

ORDINANCE 6377

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 09-17: Allowing “Smoking Establishment” to be listed as a conditional use within the B4A – Roosevelt Road Corridor District.)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 20, 2009 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 400, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 4: DISTRICTS

155.417 “Roosevelt Road Corridor B4A District Requirements”

2. Conditional Uses. The following uses are considered conditional uses and shall be subject to the provisions set forth in Section 155.103 (F) of this Ordinance.

a. Retail Uses

1. Amusement establishments, outdoor
2. Gasoline sales (or any expansion of a principal, secondary or ancillary use on the same lot as a gasoline sales establishment)
3. Motor vehicle sales
4. Outside display and sales of products the sale of which is a permitted or conditional use in this district
5. Outside service areas for other permitted or conditional uses in this district
6. Restaurants, which include entertainment, dancing, and/or amusement devices
7. Recreational vehicle sales

b. Service Uses

1. Animal hospitals and kennels
2. Banks and financial institutions
3. Clubs and lodges, nonprofit and fraternal
4. Collection Center, Attendant
5. Day Care Center
6. Drive-through and drive-in establishments/services
7. Learning Centers, with outdoor component
8. Motor vehicle repair
9. Motor vehicle service
10. Photographic processing business

11. Therapeutic massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)

12. Recreational vehicle sales

13. Religious Institutions

14. Smoking Establishments (in conformance with Illinois Smoke Free Act, 410 ILCS 82/1 et seq)

c. Other Uses and Activities

1. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.

2. Off-site parking, in conformance with Section 155.602(A)(3)(b) of this Ordinance

3. Parking lots and structures, as the principal use of the property

4. Planned developments in conformance with Section 155.500 of this Ordinance

5. Public utility and service uses

6. Four (4) story buildings and buildings which are forty feet (40') to forty-five feet (45') in height.

7. Shopping centers, consisting of more than one principal business on a zoning lot

8. More than one principal building on a zoning lot

9. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

SECTION 2: That Title 15, Chapter 155, Section 802, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 8: RULES AND DEFINITIONS

155.802 “Rules and Definitions”

“Smoking Establishment” is an establishment, which, as its principal business purpose, is dedicated to the on-premises smoking of tobacco products or other legal substances and is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

“Tobacco Shop” is a retail establishment that sells pipes, pipe tobacco, cigars and cigarettes, which does not include the tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license and is regulated through the Illinois Smoke Free Act, 410 ILCS 82/1 et seq.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this 20th day of August, 2009.

First reading waived by action of the Board of Trustees this ____ day of _____, 2009.


Passed on second reading this 3rd day of September, 2009.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

Nayes: None

Absent: None

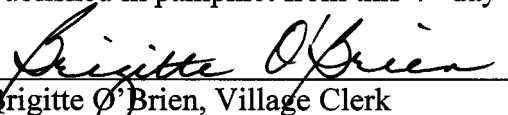
Approved this 3rd day of September, 2009.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published in pamphlet from this 4th day of September, 2009


Brigitte O'Brien, Village Clerk