



Narrative Description of Proposed Action

Background

The proposed action is a local law amending various sections of Village Code with respect to food service establishments to remove ambiguities, limit the size of fast food restaurants, and eliminate a buffer requirement between certain types of food service establishments. The action amends Chapter 342-30(A)(1)(e) Permitted Principal Uses to replace *restaurants* with *food service establishments* which is inclusive of current code terms *restaurant*, *fast food*, *delicatessen*, and *carry-out*. To accommodate the change the action will replace the term "restaurant" with "food service establishment" throughout the Village Code and remove the terms *carry-out*, *delicatessen*, and *restaurant* from the zoning definitions in 342-3(B). The action further amends Chapter 342-30(A)(1)(e) Permitted Principal Uses to prohibit fast-food restaurants larger than 3,000 sf. Lastly, the action amends 342-45 by eliminating the distance requirement within the C-2 that prohibits a *carry-out*, *deli* or fast food restaurants from locating within 200 ft of another *carry-out*, *deli*, or fast food restaurant.

Net change from existing code

The following section will go through each of the substantive amendments and describes the net change from the existing code and/or practice to review the potential for adverse environmental impacts.

Remove ambiguities

This is achieved by amending the permitted uses listed in 342-30(A)(1)(e) to replace *restaurants* with *food service establishments* which is inclusive of current code terms *restaurant*, *fast food*, *delicatessen*, and *carry-out*. The existing code contains definitions for *food service establishment*, *restaurant*, *fast food*, *delicatessen*, and *carry-out* but the only one listed as a Permitted Use is a restaurant. Furthermore, the term restaurant currently excludes *fast food*, *delicatessen*, and *carry-out* making it appear that these are not permitted anywhere in the Village. However, under the current code *restaurants* in the C-1 and C-2 are subject to a special permit that has additional requirements that would only apply to *fast food*, *delicatessen*, and *carry-out*. Due to this ambiguity the Village and the Zoning Board of Appeals have been granting special permits and building permits to these uses in all zones that have *restaurants* listed as a Permitted Use (which includes the C-1, C-2, MC-2, and M-1 Zoning Districts). Since the proposed action will not result in a change in practice (aside from limiting the size of fast food which is discussed below) it is not anticipated to cause any significant adverse environmental impacts.

Limit the size of fast food restaurants

The action amends Chapter 342-30(A)(1)(e) Permitted Uses to prohibit fast-food restaurants larger than 3,000 sf. This is in response to concerns that large footprint fast food restaurants have higher impacts in terms of traffic, parking and noise. Since there is no net change in the uses and this amendment creates additional protections, it is not anticipated to cause any significant adverse environmental impact.



Remove the 200 foot buffer requirement

The action amends 342-45 by eliminating the distance requirement within the C-2 that prohibits a carry-out, deli, or fast food restaurant from locating within 200 ft of another carry-out, deli, or fast food restaurant. The Village Planning Department has done a review of the existing locations of carry-out, deli, or fast food restaurants and has determined that nearly every establishment in the C-2 zone physically violates this requirement. Some of the establishments have received variances from the requirement, others were existing non-conforming, and some were erroneously permitted without receiving the required variance. There have been no reported issues with the existing physical arrangement, which is not compliant with the current code. Therefore, the elimination of the requirement is not anticipated to result in any significant adverse environmental impacts.