
**THE VILLAGE OF MATTESON
COOK COUNTY, ILLINOIS**

ORDINANCE

NUMBER 4455

**AN ORDINANCE AMENDING SUBSECTION 159.22(F)(3) (SEASONAL
OUTDOOR PATIO PERMIT) OF THE ZONING CODE OF THE VILLAGE OF
MATTESON, ILLINOIS**

**SHEILA Y. CHALMERS-CURRIN, Village President
YUMEKA BROWN, Village Clerk**

**ROBBIE CRAIG
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JUANITA HARDIN
DONALD MEEKS
ANDRÈ C. SATCHELL
ADAM SHORTER III
Trustees**

AN ORDINANCE AMENDING SUBSECTION 159.22(F)(3) (SEASONAL OUTDOOR PATIO PERMIT) OF THE ZONING CODE OF THE VILLAGE OF MATTESON, ILLINOIS

WHEREAS, the Village of Matteson, Cook County, Illinois (the “Village”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village has previously adopted an Official Zoning Code which contains the Village’s official zoning districts and their related permitted and special uses; and

WHEREAS, the Village submitted an application to amend the provision of Section 159.22 (Uses Permitted Districts) of the Village Zoning Code regarding seasonal outdoor patio permits; and

WHEREAS, The Village’s Plan Commission held a duly noticed public hearing on _____ wherein it recommended approval of the amendments to the Matteson Zoning Code; and

WHEREAS, the President and Board of Trustees find it to be in the best interest of the Village to amend the Zoning Ordinance of the Village of Matteson, Illinois regarding seasonal outdoor patio permits as further provided below.

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

SECTION 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2: Subsection 159.22(F)(3) “Seasonal Outdoor Patio Permit” of Section 159.22 “Uses Permitted in District” of Chapter 159 “Matteson Zoning Code” of Village Code is hereby amended in its entirety to provide as follows:

Subsection 159.22(F)(3) **Seasonal Outdoor Patio Permit**. A Seasonal Outdoor Food Service Area is permitted, subject to administrative review by the Village of Matteson, and subject to the following (Ordinance No.: XXX, Date: _____, 2021):

- a. A Seasonal Outdoor Food Service Area Permit shall be permitted as accessory to those businesses which prepare foods on the premises. Outdoor Food Service Area shall be defined as seating area

outside and adjacent to a restaurant which is used to serve patrons of that restaurant.

b. Permits granted for this use shall expire every year on December 31st.

c. Permits will be granted based upon the following standards as determined by the Village:

(1) Businesses who intend to offer outdoor dining will be required to provide adequate parking for customers and segregate vehicular traffic if the outdoor dining area is located in the parking lot. The process is for the use of private property only. Eligible businesses must hold a current business license and, if applicable, a current liquor license. The restaurant must also be in compliance with all of the Village's liquor codes. Restaurants who are planning on erecting a tent that is more than 20'x40' must also submit a tent permit.

(2) Permits are also subject to these additional requirements:

- (i) If there are electrical needs in the outdoor dining area, inspections and approvals are required.
- (ii) The use of public sidewalks or public lands will be considered on a case-by-case basis. Please contact the Community Development Department for further information.
- (iii) Outdoor dining area must not be located so as to impede Fire Department/emergency vehicle access.
- (iv) The outdoor dining area shall be accessible to the disabled and shall follow any federal, state and Village laws, regulations and ordinances pertaining to accessibility and nondiscrimination.
- (v) No use of flammable/combustible liquids/gases without approval.
- (vi) A fire extinguisher must be visible within 75 feet of outdoor dining area and accessible by installing a minimum 4 inches off the ground and no more than 52 inches above the ground.
- (vii) Smoking is prohibited.
- (viii) The outdoor dining area shall be closed no later than 10:00 p.m. Sunday through Wednesday and 11:30 p.m. on Thursday through Saturday.
- (ix) Liquor shall be served in conjunction with food (See the interim liquor guidelines for further details on liquor sales)
- (x) No excessive noise will be tolerated. If complaints are received, the outdoor dining area may be further limited or possibly removed.

- (xi) Outdoor dining areas shall be open (no tents with walls), but may use awnings, umbrellas or other coverings.

(3) In addition to the regulations stated above, the following must be complied with for outdoor dining areas utilizing parking lots:

OUTDOOR DINING AREAS IN PARKING LOTS

- (i) The use of parking lots located on the same property as the restaurant/bar shall be allowed for outdoor dining.
- (ii) Restaurants/bars that do not own their parking lot may use adjacent private parking areas provided written permission from the property owner is obtained and shared with the Village.
- (iii) If a private parking lot on the subject premises is used, adequate parking must remain for customers and employees.
- (iv) Protective devices as a means to ensure that the patio is protected from encroachment by a vehicle shall be installed as per 159.22 (F) (3) (h) of the Zoning Ordinance.
- (v) Restaurants within a strip mall, plaza, shopping center or other multi-tenant space shall obtain written permission from the property owner or property manager to utilize the common parking area for outdoor dining.
- (vi) Driveways, drive aisles, drive throughs or other means for traffic flow shall not be impeded or obstructed.
- (vii) Access to and from ADA parking spaces shall not be impeded.
- (viii) Permanent plumbing, electrical and lighting fixtures shall not be allowed or installed without appropriate permits.
- (ix) Any lighting shall be directed in a manner to not impair visibility on nearby streets nor shine into surrounding residences.

d. Applicants shall present a completed application form as devised and revised periodically by the Village which shall include the following information:

- (1) Proposed hours of operation.
- (2) Location of the outdoor food service area on the property
- (3) The size of the area

- (4) Method of trash containment and storage
- (5) Sanitation/washroom facilities
- (6) Method of service (self service or table service)
- (7) Proposed signage
- (8) Additional site lighting
- (9) Accessibility
- (10) Seating
- (11) Electrical needs, if applicable
- (12) Tent permit, if applicable

e. Alcohol may be served or consumed in the outdoor food service area when served with food. No liquor shall be removed from the outdoor dining area.

f. Music and entertainment is allowed, however, nothing may be amplified. No excessive noise will be tolerated. Applicant must comply with Village codes and ordinance on noise levels (see 132.06- Noise Nuisances, 159.50.D-Performance Standards for Noise). If complaints are received, Village Staff will enforce this code and multiple citations and/or complaints regarding noise will require Staff to reconsider the approval of this use (see 159.99- Penalty).

g. Property owners or last property tax assessee within a 500 foot radius of the proposal shall be provided written notice of the pending application.

h. Protective devices to ensure that the patio is protected from encroachment by a vehicle shall be installed. These measures must include: decorative concrete bollards, decorative concrete planter boxes, or the equivalent. These measures shall be reviewed and approved by the Director of Community Development or his/her designee.

i. Once Village Staff has granted permission for a business to operate an outdoor seating area per the restrictions listen in Section 159.22 (F) (3) (a-h) of the Zoning Ordinance, the approval which expires every December 31st may be renewed by Village Staff. If any proposed modification(s) is/are in substantial compliance with and does not change the intent of the original approval, then renewal can be approved administratively by Staff. However, substantial adjustments may require site review and re-notification of neighbors. If it is determined that the outdoor patio area has

negatively impacted the surrounding properties in any way during the approved year, Staff at its discretion may require that the renewal be obtained from the Plan Commission.

j. A fee as established in the Village's fee schedule will be assessed for both the initial application and for annual renewals.

k. Those establishments that do not provide a full-service menu will be allowed to have an outdoor patio, subject to all requirements of 159.22 (F) (3) (a-j) and the following additional requirements: All beverages (including alcohol) shall be served in a plastic container. When an outdoor patio area is not in proximity to a drive aisle or parking lot, a fence having a minimum height of four feet shall be installed around the perimeter of the patio area.

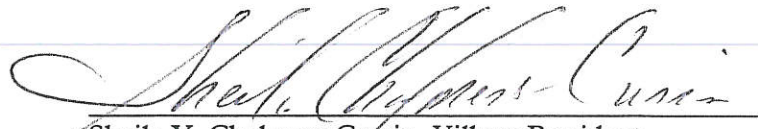
SECTION 3: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 4: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

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Adopted this 21st day of June 2021


Sheila Y. Chalmers-Currin, Village President

AYES:

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NAYS:

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ABSENT: 1-Trustee Shorter

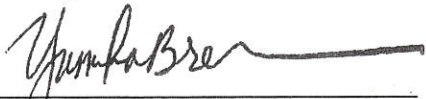
PASSED: June 21, 2021

RECORDED: June 22, 2021

PUBLISHED IN PAMPHLET FORM

by Authority of the Board of Trustees:

June 22, 2021.



Yumeka Brown, Village Clerk