

ORDINANCE 2015 - 2164

**AN ORDINANCE AMENDING  
TITLE 18, ENTITLED “ZONING”,  
OF THE WESTCHESTER MUNICIPAL CODE**

**WHEREAS**, the corporate authorities of the Village of Westchester submitted an application for certain text amendments to Title 18, entitled “Zoning”, of the Westchester Municipal Code (the “Zoning Ordinance”); and

**WHEREAS**, pursuant to proper legal notice, a public hearing was held before the Plan Commission on June 29, 2015, regarding said application; and

**WHEREAS**, during said public hearing, all persons desiring to be heard were afforded an opportunity to give testimony and make comments for the record regarding said application; and

**WHEREAS**, the Plan Commission, after considering all evidence and testimony, recommended approval of the text amendments described herein; and

**WHEREAS**, the Village President and Board of Trustees have considered the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to amend the Zoning Ordinance as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village Westchester, Cook County, Illinois, as follows:

**Section 1.** The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** Paragraph 2 of Subsection (e), entitled “Outdoor Seating for Restaurants”, of Section 18.32.040, entitled “Conditions of Use”, of Chapter 18.32, entitled “B2 Restricted

Business District”, of Title 18, entitled “Zoning”, of the Westchester Municipal Code is hereby amended, as follows:

2. Outdoor seating accessory to a restaurant, fast-food restaurant or food establishment meeting the above definition shall be treated as a temporary use, subject to approval in accordance with the procedures and standards set forth in this article. In addition, all such outdoor seating shall meet the following standards:

(a) The outdoor seating area is to be open to the sky with the exception that it may have a retractable awning, umbrella, or be placed under a building canopy and may contain furniture including tables, chairs, railings, planters, etc., which are readily moveable.

(b) The seating may be located on public property or a public right-of-way provided that four feet of the public sidewalk remains obstruction free. If seating is provided on public sidewalk a certificate of insurance with the Village of Westchester listed as an additional non-contributory insured and a certificate holder is required. The seating may be located on private sidewalks or pedestrian walkways provided that four feet of the walkway remains obstruction free. If alcohol is to be served, a fence or similar barrier shall be constructed around the outdoor seating area where liquor is served.

(c) The outdoor seating area may be located in any required yard or setback.

(d) The seating shall not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes and fire exits.

(e) The seating shall not occupy or interfere with the use of building entrances, exits and pedestrian walkways.

(f) Off-street parking shall comply with existing ordinance requirements with respect to the additional area occupied by the outdoor seating or the number of seats contained therein.

(g) Lighting which is directly related to the operation of the outdoor seating area shall be directed away from adjacent properties in such a manner as shall not create a public nuisance.

(h) No entertainment, whether live, recorded or otherwise, shall be permitted in the outdoor seating area.

(i) The outdoor seating area shall be immediately adjacent to the principal building. If the outdoor seating area only includes tables and/or seating immediately adjacent to the exterior wall of the principal building, no fencing shall be required. If the outdoor seating shall include tables and/or seating not immediately adjacent to the exterior wall of the principal building, fencing shall be required.

(j) The outdoor seating area shall conform to the site plan with seating plan drawn to scale and elevation drawings, and be adequately landscaped and/or screened as determined necessary by the director of community development.

(k) All outdoor seating shall be placed on an all-weather hard surface area.

(l) All outdoor seating areas shall comply with current life safety and exit code requirements adopted by the village as now existing or hereafter amended.

(m) The outdoor furniture may be left out overnight, but in no case shall be locked up, secured or stored in an unattractive or unorganized manner.

(n) Outdoor seating areas shall be adequately landscaped as determined necessary by the director of community development or his/her authorized designee.

(o) Outdoor seating areas may contain an area for grilling food that complies with Municipal Code Section 8.12.180 Outdoor Grilling At Fixed Food Establishments.

**Section 3.** Subsection (c), entitled “Sign Permit Fees”, and Subsection (d), entitled “Annual Renewal Fees”, of Section 18.58.040, entitled “Permits Required”, of Chapter 18.58, entitled “Signs”, of Title 18, entitled “Zoning”, of the Westchester Municipal Code are hereby deleted in their entirety.

**Section 4.** Paragraph (1) of Subsection (x), entitled “Off-Site Advertisement/Billboards”, of Section 18.58.050, entitled “General construction-Material-

Location-Performance standards”, of Chapter 18.58, entitled “Signs”, of Title 18, entitled “Zoning”, of the Westchester Municipal Code is hereby amended as follows:

- (1) Off-site advertisements/billboards are allowed only by special use, and are restricted to lots directly abutting I-290 or I-294.

**Section 5.** Paragraph (1) of Subsection (aa), entitled “Off-Site LED Electronic Message Advertisement/Billboards”, of Section 18.58.050, entitled “General construction-Material-Location-Performance standards”, of Chapter 18.58, entitled “Signs”, of Title 18, entitled “Zoning”, of the Westchester Municipal Code is hereby amended, as follows:

- (1) Off-Site LED electronic message advertisements/billboards are allowed only by special use, and are restricted to lots directly abutting I-290 or I-294.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**ADOPTED** this 15<sup>th</sup> day of December, 2015, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Absent</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Aye</u>	Tom Yurkovich	<u>Aye</u>

President Pulia Aye

**APPROVED** this 15<sup>th</sup> day of December, 2015.



Sam D. Pulia, Village President

ATTEST:



Sherby J. Miller, Village Clerk