



# City of Chicago



SO2021-2131

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 5/26/2021

**Sponsor(s):** Martin (47)  
La Spata (1)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapters 4-4, 17-3 and 17-9  
by modification of general district standards for indoor and  
outdoor operations and use standards for walk-up service  
windows

**Committee(s) Assignment:**   
Committee on Zoning, Landmarks and Building Standards

**SUBSTITUTE**  
**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-339, as follows:

**4-4-339 Walk-up service windows.**

(a) For purposes of this section, "walk-up service window" means a window on the exterior wall of a building that is accessible to pedestrians and allows for the dispensing of retail goods to pedestrian customers and the payment for retail goods by pedestrian customers.

(b) A business that is licensed by the City and that is located on the ground floor of a building may operate a walk-up service window on the premises of the business. Such operation shall be subject to the requirements of this section, any rules promulgated thereunder, the building provisions of this Code, and, if applicable, Section 17-9-0132.

(c) The Commissioner of Business Affairs and Consumer Protection, the Commissioner of Public Health, and the Commissioner of Transportation may jointly and severally promulgate rules regarding the operating requirements and limitations of walk-up service windows and for the administration and enforcement of this section. An operator of a walk-up service window shall comply with rules promulgated pursuant to this section.

(d) In addition to any operating requirements set forth by rule, each person that operates a walk-up service window directly accessible from the public way shall be subject to the following operating requirements:

(1) No person shall sell or permit sales from a walk-up service window directly accessible from the public way between the hours of 12:00 a.m. (midnight) and 7:00 a.m.

(2) No person shall sell alcoholic liquor, as that term is defined in Section 4-60-010, from a walk-up service window directly accessible from the public way. Provided, however, that this requirement shall not apply to:

(A) establishments holding a valid liquor license that is subject to the provisions of Section 4-60-071;

(B) establishments holding a valid Lakefront Venue liquor license pursuant to Section 4-60-073;

(C) establishments holding a valid Riverwalk Venue liquor license pursuant to Section 4-60-074; and

(D) establishments holding a valid sidewalk café permit for a sidewalk café that is adjacent to the walk-up service window, during the operating hours of the sidewalk café.

(3) No person shall sell cigarettes or other tobacco products, as those terms are defined in Section 4-64-100, from a walk-up service window directly accessible from the public way.

(e) The Department of Business Affairs and Consumer Protection, the Department of Public Health, and the Department of Transportation are authorized to enforce this section and any rules promulgated thereunder.

**SECTION 2.** Section 17-3-0300 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and by inserting the underscored text, as follows:

**17-3-0300 General district standards.**

*(Omitted text is unaffected by this ordinance)*

**17-3-0304 Indoor/Outdoor Operations.**

**17-3-0304-A B1, B2, B3, and C1 Districts.** Except as otherwise provided in this Code, allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings*. ~~In addition to the other exceptions provided in this Code, this~~ This requirement does not apply to off-street parking or loading areas, automated teller machines, outdoor seating areas or drive-through facilities that are allowed in such districts as a special use, produce merchants as defined in Section 4-8-010 of this Code, and mobile food vehicles operating on private property as provided in section 7-38-115(k); the following:

1. off-street parking or loading areas;
2. automated teller machines;
3. outdoor seating areas;
4. drive-through facilities that are allowed in such districts as a special use;
5. produce merchants as defined in Section 4-8-010;
6. walk-up service windows as defined in Section 4-4-339 operating at eating and drinking establishments;
7. mobile food vehicles operating on private property as provided in Section 7-38-115(k); and
8. any other exception provided in this Code.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 17-9-0100 of the Municipal Code of Chicago is hereby amended by inserting the underscored text, as follows:

**17-9-0100 Use standards.**

*(Omitted text is unaffected by this ordinance)*

**17-9-0132 Walk-up Service Windows.** Eating and drinking establishments with a walk-up service window, as the term "walk-up service window" is defined in Section 4-4-339, must provide sufficient queuing area at a minimum of 6 square feet per customer in advance of the

walk-up service window to accommodate a minimum of 8 persons, either (i) on the same zoning lot as the use served or (ii) on the abutting public way, subject to public way use approval by the Department of Transportation and, if the establishment is proposing any structure to control or direct customer queuing on the public way, approval by the Department of Business Affairs and Consumer Protection pursuant to Chapter 10-28 of this Code.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** This ordinance shall take effect after passage and publication.