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Staff Report to the Plan Commission

Project: Proposed Land Development Code Amendment - Special Uses for Restaurants within 300' of Residential Parcels

Case Number: 2025-0619

Prepared: 9/16/2025

AMENDMENT SUMMARY

Many of the non-residential zoning districts in the Land Development Code (LDC) require special use permits for restaurants within 300' of a residential parcel. Many such restaurants are located in strip malls with other restaurants and/or replace previously approved restaurants in the same tenant space.

The Special Use Permit process enables the Plan Commission and the Village Board to consider potential negative impacts on the surrounding neighborhood and require additional measures to minimize such impacts.

The goal for this amendment is to allow restaurants as permitted uses if certain criteria are met.

BACKGROUND

The use described within the LDC is *Restaurants, and outdoor seating for restaurants, within 300' of a residential parcel*. Restaurants and outdoor dining regulations have been updated via various ordinances between 2000 and 2020¹. Many of these special use text amendments focused on outdoor dining regulations; however, a notable change for restaurants was reducing the distance from a residential parcel from 330' to 300' to correspond with public hearing notification distance requirements.

Also, in 2008, special use permit requirements were changed, as there was a desire to simplify the development review process and remove unnecessary procedures from the LDC². "Minor" special uses were reviewed administratively and automatically placed on the Board of Trustees agenda, while "major" special uses required Plan Commission review and recommendation prior to a Board of Trustees decision. At the time, minor special uses were typically not standalone approvals and were often paired with major

¹ Restaurant- and outdoor dining-related ordinances: Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03; Amd. Ord. 4044 – 7/5/05; Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 – 8/17/15; Amd. Ord. 5061 – 1/18/16; Amd. Ord. 5126; Amd. Ord. 5221 – 9/18/17; Amd. Ord. 5564 – 12/21/20.

² Change from "major special use"/"minor special use" to "special use" ordinance: Ord. No. 4411.

special uses. The minor procedure was typically not followed in deference to the more stringent major procedure with a public hearing.

In general, major special uses became simply “special uses”, and minor special uses either became permitted uses with better regulatory language, or they also became special uses.

Currently, the 300’ distance for restaurants applies to the following:

- 6-207.C.20 BIZ General Business District
- 6-209.B.3 OOH Old Orland Historic District (in commercial areas only)
- 6-210.C.20 COR Mixed Use District
- 6-211.C.15 ORI Mixed Use District
- Table 6-212.C.1 VCD Village Center District

The total number of Orland Park restaurants is approximately 230, of which 30, or 13%, are within 300’ of a residential parcel. A Village map with restaurants can be accessed here:

<https://vop.maps.arcgis.com/apps/mapviewer/index.html?webmap=a144429336da4c91a06640e1690fb415>

So far in 2025, 5 Special Use Permits have been granted to restaurants within an existing building or shopping center, and within 300’ of a residential parcel. Apart from generic conditions (such as meeting building code and garbage enclosure requirements), no specific conditions were attached to these approvals.

DISCUSSION

Under the proposed amendment, staff suggests:

1. A new construction restaurant within 300’ of a residential parcel will be a permitted use; however, it will require a Plan Commission recommendation and Board of Trustees approval of the Site Plan, Landscape Plan, and Building Elevations.
2. A new restaurant in an existing shopping center and an expansion of an existing restaurant in a shopping center within 300’ of a residential parcel will be a permitted use; therefore, no Plan Commission or Board of Trustees review will be required.
3. A restaurant with outdoor seating and/or drive-through service will continue to require Special Use Permits and will continue to require a Plan Commission recommendation and Board of Trustees approval.

PROS & CONS

Potential pros of the suggested amendment concepts #1 and #2 above include:

- Quicker timeline for Businesses to open their doors.
Time savings of 2-3 months
- Efficient and streamlined process for Village Staff
Saves on Staff review time (2-3 months per project)
- Cost savings for Business Owners. No special use application fees or escrow fees for legal, etc. expenses incurred by the Village and billed to the petitioner.
Cost savings of \$500 – \$1,000
- The Plan Commission and Board of Trustees will continue to have regulatory input on:
 - New standalone restaurants
 - Restaurants with drive-throughs
 - Restaurants with outdoor seating
- Development Services will continue to review and approve Appearance Reviews for restaurants beyond 300' with outdoor seating and exterior modifications.

A potential con of the suggested amendment concept is there will be no public hearing for proposals that do not need a Special Use Permit.

- Staff notes that at the past 10 Plan Commission meetings between 2019-2025, for Special Use for Restaurants within 300' of a Residential Parcel:
 - 9 meetings – there was no attendance or comments from members of public.
 - 1 meeting – there was 1 comment about outdoor dining (Cello Café & Crepes petition).

PROPOSED AMENDMENT TEXT

KEY: Text with ~~strikethrough~~ to be deleted, text that is **bold and highlighted** to be added.

SECTION 6-207. BIZ GENERAL BUSINESS DISTRICT.

...

B. **Permitted Uses**. The following uses may be established as permitted uses in the BIZ District in buildings up to 50,000 square feet unless otherwise limited below, in accordance with the procedures established in Sections [5-101](#) through [5-104](#):

...

21. Restaurants **without drive-through facilities and/or outdoor seating for restaurants** ~~and outdoor seating for restaurants, greater than 300 feet of a residential parcel.~~ (Ord. 3837 – 12/1/03; Amd. Ord. 4664 – 8/1/11; Amd. Ord. 4738 – 6/18/12; Amd. Ord.

4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5126 - 9/19/16; Amd. Ord. 5564 - 12/21/20)

...

C. **Special Uses.** The following uses may be established as special uses in the BIZ District, in accordance in the procedures and standards set forth in Section [5-105](#):

...

20. Restaurants **with drive-through facilities**, and/or outdoor seating for restaurants, ~~within 300 feet of a residential parcel.~~ (Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03; Amd. Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5564 -12/21/20)

SECTION 6-209: OLD ORLAND HISTORIC DISTRICT

...

B. **Uses.**

...

Table 6.909.B.3: Table of Uses		
	PERMITTED/ SPECIAL USE	GEOGRAPHY
3. Commercial Uses: Restaurants without drive-through facilities and/or outdoor seating for restaurants and outdoor seating for restaurants* ; *When located within 300 feet of a residential use;	Special Permitted Use	Commercial Areas
Restaurants with drive-through facilities, and/or outdoor seating for restaurants	Special Use	Commercial Areas

...

SECTION 6-210. COR MIXED USE DISTRICT.

...

B. **Permitted Uses.** The following uses may be established as permitted uses in the BIZ District in buildings up to 50,000 square feet unless otherwise limited below, in accordance with the procedures established in Sections [5-101](#) through [5-104](#):

...

15. Restaurants **without drive-through facilities and/or outdoor seating for restaurants** ~~and outdoor seating for restaurants, greater than 300 feet of a residential parcel.~~ (Ord.

3837 – 12/1/03; Amd. Ord. 4664 – 8/1/11; Amd. Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5126 - 9/19/16; Amd. Ord. 5564 - 12/21/20)

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20. Restaurants **with drive-through facilities**, and/or outdoor seating for restaurants, ~~within 300 feet of a residential parcel.~~ (Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03; Amd. Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5564 -12/21/20)

...

SECTION 6-211. ORI MIXED USE DISTRICT.

...

B. **Permitted Uses.** The following uses may be established as permitted uses in the ORI Mixed Use District in buildings up to 50,000 square feet unless otherwise limited below in accordance with the procedures set forth in Sections [5-101](#) through [5-104](#), provided that all other applicable regulations are met: (Ord. 4374 – 6/2/08)

...

19. Restaurants **without drive-through facilities and/or outdoor seating for restaurants** ~~and outdoor seating for restaurants, greater than 300 feet of a residential parcel.~~ (Ord. 3837 – 12/1/03; Amd. Ord. 4664 – 8/1/11; Amd. Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5126 - 9/19/16; Amd. Ord. 5564 - 12/21/20).

...

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...

15. Restaurants **with drive-through facilities**, and/or outdoor seating for restaurants, ~~within 300 feet of a residential parcel.~~ (Ord. 3354 – 4/17/00; Amd. Ord. 3837 – 12/1/03; Amd. Ord. 4738 – 6/18/12; Amd. Ord. 4769 – 12/3/12; Amd. Ord. 4839 – 9/16/13; Amd. Ord. 5017 - 8/17/15; Amd. Ord. 5564 -12/21/20)

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SECTION 6-212: VILLAGE CENTER DISTRICT (VCD)

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Table 6-212.C.1: Allowable Uses in the Village Center District
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	Lot line 300 feet or more from single family detached residential lot line	Lot line within 300 feet of single family detached residential lot line
4. Commercial Uses: Restaurants, without drive- through facilities and/or outdoor seating for restaurants outdoor seating for restaurants , and banquet halls (Ord. 5017, 8/17/15)	Permitted Use	Permitted Use
Restaurants with drive- through facilities, and/or outdoor seating for restaurants	Special Use	Special Use

...

PLAN COMMISSION RECOMMENDED ACTION

Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated September 16, 2025

And

Staff Recommends that the Plan Commission approve the Land Development Code Amendment as presented in the Staff Report dated September 16, 2025

PLAN COMMISSION RECOMMENDED MOTION

Regarding Case Number 2025-0619, I move to approve the Staff Recommended Action as presented in the Staff Report to the Plan Commission for this case.