

48-O-15

AN ORDINANCE

Amending Subsection 3-4-6 of the City Code to Increase the Number of Class F-1 Liquor Licenses from Zero to One (Whole Foods Market Group, Inc., dba Whole Foods Market, 2748 Green Bay Road)

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Class F-1 of Table 1, Section 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended and revised as follows:

F-1	Grocery	Beer/Wine	Liquor	\$40,000	\$13,000	1	None	8 a.m. – Midnight for consumption off the premises; Grocery store hours for consumption on premises
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SECTION 2: Subsection 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended by increasing the number of Class F-1 liquor licenses from zero (0) to one (1) to read as follows:

(F-1) CLASS F-1 licenses, which shall authorize the retail sale of packaged alcoholic liquor for consumption off premises and the sale of beer and wine for consumption on the premises as an incidental part of a grocery store, as defined in Section 3-4-1 of this Chapter, to persons of at least twenty-one (21) years of age.

Class F-1 licenses shall be subject to the following conditions and limitations for the sale of alcohol, in original packages, unopened only:

1. It shall be unlawful for a Class F-1 licensee to sell a single container of beer for consumption off premises unless the volume of the container is greater than forty (40) ounces or 1.18 liters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single

- containers of beer for sale as a set. Any such manipulation of packaging shall be a violation of this Subsection. Nothing in this Subsection shall be construed as prohibiting the sale of packages containing six single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
2. It shall be unlawful for a Class F-1 licensee to sell a single container of wine for consumption off premises unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
 3. It shall be unlawful for a Class F-1 licensee to sell a single container of alcoholic liquor for consumption off premises, except beer and wine which are regulated by Subsections (F-1)1 and (F-1)2 of this Section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
 4. The sale of alcoholic liquor at retail for off-site consumption pursuant to the Class F-1 license may begin after 8:00 a.m., Monday through Sunday. Alcoholic liquor for off-site consumption shall not be sold after the hour of 12:00 midnight on any day.
 5. No such license may be granted to an establishment that is located within five hundred (500) feet of a licensee holding a Class F-1 or Class F liquor license.
 6. A Class F-1 licensee shall provide a minimum of fifty thousand (50,000) square feet of production, preparation, and display area in which products are prepared and are for sale. The gross floor area shall include premises within the exterior walls of the grocery store, but does not include any outdoor patio, parking, storage or display areas.
 7. Alcoholic liquor sold in original packages and intended for consumption off the premises shall not be opened or consumed on the premises or in any designated seating/service area.
 8. Class F-1 licenses shall permit the tasting of samples of the alcoholic liquor permitted to be sold under this classification, on the licensed premises during authorized hours of business. No charge, cost, fee, or other consideration of any kind shall be levied for any such tasting. Licensees shall not provide more than three (3) free tastings, each of which shall not exceed one (1) fluid ounce for wine, two (2) fluid ounces for beer and one-quarter (.25) fluid ounce for distilled alcohol, to any person in a day. Licensees must have at least one (1) BASSET-certified site manager on-premises whenever offering alcoholic liquor for tastings. Licensees must provide food service when offering alcoholic liquor for tastings.

The sale of beer and wine shall be permitted for consumption on the premises subject to the following conditions:

9. The sale of beer and wine only for consumption on the premises shall be served only in a designated seating/serving area, which includes an area where food is prepared and regularly served on the premises. Such food may include hot or cold sandwiches, appetizers, tapas, sushi, baked

- goods or other similar foods.
10. The consumption of beer and wine on the premises shall be permitted in the designated seating/serving area as well as the shopping areas throughout the premises; however, the licensee shall mark, with conspicuous signage, the areas past which consumption of beer and wine is no longer permitted.
 11. The designated seating/serving area for customers consuming beer and wine on the premises shall be limited to five percent of the gross floor area.
 12. The total space for on premise consumption shall be no more than 2,500 square feet. Such 2,500 square feet shall be measured as the space inside the barriers which are required in Subsections (F-1)10 and (F-1)11.
 13. Under no circumstance shall the consumption of beer and wine be allowed in an outdoor patio.
 14. It is intended that the service of beer and wine is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
 15. Under no circumstance shall the sale of beer and wine take place outside of the normal business hours of the grocery store.

The applicant for a Class F-1 license shall pay a first year license fee of forty thousand dollars (\$40,000.00). Thereafter, the annual fee for a Class F license shall be thirteen thousand dollars (\$13,000.00).

No more than one (1) such licenses shall be in force at any one (1) time.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 13, 2015

Approved:

Adopted: April 27, 2015

April 29, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk (NB)

W. Grant Farrar
W. Grant Farrar, Corporation Counsel