




MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: March 5, 2020

SUBJECT: **Scrivener's Error – Item # 200049, PC 20-04: Text Amendment to the Zoning Code, Outdoor Dining**

In review of the ordinance approved by its first reading at the February 20, 2020 Village Board of Trustees meeting, an error was detected. The term “outdoor café” was inadvertently left out under Section 9 of the proposed ordinance regarding Section 155.419(I), B5A zoning district requirements of the Lombard Village Code. It was staff’s intent to continue to have outdoor cafes as a permitted accessory use in both the B5 and B5A zoning districts.

This scrivener’s error has been corrected in the attached revised ordinance.

ORDINANCE _____

AN ORDINANCE AMENDING
TITLE XV., CHAPTER 155 OF THE LOMBARD VILLAGE CODE
IN REGARD TO THE ZONING REGULATIONS
APPLICABLE TO OUTDOOR DINING

WHEREAS, the Village of Lombard (the “Village”) maintains a Zoning Code which is found in Title XV., Chapter 155 of the Lombard Village Code (the “Village Code”); and

WHEREAS, the Village has enacted Village Code regulations for the purpose of improving and protecting the public health, safety and welfare of the residents of the Village; and

WHEREAS, the President and Board of Trustees of the Village (the “Corporate Authorities”) deem it reasonable to periodically review said Zoning Code and make necessary changes thereto; and

WHEREAS, a public hearing, to consider text amendments to the Zoning Code, relative to outdoor dining, as set forth below, was conducted by the Village’s Plan Commission (the “Plan Commission”) on February 3, 2020, pursuant to appropriate and legal notice; and

WHEREAS, the Plan Commission has filed its recommendations with the Corporate Authorities recommending approval of the Zoning Code text amendments as set forth below; and

WHEREAS, the Corporate Authorities 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 XV., Chapter 155, Section 155.413(B) of the Lombard Village Code is amended as follows:

- A. Current subsection (28) is relabeled as subsection (29).
- B. A new subsection (28) is hereby added thereto, to read in its entirety as follows:
“(28) Outdoor Dining, as an accessory use to a restaurant or grocery store, subject to Chapter 119 of the Lombard Village Code.”

SECTION 2: That Title XV., Chapter 155, Section 155.413(K) of the Lombard Village Code is amended as follows:

“(4) All business activities, servicing, processing displays, or storage, except for outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings.”

SECTION 3: That Title XV., Chapter 155, Section 155.414(K) of the Lombard Village Code is amended as follows:

“(2) All business activities, servicing, processing displays, or storage, except for outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 of this Chapter.”

SECTION 4: That Title XV., Chapter 155, Section 155.415(K) of the Lombard Village Code is amended as follows:

“(2) All business activities, servicing, processing displays, or storage, except for outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 (F) of this Chapter.”

SECTION 5: That Title XV., Chapter 155, Section 155.416(K) of the Lombard Village Code is amended as follows:

“(2) All business activities, servicing, processing displays, or storage, except for outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 (F) of this Chapter.”

SECTION 6: That Title XV., Chapter 155, Section 155.417(G)(1)(a) of the Lombard Village Code is amended as follows:

A. Current subsection (xxxvii) is relabeled as subsection (xxxviii).

B. A new subsection (xxxvii) is hereby added thereto, to read in its entirety as follows:

“(xxxvii) Outdoor Dining, as an accessory use to a restaurant or grocery store, subject to Chapter 119 of the Lombard Village Code.”

SECTION 7: That Title XV., Chapter 155, Section 155.417(G)(10) of the Lombard Village Code is amended as follows:

“(b) All business activities, servicing, processing displays, or storage, except for outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 (F) of this Chapter.”

SECTION 8: That Title XV., Chapter 155, Section 155.418(I) of the Lombard Village Code is amended as follows:

“(I) Restrictions on business uses. The operation and design of business uses shall

conform to the following restriction.
All business activities, servicing, processing displays, or storage, except for outdoor café and outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 (F) of this Chapter.”

SECTION 9: That Title XV., Chapter 155, Section 155.419(l) of the Lombard Village Code is amended as follows:

“(l) Restrictions on business uses. The operation and design of business uses shall conform to the following restriction.

All business activities, servicing, processing displays, or storage, except for outdoor café and outdoor dining as an accessory use to a restaurant or grocery store or off-street parking or loading, shall be conducted within completely enclosed buildings; except that outside display and sales, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to § 155.103 (F) of this Chapter.”

SECTION 10: That Title XV., Chapter 155, Section 802 of the Lombard Village Code is amended as follows:

Outdoor cafe as an accessory use to a restaurant or grocery store when no more than six tables, with a maximum of 24 chairs, and located on the public right of way within the B5 Central business district. within the buildable area of a lot.

Outdoor dining as an accessory use to a restaurant or grocery store located on private property within the buildable area of a lot.

SECTION 11: 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 ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this ____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

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Absent: _____

Approved by me this ____ day of _____, 2020.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk