

2015 LAND DEVELOPMENT CODE AMENDMENTS II

Amendment Report to the Plan Commission

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SUBSTANTIVE AMENDMENT: **OUTDOOR DINING**

At present, there are numerous parts of the Land Development Code (LDC) and Village Code that regulate outdoor dining activities. Taken together, these regulations control where this use can take place, and provide specifications related to pedestrian aisle widths and fencing requirements, among other things.

This update is intended to make consistent our outdoor dining regulations across all sections of the LDC and Village Code, as well as modify the requirements for fencing to be less strict and add more options to delineate the boundaries around those areas. Both feedback from existing restaurants and a survey of ten (10) comparable and local communities informed the recommended changes presented below. The Village Code portion, which focuses on the use of public sidewalks for outdoor seating, is also presented below.

Land Development Code

Sections 6-206 (RSB), 6-207 (BIZ), 6-210 (COR), and 6-211 (ORI): Permitted & Special Uses

Restaurants, and outdoor seating for restaurants, greater than [less than] 300 feet [or 330 feet] from a residential parcel. Outdoor seating ~~will~~ **shall** have aisle widths of **36 inches** ~~three (3) feet~~ or more, and any fence, **wall, landscaping or similar barrier installed in or around the outdoor seating areas shall be not less than 24 inches in height and not greater than 48 inches in height.** The service of liquor will **also** require conformance **with the provisions** ~~fencing per-~~ **outlined in Section 6-310 Fences, as well as the requirements of the Village Code, as amended.**

Section 6-212 (VCD), Table 6-212.C.1

4. Commercial Uses	Lot line 300 feet or more from single family detached residential lot line	Lot line within 300 feet or more from single family detached residential lot line
Restaurants, Outdoor Seating for Restaurants, and Banquet halls	Permitted Use	Special Use

Section 6-212.E.6 (VCD)

6. Outdoor Seating

Outdoor seating shall have aisle widths of 36 inches or more, and any fence, wall, landscaping or similar barrier installed in or around the outdoor seating areas shall be not less than 24 inches in height and not greater than 48 inches in height. The service of liquor will also require conformance with the provisions outlined in Section 6-310 Fences, as well as the requirements of the Village Code, as amended.

Section 6-310.F.3: Fences

Fencing required with Liquor Sales

At least 50% of the boundaries of any outdoor seating area on private property that will serve liquor shall be delineated, but not required to be fully enclosed, by a fence, wall, landscaping or similar barrier not less than 24 inches in height and not greater than 48 inches in height. A fence, wall, landscaping or similar barrier not less than 24 inches in height and not greater than 48 inches in height shall also be provided to distinguish between neighboring outdoor seating areas, where applicable. Additional protection may be required based upon the relationship between an outdoor dining seating area and the abutting vehicle zone. See the Village Code for additional regulations associated with the use of a public sidewalk for outdoor dining purposes. ~~Fences for restaurant outdoor seating areas, temporary or permanent, shall be a minimum of 36 inches (three feet) to a maximum of 48 inches (four feet) in height. Such fences shall be required whenever liquor is served outside.~~

Village Code

Section 3-2-4: Encroachments

Fencing required with Liquor Sales

[...] except that food service establishments and restaurants shall be permitted to operate and maintain outdoor dining, including the service of liquor by an establishment that holds a liquor license without amendment of the liquor license, using a portion of a public sidewalk adjoining the food service establishment or restaurant with the following limitations:

1. Such outdoor dining use occupies no more than fifty percent (50%) of the depth of sidewalk; and
2. A minimum of 44 inches of unobstructed width of the sidewalk is maintained; and
3. A minimum of 36 inches of unobstructed width of the internal aisles is maintained, and
4. The outdoor seating area does not exceed seventy five percent (75%) of the frontage of the food service establishment or restaurant; and
5. At least 50% of the boundaries of any outdoor seating area that will serve liquor are delineated, but not required to be fully enclosed, enclosed by a fence, wall, landscaping or similar barrier ~~temporary and movable fencing~~ not less than 24 inches ~~three and one half (3 1/2) feet~~ in height and not greater than 48 inches in height; and
6. A fence, wall, landscaping or similar barrier no less than 24 inches in height and no greater than 48 inches in height shall also be provided to distinguish between neighboring outdoor seating areas, where applicable.
7. Prior to use of the sidewalk for outdoor dining in any year, the owner or other person in control of the food service establishment or restaurant must apply for and obtain a permit from the office of the Village Office of Development Services for that year, which application shall be accompanied by evidence of liability insurance, in amounts established from time to time by the Village, naming the Village as an additional insured.

SUBSTANTIVE AMENDMENT: OFF-SITE VEHICLE STORAGE

The purpose of this modification is to recommend how the Village could amend our Land Development Code (LDC) in order to allow car dealerships located within the Village's General Business District (BIZ) the opportunity to maintain off-site storage of their inventory.

This recommendation is the direct result of numerous conversations with our community's auto dealers. Today, these dealers are working to manage new expectations from their respective parent companies to maintain a robust and comprehensive inventory of vehicles at all times. As a consequence, each dealership is seeking off-site vehicle storage opportunities.

To accommodate this need, the Village has identified our Manufacturing District (MFG) and its associated open areas as an appropriate location for outside vehicle storage. Note that Staff proposes a specific set of guidelines designed to limit this option only to Orland Park car dealerships, as well as reduce the public's awareness and access to such storage locations. The existing regulations for outside storage such as screening will remain applicable. In addition, Staff proposes to review and approve this use via the Appearance Review process since it is contemplated that some of this activity will be temporary in nature based upon seasonal inventory cycles.

Section 6-208.B (MFG): Permitted Uses

1. Accessory uses, as provided in Section 6-302;
 - a. Accessory garages for more than three (3) vehicles;
 - b. **Outside Storage of off-site vehicles.**

Section 6-302.I: Outside Storage

Outside storage shall be located at the rear of the principal building. It shall be screened on all sides. Stored materials, equipment or vehicles shall not exceed the height of the screening, and shall not be visible from any adjacent streets or residential areas.

1. Outside storage of materials, equipment or vehicles essential to the operation of a business, on land other than the lot on which the business is located, shall be considered as a major special use if the land is in the MFG **Manufacturing** District and is on a lot adjacent to and in possession of the

same title holder of record as the lot occupied by the business for which the outside storage items are accessory.

2. Outside storage of vehicles essential to the operation of a business, on land other than the lot on which the business is located, shall be considered as part of the Appearance Review process if the land is in the MFG Manufacturing District and is a lot with or without an existing primary use that is owned or leased, in full or in part, by a business establishment granted a special use for Motor Vehicle Sales or Rental or Motor Vehicle Services located within the Village's BIZ General Business District for the purpose of the storage of new or used motor vehicle inventory with the following conditions:
 - (a) the vehicle storage area shall not be open to the public;
 - (b) no signage shall be allowed that advertises the BIZ General Business District business establishment or contents of the vehicle storage area; and
 - (c) no vehicle sales, rental, or leasing shall take place on the premises. (See Section 6-208.B and C) (Ord. 3837 -12/1/03)