

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : August 7, 2018 **(BOT) Date:** August 16, 2018

SUBJECT: PC 18-19: Text Amendment to the Zoning Ordinance; Outdoor Café Regulations

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests text amendments to Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot

The Plan Commission recommended approval of this petition by a vote of 7-0. Please place this petition on the August 16, 2018 Board of Trustees agenda for a first reading.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: August 16, 2018

SUBJECT: **PC 18-19, Text Amendment to the Zoning Ordinance; Outdoor Café Regulations**

Please find the following items for Village Board consideration as part of the August 16, 2018, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 18-19; and
3. An Ordinance granting text amendments to Section 155.802 of the Lombard Zoning Ordinance to provide outdoor cafes to be located with the buildable area of a lot in the B5 and B5A Zoning Districts.

The Plan Commission recommended approval of this petition by a vote of 7-0. Please place this petition on the August 16, 2018 Board of Trustees agenda for a first reading.



VILLAGE OF LOMBARD

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August 16, 2018

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 18-19, Text Amendment to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests text amendments to Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 16, 2018. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The Village is requesting a text amendment to the zoning ordinance to change the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot. Currently, the Zoning Ordinance defines outdoor cafes as an accessory use to a restaurant when no more than six tables, with a maximum of 24 chairs, are located between the restaurant building and the public

right-of-way, provided said area is either a front yard or a corner side yard. The definition of outdoor cafe is contradictory, whereas buildings located within the B5 and B5A Zoning Districts do not have setbacks and there is neither a front yard nor a corner side yard to accommodate an accessory use. Staff researched outdoor café requirements in other municipalities around the Village of Lombard. None of the municipalities required outdoor cafes to be located in a required yard. Therefore, the proposed change will make Lombard's outdoor cafe standard similar to that used by nearby communities. This would allow for outdoor cafes to be located within the buildable area of the lot and removes the yard requirements.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Sweetser, and a second by Commissioner Mrofcza, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 18-19.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTION 155.802
OF THE LOMBARD ZONING CODE**

PC 18-19: Text Amendments to the Zoning Ordinance

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

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; 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 16, 2018, 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 155.802 of the Lombard Village Code are hereby amended as follows:

§ 155.802 - Rules and definitions.

Outdoor cafe as an accessory use to a restaurant when no more than six tables, with a maximum of 24 chairs, **and located within the buildable area of a lot.** ~~are located between the restaurant building and the public right of way, provided said area is either a front yard or a corner side yard as defined in this section.~~

Ordinance No. _____

Re: PC 18-19

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SECTION 2: 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 _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2018.

Sharon Kuderna, Village Clerk