. The **MOTION** was seconded by Mr. Sharma and approved by a vote of 8-0.

CONSIDERATION OF LICENSING PROGRAMS

Mr. Walter stated that the Committee had asked for further details about the cost, revenue, and staff effects of instituting three types of licensing programs: business, contractor, and landscapers. Mr. Walter continued that a business licensing program is projected to have a net revenue of \$40,000 with no increased staff burden; the contractor program would have a net revenue of \$10,000 after the need for an additional part-time employee to handle the additional staff work, and the landscaper licensing would have a net loss of \$55,000 due to the heavy staff burden needed to license and enforce with little revenue.

Mayor Grasso stated that the landscaper license, in addition to the net revenue loss and the high cost to enforce, the license would be very resident sensitive as the landscaper would pass on the cost to the owner. Mr. Sharma stated that he preferred to start with a business license, as it produced the most revenue and was the least strain on staff time, and then expand to a contractor license in the future if so desired. There was consensus on this concept. Mr. Walter stated that previously discussed was an annual fee of \$100 for business licenses. Mayor Grasso asked the Committee if it was still acceptable and the Committee agreed. He then asked for a motion.

A **MOTION** was made by Mr. Sharma to recommend that the Village formally adopt a business license program with an annual fee of \$100; **SECONDED** by Mr. Simmons. **APPROVED 8-0.**

CONSIDERATION OF 2020 EDC GOALS

Mayor Grasso stated that his priority for 2020 is to help the Village Center be fully leased. The Committee discussed a number of ways to approach it, including looking at market segmentation, additional entertainment options, and focusing on foot traffic and trip generation metrics. Mayor Grasso stated that he wanted more input on this issue, and asked if the HOA presidents of the three condo associations should come to the next meeting to discuss further.

OTHER CONSIDERATIONS

Mr. Walter stated that the Illinois Department of Public Health had put out a request for information on sites for a new state of the art Health Lab. Mr. Walter stated with a December 23, 2019 cutoff date, that there would not be time for the Committee to review again. He asked if there were any particular sites that should be omitted from the possible ones presented. The Committee did not omit either of the two sites presented. Mr. Walter stated he and Mr. Beltran would start working on the proposal.

PUBLIC COMMENT

There were no public comments on the above agenda items.

ADJOURNMENT

Mayor Grasso asked for a MOTION to adjourn. Trustee Schiappa made the **MOTION**; Mr. Stangle **SECONDED**. With no objections, the meeting was adjourned at 7:10 p.m.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Andres Beltran". The signature is written in a cursive, flowing style.

Andrez Beltran
Management Analyst



VILLAGE OF BURR RIDGE
MEMORANDUM

TO: Economic Development Committee (EDC)
Mayor Gary Grasso, Chairman

FROM: Evan Walter, Assistant Village Administrator
Andrez Beltran, Management Analyst

DATE: January 8, 2020

RE: Draft Business License Regulations

In 2019, the EDC and Board of Trustees directed staff to begin preparation of a business license program for the Village. The primary purpose of the business license program would be to provide the Village with accurate contact information for all businesses within the community, as well as incorporate a business survey into the license application and create an additional revenue stream, which would support existing economic development and code compliance programming. Among the highlights of the regulations are as follows:

- All businesses with a commercial address would be required to obtain an annual business license. Home-based businesses or those with a PO Box would not be required to obtain a business license. No qualifying business would be permitted to operate without a valid business license.
- One business license would be required for each business; different classes of licenses are not proposed. Businesses with food, liquor, etc. needs would remain required to get each of these additional licenses on top of their business license. Certain businesses are exempt from such licensing regulations per State law.
- The EDC recommended the annual business license fee be \$100.
- Provides the Mayor with authority to suspend, reject the application for, or revoke a business license on the following grounds:
 - constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare;
 - where the holder of said license shall have refused to allow a lawfully-scheduled inspection of the licensed premises;
 - where the holder of said license has refused to furnish a sample of the business' goods for testing;
 - where any business or establishment open to the public is in violation of the Smoke Free Illinois Act, 410 Illinois Compiled Statutes 82/1 et seq.; or
 - otherwise violating the business license regulations.

Staff plans to present final regulations per the EDC's recommendation to the Village Board at their January 13, 2020, meeting. Staff is available to answer any questions regarding this policy item.

EXHIBIT A

- Section X.01 Definitions**
- Section X.02 License Required**
- Section X.03 Exemptions**
- Section X.04 Registration of Businesses Required**
- Section X.05 Application for License**
- Section X.06 Restrictions on Issuance of License or Permit**
- Section X.07 Approval; Disapproval**
- Section X.08 Fee**
- Section X.09 Prorating**
- Section X.10 Rebate or Refund**
- Section X.11 Term; Expiration**
- Section X.12 Renewal**
- Section X.13 Late Fee**
- Section X.14 Termination of License – Suspension; Revocation**
- Section X.15 Appeal**
- Section X.16 Posting of License**
- Section X.17 Investigations and Inspections**
- Section X.18 Building and Premises (ZCO)**
- Section X.19 Location Requirements and Restrictions; Change of Location**
- Section X.20 Nuisances; Nuisance Conditions**
- Section X.21 Nontransferability, Improper Display of License, Prohibited Alterations, Changes in Ownership or Name**
- Section X.22 Working Conditions**
- Section X.23 Public Businesses**
- Section X.24 Penalty**

Section X.01 Definitions

The following terms shall have the meanings ascribed to them for all purposes of this Section:

HOME OCCUPATION: An occupation which consists entirely of communication and does not involve any deliveries to the residence by semi-tractor/trailer trucks, and where no employees, clients, customers or students receive goods or service at the residence.

LICENSE: A privilege granted by the Village after the fulfillment of all conditions precedent that are expressly provided herein. Every license granted by the Village pursuant to this Section, and every renewal thereof, shall be purely a personal privilege, shall not constitute property, and shall not otherwise be constructed in any manner to create any other right or interest to such license.

OWNER: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in any establishment to maintain and manage its operation.

PERSON: Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

Section X.02 License Required

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity or establishment, for which a license is, by this Section, required, for any period of time, without first obtaining a valid license from the Village.

Whenever in this Chapter a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the licensing requirement of this Section, if by oneself or through an agent, employee or partner: he holds himself forth as being engaged in the business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the village, however no more than one person shall be required to be licensed for the same business.

In the absence of provisions to the contrary such license or permit shall not be transferable to any other person, firm or corporation.

Section X.03 Exemptions

Exceptions for certain businesses: "home occupation", as defined in Section X.01 of this Section, shall not be required to obtain a business license. Every person who engages in a home occupation not required to obtain a business license may file a statement with the Village Clerk indicating the nature and scope of the home occupation.

No business license is required of any person or business that is specifically by State law exempted from the licensing authority of a municipality, as set forth below:

Architectural Practice: 225 ILCS 305/39.

Athletic Trainers: 225 ILCS 5/33.

Barbers and Cosmetologists: 225 ILCS 410/1-3.

Business and Vocational Schools: 105 ILCS 425/27.

Carrier Pigeons: 510 ILCS 45/8.

Certified Shorthand Reporters: 225 ILCS 415/25.

Clinical Psychologists: 225 ILCS 15/28.

Clinical Social Workers: 225 ILCS 20/37.

Crematories: 410 ILCS 18/80.

Dairy Farms: 410 ILCS 635/19.

Dental Practice: 225 ILCS 25/2.

Detection of Deception Examiners: 225 ILCS 430/32.

Detectives and Detective Agencies: 225 ILCS 447/50-25.

Dietitians and Nutrition Counselors: 225 ILCS 30/180.

Electrologists: 225 ILCS 412/165.

Genetic Counselors: 225 ILCS 135/185.

Geologists: 225 ILCS 745/175.

Health Practitioners: 225 ILCS 37/135.

Home Inspectors: 225 ILCS 441/25-30.

Home Medical Equipment Providers: 225 ILCS 51/175.
Insurance Brokers: 215 ILCS 5/2, 415; 65 ILCS 5/11-42-1 (was also amended to remove the specific municipal authority to regulate insurance brokers.)
Interior Designers: 225 ILCS 310/31.
Land Surveyors: 225 ILCS 330/47.
Landscape Architects: 225 ILCS 315/32.
Locksmiths: 225 ILCS 447/50-25.
Marriage and Family Therapists: 225 ILCS 55/170.
Massage Therapy: 225 ILCS 57/55.
Medical Cannabis Cultivation Centers: 410 ILCS 130/140
Medical Cannabis Dispensaries: 410 ILCS 130/140
Medical Practice: 225 ILCS 60/6.
Nursing: 225 ILCS 65/20-165.
Nursing Home Administrators: 225 ILCS 70/36.
Occupational Therapist: 225 ILCS 75/21.
Optometric Practice: 225 ILCS 80/28.
Orthotic and Prosthetic Providers: 225 ILCS 84/175.
Petroleum Equipment Contractors: 225 ILCS 729/105.
Pharmacy Practice: 225 ILCS 85/38; 65 ILCS 5/11-22-1.
Physical Therapist: 225 ILCS 90/36.
Physician's Assistant: 225 ILCS 95/23.
Plumbers: 225 ILCS 320/42.
Podiatry Practice: 225 ILCS 100/43.
Professional Boxing: 225 ILCS 105/26.
Professional Counselor and Clinical Counselor: 225 ILCS 107/170.
Professional Engineering: 225 ILCS 325/46.
Psychologists' Registration: 225 ILCS 15/28.
Public Accounting: 225 ILCS 450/31.
Real Estate Appraisers: 225 ILCS 458/25-20.
Respiratory Care Specialists: 225 ILCS 106/185.
Security Alarm Contractors: 225 ILCS 447/50-25.
Security Guards and Watchmen: 225 ILCS 447/50-25.
Social Workers' Registration: 225 ILCS 20/37.
Surgical Technicians: 225 ILCS 130/170.
Structural Engineering: 225 ILCS 340/37.
Veterinarians: 225 ILCS 115/26.
Waterwell and Pump Installation Contractors: 225 ILCS 345/29.
Wholesale Drug Distributors: 225 ILCS 120/185.

Section X.04 Registration of Businesses Required

All persons engaged in businesses or occupations operating within the Village for which a license is not specifically required by this Section, shall register with the Village Clerk, upon forms provided for that purpose. For the protection of the health, welfare and safety of the community, registration of businesses and occupations is hereby required in order to assist the Village in determining the name of the owner and/or operator of such business or occupation,

the address and telephone number of the person in charge of conducting such business or occupation, the type of business being conducted and whether the business is in compliance with the zoning ordinance and other ordinances of the Village and state statutes. Such information is required for reasons, including, but not limited to: (1) providing the ability of the Police, Fire and other Village services to give notice in the event of emergencies; (2) permitting the Fire Protection District to better plan fire suppression and emergency medical response strategies and tactics; and (3) planning periodic fire prevention, life/safety and other inspections. For the clerical cost of maintaining a list of businesses or occupations within the Village, a nominal fee, shall be charged to the applicant at the time of registration, provided that governmental bodies shall be exempt from such fee, provided further that for those businesses and occupations required to register, such fee shall be waived if the required information is provided to the Village Clerk on the appropriate forms during the month of November of each year.

Section X.05 Application for License

Applications for all licenses and permits required by this Chapter or any other Village ordinance shall be made in writing to the Village Clerk on the designated form provided in the absence of provision to the contrary. Each application shall state:

- A) the name, address and telephone number of the applicant;
- B) the type of permit or license desired;
- C) the location or proposed location of the place of business, occupation or activity;
- D) the period of time of the license or permit and the applicable fee to be paid;
- E) the number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable;
- F) all necessary State and Federal licenses relating to the business proposed to be conducted; and
- G) such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

If at any time during the term of any license the information required by this Chapter changes in any substantive manner, including but not limited to, a change of address or the conviction of an applicant of a felony, then the applicant shall provide the updated or revised information to the Village Administrator within twenty (20) days.

Section X.06 Restrictions on Issuance of License or Permit

After receipt of an application for any license or renewal of a license, the Village Administrator shall determine whether the application and the subject business, activity, or occupation complies with all of the requirements of all applicable laws, ordinances, and regulations. If the application does not comply with all of the requirements of applicable laws, ordinances, and regulations, then the applicant shall not be eligible for a license or renewal of a license. If the license application, or any other information reasonably relied on by the Village Administrator reveal any of the following circumstances, then the applicant shall not be eligible for a license or renewal of a license:

- A) The licensee's intentional or careless misrepresentation of any material fact on any license application, or the existence of any false statement or information therein.
- B) The noncompliance of the applicant, the building, the business, the activity, or the occupation for which a license or renewal of a license is sought, or the location of such building, business, activity, or occupation, with this Chapter or with any other Village code, ordinance, or regulation, including, without limitation, all building, health, fire safety, sanitary, and zoning regulations.
- C) The noncompliance of the applicant with any applicable state of Illinois law or administrative regulation, including among other things the applicant's failure to obtain any necessary license, permit, retail sales tax number, or other approval from the state of Illinois.
- D) The failure of the applicant at any time to provide to the appropriate Village officials convenient and reasonable access to the location of the subject business, activity, or occupation; or to provide other data or information that the Village Administrator reasonably requires as part of the licensing application.
- E) The operation by the applicant of a business, activity, or occupation for any period of time in a previous year without a license, when the business, activity, or occupation was required to have a license. This circumstance shall not be grounds for denial of a license if, but only if, the applicant first pays all past due license fees and all fines and penalties.
- F) The operation by the applicant of a business, activity, or occupation in a previous year in violation of any federal, state of Illinois, or local law or regulation, including, without limitation, the provisions of this Section.
- G) The previous conviction within the past three (3) years of the applicant of a felony or any other crime of moral turpitude, or the unsuccessful defense within the past three (3) years by the applicant of a criminal or civil proceeding wherein he or she was charged with fraud, misrepresentation, or unscrupulous business practices.
- H) The determination by the Village Administrator that the business, activity, or occupation for which a license or license renewal is sought will pose an undue risk to the safety or welfare of the general public or will otherwise create a public nuisance.
- I) The violation by the applicant of any condition imposed on the license or licensee by, or pursuant to, this Section.
- J) The applicant is financially indebted to the Village.

Additionally, in the case of a license renewal:

- K) Whether the business, activity, or occupation has been operated or conducted properly, or has instead been operated or conducted in a manner substantially adverse to the best interests of the Village, the village's residents, and the customers or clients of the business, activity, or occupation.
- L) Whether the business, activity, or occupation has been subject of criminal complaints.

Under no circumstances shall a license be issued to a business holding only a post office box or mailing box within the Village. Each licensed or registered business must have a principal place of business and a physical presence in the Village.

Section X.07 Approval; Disapproval

If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village Administrator or their designee shall determine that the application is satisfactory, then they shall approve the application. Thereupon, the Village Clerk shall notify the applicant that the application has been approved. The license or permit shall be signed by the Mayor, attested by the Clerk, and then issued to the licensee.

If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village Administrator or their designee shall determine that matters concerning the application are unsatisfactory, then they shall disapprove the application, indicating the reasons therefore in writing within ten (10) days upon receipt of said application. Thereupon, the Village Clerk shall notify the applicant that the application has not been approved and that no license or permit will be issued.

Section X.08 Fee

In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk in the amount of one-hundred (100) dollars.

Section X.09 Prorating

When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be one-hundred (100) dollars if more than six months shall be presumed to pass between the license application and the expiration of said license or permit; if less than six months, the license fee shall be in fifty (50) dollars.

Section X.10 Rebate or Refund

In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

Section X.11 Term; Expiration

Each license shall indicate its term. The license year for the Village shall commence on May 1 of each year. No license shall be granted for a period longer than one year. All Village licenses shall terminate on the last day of the calendar year where no provision to the contrary is made.

The Village Clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least twenty-one (21) days prior to such expiration date. Provided, however, that a failure to make such notification or the licensee's failure to receive it, shall not exclude the licensee from the obligation to obtain a new license or a renewal.

Section X.12 Renewal

Except as otherwise provided herein, each license may be renewed upon payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

Section X.13 Late Fee

Each licensee shall pay the following late charge in the event the license is not obtained or renewed on or before May 1:

1. Less than or equal to thirty (30) days: twenty-five percent (25%) of license fee.
2. Every recurring thirty (30) days thereafter: an additional twenty-five (25%) of license fee.

Section X.14 Termination of License – Suspension; Revocation

- A) The Mayor shall be authorized to summarily order the cessation of business and the closing of the premises until the danger or violation no longer exists, and the suspension of any license or permit for a period not to exceed ten (10) days when the conduct or operation of any business occupation, activity or establishment, whether licensed or unlicensed, shall:
1. constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare;
 2. where the holder of said license shall have refused to allow a lawfully-scheduled inspection of the licensed premises;
 3. where the holder of said license has refused to furnish a sample of the business' goods for testing;
 4. where any business or establishment open to the public is in violation of the Smoke Free Illinois Act, 410 Illinois Compiled Statutes 82/1 et seq.; or
 5. be found to be in violation of any section of this Chapter.
- B) Within ten (10) business days after they have so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- C) Licenses and permits issued under this Chapter, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in subsections (D) and (E) of this section for any of the following causes:
1. Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
 2. Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit or the premises occupied;
 3. Conviction of the licensee or permittee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest and legitimate business operation within the Village;
 4. Failure of the licensee or permittee to pay any fine, penalty, or charge owing to the Village;

5. Refusal to permit an inspection or sampling, or any interference with a duly authorized municipal officer or employee while in the reasonable performance of their duties in making such inspections, provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.;
 6. Any violation of the smoke free Illinois act, 410 Illinois Compiled Statutes 82/1 et seq.;
 7. Suspension or revocation of any required State or local license.
- D) Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at their last known address at least fifteen (15) days prior to the date set for the hearing.
- E) At the hearing the Village Attorney shall present the complaint and shall represent the Village. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The Mayor shall preside and shall render the decision.
- F) Record of Hearing: A stenographic or electronically recorded record of the hearing shall be kept. The Village shall pay the cost of attendance fees of the recorder and the cost of the transcript, if such transcript shall be ordered by the Village. The licensee or permittee shall pay the cost of any transcript ordered by him.
- G) Decision: Within a reasonable time after the conclusion of the hearing, but not later than thirty (30) days after such conclusion, the Mayor shall file a written decision in which he has summarized the evidence and has stated the reasons for his decision.
- H) Effect of Other Penalties: Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this code or other ordinances of the Village.

Section X.15 Appeal

Any person aggrieved by the decision of the Mayor in regard to the denial of an application for a business license, as provided in Section X.07 of this Chapter, or in connection with the revocation of a license or permit, as provided in Section X.14 of this Chapter, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section X.14 of this Chapter. The decision of the Board of Trustees on such appeal shall be final.

Section X.16 Posting of License

It shall be the duty of every person conducting a licensed business in the Village to keep their license posted in a prominent place on the premises used for such business at all times.

Section X.17 Investigations and Inspections

- A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by Ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village Clerk, within two (2) business days of such receipt, shall refer the application to the appropriate official(s) for the making of such investigation(s) or inspection(s). Investigations or inspections may be conducted by any officer, employee or independent contractor of the Village or personnel of any other governmental agency.
- B) A written demand will be made upon the licensee or person in charge of the premises in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.
- C) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, within ten (10) days after receiving such application or a copy thereof.
- D) Upon receipt of all related investigative reports, the Village Clerk shall forward such reports, together with the application, to the Village Administrator for their evaluation and determination.

Section X.18 Building and Premises (ZCO)

No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State of Illinois.

Section X.19 Location Requirements and Restrictions; Change of Location

No license or permit for the operation of a business, establishment or activity in the Village shall be construed to permit its operation in more than one location in the Village; a separate license or permit shall be required for each location. For the purpose of this Chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses:

- A) shall be connected or shall be located on the same lot or parcel;
- B) shall be operated and managed by the same person or owner; and
- C) shall be an establishment with the same classification.

The location of any licensed business or occupation, other than the sale of alcoholic liquors, or the location of any permitted act, may be changed provided that the Village Clerk shall be given at least ten (10) day notice of such intended change in location to determine that the operation for which the license is required conforms with all applicable ordinances and regulations of the Village at its new location.

Section X.20 Nuisances; Nuisance Conditions

It shall be unlawful for any business, licensed or not, to be conducted or operated: 1) so as to become a nuisance to the public health, safety and welfare; or 2) in violation of any applicable code or ordinance of the Village.

B. Unsafe or Unhealthful Business:

- A) No building or structure utilized, constructed, or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe, or dangerous condition.
- B) No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the village.
- C) Refuse Disposal:
 - 1. Containers:
 - a. The standard refuse container required by this code shall be a receptacle of not less than ten (10) gallons and not more than thirty-two (32) gallons. However, containers may exceed thirty-two (32) gallons but not more than ninety (90) gallons if the container is supplied by the Village's franchised waste hauler. The container shall be constructed of impervious and sturdy material, with a tightfitting cover, and equipped with handles properly placed to facilitate handling.
 - b. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers unless another type of container is approved by the Village Clerk due to the unusual nature of the refuse produced by the business.
 - 2. Removal of Refuse:
 - a. It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation, to cause to be removed at his own cost and expense, at least once each week, all refuse produced therein.
 - b. Every person owning or controlling any hotel, restaurant, cafe, retail food establishment or other business or occupation, where more than thirty-two (32) gallons of refuse is normally produced weekly, shall cause all substances deposited in such containers to be removed as often as shall be necessary, including daily removal from the premises, to ensure the healthful environment surrounding such establishment. Such removal shall be at their own expense.
- D) Any gasoline service station determined by the Village Administrator or his/her designee to be abandoned shall be deemed a public nuisance which adversely affects surrounding property values and the public safety and welfare. A gasoline service station shall be considered abandoned if it is not operated for at least three hundred (300) hours in any sixty (60) day period. Whenever the Village Administrator or his/her designee shall determine that any service station is abandoned, he shall immediately notify the owner of the real estate, either in person or by certified mail, and issue an order of abatement with which there must be compliance within ninety (90) days. A nuisance caused by abandonment may be abated only as follows:
 - 1. Placing the station back in operation for a minimum of six (6) hours per day, six (6) days per week; or
 - 2. Razing all structures and removing all underground tanks in accordance with all applicable ordinances of the Village. After razing all structures, the entire lot must be sodded as soon as weather permits; or
 - 3. Making an appropriate application for a change in the use of the real estate to a permitted or conditional use. If the proposed use is approved, the owner of the real estate shall have a definite time period, as specified by the Village Administrator,

to commence operation of the proposed use. If the new use is not commenced within such time period, the nuisance shall be immediately abated under subsection D1a or D1b of this section. If the proposed use is disapproved, the owner of the real estate shall do one of the following within ninety (90) days:

- a. Apply for another proposed use; or
- b. Abate the nuisance as required under subsection D.1 of this section.

The Village shall not be required to consider more than three (3) proposed uses before it may abate the nuisance itself under subsection D2 of this section.

4. If, upon the giving of notice, the owner of the real estate fails to abate the nuisance within the time and in the manner specified in the notice, the Village is hereby authorized to abate the nuisance and to assess the cost thereof against the owner of the real estate upon which the nuisance exists. The amount of such costs shall be paid by the owner to the village.
5. In addition to being a debt due and owing the Village by the owner of the real estate upon which the nuisance exists, the cost of such abatement shall constitute a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if, within sixty (60) days after such cost or expense is incurred by the village, a notice of lien is filed with the county recorder of deeds. The notice of lien shall consist of a sworn statement setting out:
 - a. A legal description of the real estate;
 - b. The amount of money representing the cost and expense incurred for the abatement of the nuisance; and
 - c. The date or dates when the costs and expenses were incurred by the Village.

Upon the payment of the costs and expenses to the Village by the owner of or persons interested in the real estate, the lien shall be released by the Village.

Section X.21 Nontransferability, Improper Display of License, Prohibited Alterations, Changes in Ownership or Name

- A) Nontransferability; Improper Display Prohibited: No license or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person, firm or corporation shall use or display any license, certificate, tag, badge, or sticker which has been improperly acquired.
- B) Prohibited Alterations: No person, firm or corporation shall alter, deface, forge, or counterfeit any license, certificate, plate, tag, badge or sticker issued by the Village.
- C) Change in Ownership: Any changes in partners, officers, directors, or persons holding directly, indirectly or beneficially five percent (5%) or more of the shares or ownership interest shall be reported in writing to the Village Administrator. The notification of change of ownership and a twenty-five dollar (\$25.00) administrative fee shall be submitted to the Village within ten (10) days of the change. All new personnel and owners shall meet all the standards of this chapter and must otherwise qualify to hold a business license in the village.

- D) Change in Name: Any changes in the name of a business or organization holding a business license shall be reported in writing to the Village Administrator, together with a list of those individuals and entities holding directly, indirectly or beneficially five percent (5%) or more of the shares or ownership interest and a twenty-five dollar (\$25.00) administrative fee. Such information and fee shall be submitted within ten (10) days of the change

Section X.22 Working Conditions

- A) Health Requirements Generally: No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place shall allow or cause any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.
- B) Sanitation: All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also, as far as practicable, such premises shall be free from all gases, vapors, dust or otherwise which are injurious to health. Sufficient washroom facilities for all employees shall be provided, and such facilities shall be properly ventilated.
- C) Heat Requirements: It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory, workshop, retail business, or other commercial establishment to maintain a temperature, when workers are present within such factory or workshop, of not less than sixty eight degrees Fahrenheit (68°F) (20°C) without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a lower temperature than sixty eight degrees Fahrenheit (68°F) (20°C) is necessary or expedient for the work or manufacturing process of such business.
- D) Inspections: The appropriate Village officials shall visit or cause to be visited all such places of employment in the village as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangement made as may be deemed necessary for the health and safety of the employees.

Section X.23 Public Businesses

All businesses or commercial establishments licensed by the Village which invite the public generally into their establishments for the purpose of conducting business, a commercial activity, or any other activity licensed by the Village shall be subject to the following regulations in addition to all other applicable provisions of this code:

- A) All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition.
- B) All business or commercial establishments subject to this Chapter shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this Chapter.
- C) It shall be unlawful to employ in any premises open to the public or engaged in the transportation, processing, preparation or packaging of food or beverages any person who

the employer knows or should have known, based upon reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knows or should have known that he was afflicted with or a carrier of any such disease to work in or about any such premises.

Section X.24 Penalty

Any person violating any provisions of this Chapter shall be fined as provided in this Code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Whenever a person, firm or corporation shall neglect or refuse to procure any license required by this code, or otherwise violates the terms of this chapter, the Village Administrator is authorized to cause appropriate legal action and proceedings to be instituted to enforce the license requirement.

The Village Administrator shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this Chapter. When necessary and expedient, he may call upon the chief of police and the members of his department to assist in such enforcement, and it shall be the duty of the chief of police and the members of his department to perform such enforcement acts as may be required of them. All Village employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this code and other Village ordinances relating to the licensing of businesses and occupations and their regulations. Members who are conservators of the peace must successfully complete the training course administered by the Illinois law enforcement training standards board.



VILLAGE OF BURR RIDGE
MEMORANDUM

TO: Economic Development Committee (EDC)
Mayor Gary Grasso, Chairman

FROM: Evan Walter, Assistant Village Administrator

DATE: January 8, 2020

RE: **Hotel/Motel Budget FY 2020-21**

On August 2, 2019, the State of Illinois approved legislation that amends provisions of the Illinois Municipal Code concerning use of hotel/motel funds by non-home rule communities in DuPage County, which includes the Village of Burr Ridge. Previously, all hotel/motel revenues received by non-home rule communities were restricted solely for the promotion of overnight tourism. The amended legislation permits up to 25% of said revenue to “be expended by the municipality for economic development or capital infrastructure” provided that the municipality is a member of the DuPage Convention and Visitor’s Bureau (DCVB); the Village is a present member of this organization and thus qualifies for this additional flexibility. It should be noted that the amended legislation carries an automatic repeal date of January 1, 2023 unless amended by future action.

As the EDC has traditionally made recommendations regarding the hotel marketing budget, this memo is meant to serve as a discussion tool regarding budgetary amendments necessary for FY 2020-21 that will account for the expanded flexibility in the Hotel/Motel Fund. Staff projects \$680,000 will be received in the Hotel/Motel Fund (henceforth “Fund”) for FY 2020-21; thus, 25% of the Fund (\$170,000) is assumed to be used for purposes necessarily unrelated to promotion of overnight tourism and is thus this value must be reduced from existing services within the Fund. The Board will make a final determination as to how the \$170,000 will be expended during its budget workshops.

Staff received feedback from Village hotels as to how the Fund’s overall expenditures may be reduced while maintaining its competitive effectiveness. Several concepts were considered to drive additional value directly to the properties, including the potential for providing local transportation from the properties to the downtown and other points in the Village as well as expanding the hotel grant fund to allow more incentives to be provided to each sales group. After receiving this feedback, staff recommends that the hotel marketing budget be reduced from \$350,000 to \$145,000, while the hotel grant fund be increased from \$14,000 to \$23,000. Additional monies allocated to the hotel grant fund will allow the Village to provide grant funding for more and greater quality pieces of business for our hotel properties, thus providing a higher return on investment for the Fund generally. Additional monies totaling \$24,000 were added to other accounts in the Fund to ensure service quality, such as the summer concert series and holiday bridge light display.

Staff will be present to answer any questions regarding this policy proposal.



VILLAGE OF BURR RIDGE
MEMORANDUM

TO: Economic Development Committee (EDC)
Mayor Gary Grasso, Chairman

FROM: Evan Walter, Assistant Village Administrator

DATE: January 8, 2020

RE: **Development Opportunity – 15W776 North Frontage Road (Porterhouse)**

Porterhouse Steak and Seafood, located at 15W776 North Frontage Road at the intersection of North Frontage Road and Madison Street, closed on December 31, 2019. The business had recently undergone a menu change to become more breakfast-oriented but ultimately did not become profitable. As such, the property is now available for either a new tenant or wholesale redevelopment. Staff requests feedback from the EDC regarding this opportunity.

The property is approximately 36,000 square feet in size with 284 feet of frontage on Madison Street and 202 feet of frontage on Frontage Road; the property is 138 feet deep at its narrowest point. The property is currently zoned B-2 Business, with all parcels surrounding the subject property located in either Willowbrook or unincorporated DuPage County. The standard floor area ratio of the zoning district dictates that any building on the subject property may not exceed 12,600 square feet. The property contains one 3,500-square foot structure with drive-through valet feature with 47 surface parking spaces. The adjoining intersection has an average daily traffic (ADT) count of approximately 7,000 cars per day. An aerial map and comprehensive list of uses and specifications in the Zoning Ordinance for the B-2 Business District is included in the attachments.

At this time, staff has been approached by several entities regarding development of a gas station on the subject property due to the corner location and proximity to the truck terminals further east on Frontage Road. Generally, a gas station requires approximately 1 acre of land to develop, which is generally what is available at the site. Gas stations are listed as a special use in the B-2 Business District and one gas station in a B-2 Business District is currently in operation in the Village. Staff believes that a gas station will provide increased sales tax to the Village relative to what Porterhouse provided, but acknowledges that said use would have different impacts than a restaurant.

Staff requests feedback from the EDC regarding a potential gas station use as well as options otherwise.







BURR RIDGE ZONING ORDINANCE

SECTION VIII.C B-2 BUSINESS DISTRICT

C. B-2 GENERAL BUSINESS DISTRICT

The intent of the B-2 District is to accommodate those uses which require substantial land area, are major travel destinations, require substantial support parking and draw their clientele or employees from the regional market. Many such uses require a high degree of access and roadside visibility or exposure from major thoroughfares.

1. Permitted Uses:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses:

- a. Antique shops with less than 7000 square feet of floor area
- b. Art Galleries
- c. Art and School Supply Stores
- d. Automobile parts and accessory stores
- e. Bakeries (retail sales and not more than 70 percent of the floor area may be devoted to the production or processing of bakery goods)
- f. Barber Shops
- g. Beauty and Health Services
- h. Bicycle sales, including rental and repair and service functions where incidental to retail sales or rentals
- i. Book stores and stationery shops
- j. Camera and photographic supply stores
- k. Candy stores
- l. Card and gift shops
- m. Carpet and rug stores (retail only)
- n. Catalogue Sales
- o. Catering Establishments
- p. China, glassware and household goods stores
- q. Clothing, clothing rental, and clothing accessory stores
- r. Coin and philatelic stores



- s. Computer, business machine and office equipment stores, including repair and service functions where incidental to retail sales
- t. Craft, fabric, and sewing stores
- u. Delicatessens (packaged and/or prepared food for consumption on or off premises)
- v. Dry cleaning or laundry receiving establishment (processing to be done off-site)
- w. Florist shops
- x. Food Stores, including grocery stores, supermarkets, meat markets, health food stores, fruit and vegetable stores, bulk food stores, and other similar establishments
- y. Furniture stores
- z. Furrier shops
- aa. Garden, landscape, and patio stores
- bb. Hardware and home improvements stores
- cc. Hobby shops (not including video game parlors or arcades)
- dd. Household appliance stores (including repair and service functions where such activities are incidental to the retail sales function)
- ee. Interior decorating shops
- ff. Jewelry stores, including watch repairs, design and production of custom jewelry
- gg. Leather goods and luggage stores
- hh. Locksmith shops
- ii. Music stores including sheet music, recorded music, and musical instrument sales and repair
- jj. Office supply and service stores including copying and package delivery services with less than 7000 square feet of floor area
- kk. Orthopedic and Medical Appliance Stores
- ll. Paint and wallpaper stores
- mm. Pharmacies and Drug Stores
- nn. Photography studios
- oo. Picture framing, when conducted for retail sales on the premises only
- pp. Playground equipment sales with indoor display
- qq. Post Offices, federal government, freestanding or accessory to a permitted or special use



- rr. Restaurants in multi-tenant buildings (including specialty restaurants such as donut shops and ice cream shops) and without any of the following: live entertainment, dancing, or sales of alcoholic beverages
- ss. Studios for teaching of art, martial arts, music, dance, and gymnastics
- tt. Shoe sales and shoe repair stores
- uu. Sporting goods stores
- vv. Tailor and dressmaking shops
- ww. Toy stores
- xx. Video rental stores
- yy. Accessory uses customarily incidental to the above including but not limited to off-street parking and loading as regulated in Section XI of this Ordinance

2. Special Uses:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section XIII of this Ordinance, as appropriate:

- a. Amusement establishments, indoor and outdoor, including golf courses and ranges, miniature golf, batting cages, bowling alleys, tennis, racquetball, gymnasiums, swimming pools, and ice skating rinks but excluding arcades
- b. Animal hospitals and veterinary clinics
- c. Antique shops with more than 7000 square feet of floor area
- d. Automobile sales, new or used and including trucks
- e. Automobile gasoline sales stations
- f. Automobile service and repair
- g. Banks and financial institutions (Amended by Ordinance A-834-06-09)
- h. Banquet halls
- i. Building material sales
- j. Car washes, automatic, self-service, or hand wash
- k. Clubs or lodges, private, fraternal, or religious
- l. Colleges, universities, or business vocational schools
- m. Convents, monasteries, and theological schools
- n. Convenience Food Stores
- o. Child Care Centers and Nursery Schools
- p. Department Stores
- q. Drive through facilities accessory to any permitted or special use



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- r. Dry cleaners with on-site equipment for dry cleaning
 - s. Financial Services Offices (Amended by Ordinance A-834-06-09)
 - t. Funeral parlors
 - u. Golf Simulation Facility with Sales of Alcoholic and non-Alcoholic Beverages and pre-packaged food and snacks (Amended by Ordinance A-834-23-16)
 - v. Greenhouses, retail sales only
 - w. Health and athletic clubs and gymnasiums
 - x. Hotels and motels (including dining and meeting rooms)
 - y. Hours of operation exceeding 7 A.M. to 10 P.M. for any business listed as a permitted or special use except as otherwise permitted by Section VIII.A.11 herein (Amended by Ordinance A-834-03-12).
 - z. Insurance Offices (Amended by Ordinance A-834-06-09)
 - aa. Irrigation installation business, with no customers on premises (Amended by Ordinance A-834-04-18)
 - aa. Kennels
 - bb. Laundromats
 - cc. Liquor Stores (packaged goods sales only)
 - dd. Medical, Dental, and Optical Offices and Clinics (Amended by Ordinance A-834-06-09)
 - ee. Office supply and service stores including copying and package delivery services with more than 7000 square feet of floor area
 - ff. Outside dining area for a restaurant subject to compliance with Section VIII.A.5 herein
 - gg. Outside sales display accessory to a permitted or special use
 - hh. Parking lots and structures where such uses are the principal use on a lot
 - ii. Pet shops and pet service stores
 - jj. Planned unit developments
 - kk. Plumbing, heating, air conditioning, and lighting stores (retail sales and service only)
 - ll. Real Estate Offices (Amended by Ordinance A-834-06-09)
 - mm. Restaurants in single tenant buildings or with any one of the following: live entertainment, dancing, or sales of alcoholic beverages (Amended by Ordinance A-834-6-99)
 - nn. Running Store/Fitness Apparel Store with Sales of Craft Beer or Wine (Amended by Ordinance A-834-14-16)
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- oo. Shopping centers (containing stores listed as permitted or special uses in this B-2 District)
- pp. Theaters, indoor movie, not to exceed 4 screens or 800 seats, whichever is less, with no screen having more than 250 seats, and not located within 2500 feet (measured from property line to property line) of another theater facility.” Amended Ordinance A-834-7-97
- qq. Theaters, performing arts, indoor
- rr. Tobacco Shops
- ss. Travel Agencies (Amended by Ordinance A-834-06-09)
- tt. Tutoring center for pre-school, primary, and secondary education (Amended by Ordinance A-834-31-11)
- uu. Multiple buildings on a single lot if said building and lot are under common ownership and that all necessary infrastructure is provided for each of the buildings consistent with the Village’s subdivision regulations. (Amended Ordinance A-834-03-08)

3. <u>Lot Size Requirements:</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
	20,000 square feet	120 feet
a. <u>Permitted Uses</u>		
b. <u>Special Uses</u>	20,000 square feet	120 feet
(1) All special uses except those listed below	80 Acres	1,000 feet
(2) Colleges, universities	40,000 square feet	200 feet
(3) Restaurants with drive-thru facilities	1 acre	200 feet
(4) Banks and Financial Institutions with drive-through facilities	30,000 square feet	150 feet
(5) Funeral parlors	1 acre	200 feet
(6) Greenhouse, retail sales only	2 acres	250 feet
(7) Hotels and motels	5 acres	250 feet
(8) Planned Unit Developments	5 acres	250 feet
(9) Shopping Centers		



4. **Floor Area Ratio:**

Not to exceed 0.40.

5. **Maximum Building Height:**

Not to exceed 35 feet.

6. **Yard Requirements:**

- a. Front yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- b. Corner side yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- c. Interior side yard: None required, however, if a yard is provided it must be at least 20 feet in width.
- d. Rear yard: 40 feet.
- e. Transitional rear and side yards: all lots with rear or side lot lines abutting a residential district shall provide a 50 foot yard along such abutting lot line, with landscaping in accordance with Subsection VIII.A.10.