

ORDINANCE NO. A-834-05-23

AN ORDINANCE AMENDING SECTION VIII OF THE ZONING ORDINANCE TO
AMEND THE REGULATIONS FOR OUTDOOR DINING.

(Z-01-2023: Text Amendment - Outdoor Dining)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held two public hearings on the question of granting said text amendment on February 6 and March 20, 2023, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in The Chicago Sun-Times, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of

Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Section VIII, the regulations for Outdoor Dining, as attached hereto as Exhibit A.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 8th day of May, 2023, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

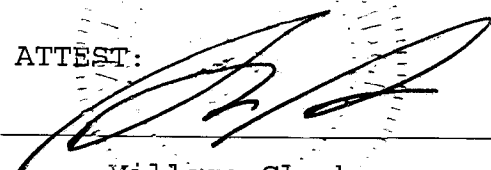
AYES: 5 - Trustees Schiappa, Franzese, Paveza, Mital, Smith

NAYS: 0 - None

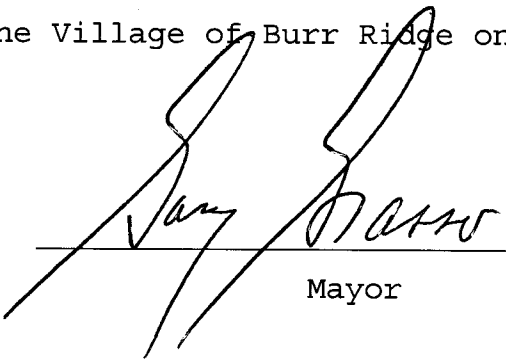
ABSENT: 1 - Trustee Snyder

APPROVED by the Mayor of the Village of Burr Ridge on this 8TH day of May, 2023.

ATTEST:



Village Clerk



Mayor

EXHIBIT A

Zoning Ordinance Section VIII Language for Outdoor Dining

Outdoor Dining

Restaurant outdoor dining areas are areas set up adjacent to the exterior wall of a commercial building with tables, chairs, or other such furnishings, for the purpose of serving food and/or beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. Outdoor dining areas shall be subject, at a minimum, to the following:

1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
6. The door to the dining area shall be self-closing;
7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use;
9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas or railings;
12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use;
13. Tables shall be cleaned promptly following use;
14. Outdoor food preparation, storage or display is prohibited;
15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations;
18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

EXHIBIT A

Zoning Ordinance Section VIII Language for Outdoor Dining

20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

STATE OF ILLINOIS)
COUNTY OF C O O K) SS.
COUNTY OF DU PAGE)

CLERK'S CERTIFICATE

I, Sue Schaus, the duly elected, qualified, and acting Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

ORDINANCE NO. A-834-05-23

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which Ordinance was passed by the Board of Trustees of the Village of Burr Ridge at a regular meeting held on the 8th day of May, 2023 which meeting a quorum was present, and approved by the Mayor of the Village of Burr Ridge on the 8th day of May, 2023.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Burr Ridge was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Burr Ridge, and that the result of said vote was as follows, to-wit:

AYES: 5 - Trustees Schiappa, Franzese, Paveza, Mital,
Smith

NAYS: 0 - None

ABSENT: 1 - Trustee Snyder

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Burr Ridge, this 8th day of May, 2023.


Village Clerk



PAMPHLET


FRONT OF PAMPHLET

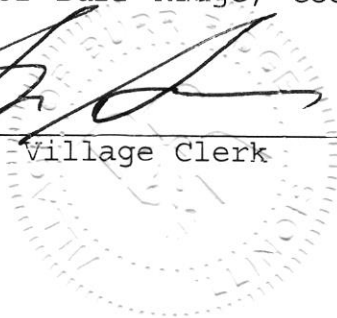
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Village Clerk



PAMPHLET

BACK OF PAMPHLET

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