

PUBLICATION OF:

ORDINANCE NO. 21 - 071

**AN ORDINANCE AMENDING TITLE 15 (LAND USAGE), CHAPTER 154 (ZONING)
OF THE MUNICIPAL CODE PERTAINING TO DRIVE THROUGH RESTAURANTS**

CASE NO. Z2105-07

ADOPTED: JULY 13, 2021

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND DIRECTION OF
THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG ON
JULY 14, 2021**

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WHEREAS, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, the Village recently amended its Zoning Code to modify how restaurants are classified and to allow certain types of restaurants as permitted uses within certain zoning districts; and

WHEREAS, as part of that amendment the Village created new land use categories to differentiate restaurants that were greater than 4,500 square feet and restaurants in in-line tenant spaces. The new use categories were inadvertently added to the land use matrix for the North District West and to the requirements for Subdistrict A in the North District West, which is the zoning district for the former Motorola Solutions campus; and

WHEREAS, Village Staff desires to amend the Village Code to remove these new use categories from the land use matrix for the North District West and to allow all restaurants as a special use in Subdistrict A, which will revert the Village Code back to the regulations for restaurants in North District West prior to the recent amendment; and

WHEREAS, amendments are necessary to the Village Code in order to reflect these desired changes; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg approve the Proposed Code Amendments to the Village Code set forth below, and find the adoption of the Proposed Code Amendments to be in the best interests of the Village.

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

SECTION ONE: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

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SECTION TWO: Title 15 (Land Usage) Chapter 154 (Zoning) Section 154.190.1(H) (General Requirements; Land Use Matrix) of the Schaumburg Village Code is amended to add, edit and/or remove the following uses set forth below, at their proper alphabetical location within the Section:

- H) Land Use Matrix: Uses are allowed within the NDW in accordance with the following matrix, subject to all other applicable standards of this zoning ordinance, including limits on residential uses in sections 154.190.1(D) (requiring certain office square footage thresholds), 154.190.4 (regulating rowhouses), and 154.190.7(B) (capping dwelling units in subdistrict C). In addition, further reference should be made to the permitted, special, and prohibited use descriptions in sections 154.190.5 through 154.190.9. Permitted, special, and prohibited uses for subdistrict E are identified in section 154.190.9:

Use	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D
Service Uses				
Restaurants	S	P	P	P
Restaurants, Accessory Use	P	P	P	P
Restaurants, Type A, B, and C: inline tenant, less than 4,500 GSF, no drive through	P	P	P	P
Restaurants, Type A, B and C, standalone building	S	P	P	P
Restaurants, Type A, B, and C with drive through	S	P	P	P
Restaurants, Type A, in line tenant, 4,500 GSF or greater	S	P	P	P

SECTION THREE: Title 15 (Land Usage) Chapter 154 (Zoning) Section 154.190.5(B) (Subdistrict A – Office Core South Of The Boulevard; Permitted Uses) of the Schaumburg Village Code is amended to add, edit and/or remove the following uses set forth below, at their proper alphabetical location within the Section:

~~Restaurants, Accessory Use~~

~~Restaurants, Type A, B, and C: inline tenant, less than 4,500 GSF, no drive through~~

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SECTION FOUR: Title 15 (Land Usage) Chapter 154 (Zoning) Section 154.190.5(C) (Subdistrict A – Office Core South Of The Boulevard; Special Uses) of the Schaumburg Village Code is amended to add, edit and/or remove the following uses set forth below, at their proper alphabetical location within the Section:

Restaurants
~~Restaurants, Type A, B and C, standalone building~~
~~Restaurants, Type A, B, and C with drive through~~
~~Restaurants, Type A, in line tenant, 4,500 GSF or greater~~

SECTION FIVE: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION SIX: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION SEVEN: Except as to the Code Amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

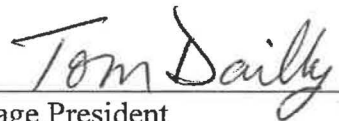
SECTION EIGHT: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in the manner provided by law.

AYES: (6) Trustee: Kozak, Clar, Sullivan, Dunham, Madej, Bieschke

NAYS: (0) None

ABSENT: (0) None

ADOPTED this _____ 13th _____ day of _____ July, 2021.



Village President

ATTEST:



Village Clerk