




## MEMORANDUM

**TO:** Trustee Anthony Puccio, Chairperson  
Economic and Community Development Committee

**FROM:** Jennifer Ganser, Assistant Director, AICP and   
Tami Urish, Planner I  
Department of Community Development

**MEETING DATE:** February 10, 2020

**SUBJECT:** **Text Amendments to Village Code, Outdoor Dining**

The Village is proposing text amendments to the following Sections of Village Code, Article III – Outdoor Seating on the Public Right-of-Way, and other relevant sections for clarity:

1. Section 119.20 – Permit required;
2. Section 119.22 – Regulations;
3. Section 119.23 – Restrictions; and
4. Section 119.24 – Enforcement; revocation.

The entire text of Chapter 119 including sections with no proposed amendments is attached for continuity. Staff notes that Chapter 119 was amended by Ordinance 7754 on November 21, 2019 with minor housekeeping corrections not related to the policy currently under discussion.

The Village is proposing to allow outdoor dining as a permitted use in the Business Districts, where it is currently a conditional use. A new definition would be added to distinguish that outdoor dining is on private property and the outdoor cafes in the downtown are on the public right-of-way. There are other proposed text amendments throughout Chapter 119 to clarify the regulations of each use where needed.

This item was taken to the Plan Commission as a workshop on August 19, 2019 and they were supportive of the concept. See attached staff memo. In addition, the Plan Commission unanimously voted to recommend approval of text amendments to the Zoning Code for outdoor dining on private property as a permitted use in business districts on February 3, 2020. See attached staff report. The zoning actions will need to be brought forward to the Board, as well as the below text amendments to Chapter 119.

The proposed language is below, with text amendments in **bold and underline**, and deletions denoted by a ~~strikethrough~~.

ARTICLE III. - OUTDOOR CAFES AND OUTDOOR DINING SEATING ~~ON THE PUBLIC RIGHT OF WAY~~

§ 119.20 - Permit required.

**(A) Outdoor cafes on public right of way.**

Notwithstanding any other provision in this Code it is unlawful for any person, firm, corporation, organization or association to operate an outdoor cafe in compliance with § 155.418 of this Code or to use the public right-of-way for outdoor seating, as an extension of the establishment, or to provide entertainment in conjunction with such outdoor cafes or outdoor seating without obtaining an **outdoor cafe** permit. **Outdoor café** Permits will be issued for outdoor cafes and/or outdoor seating on public right-of-way only to business establishments subject to the places for eating tax, as set forth in § 98.111 of this Code. Such permits may be purchased at any time during a calendar year, but all permits shall expire on December 31 of the same calendar year. No permit shall be issued to any business establishment which is not in compliance with all provisions of the Lombard Village Code.

**(B) Outdoor dining on private property.**

**An outdoor café permit is not required for outdoor dining on private property. A building permit for outdoor dining with a detailed site plan is required. Outdoor dining permits will be issued to business establishments subject to the places for eating tax, as set forth in § 98.111 of this Code. No permit shall be issued to any business establishment which is not in compliance with all provisions of the Lombard Village Code. Outdoor dining is to operate in compliance with § 119.22 - 119.99 of this Code.**

§ 119.21 – Outdoor café Application and fee.

All applicants for outdoor cafe permits and/or outdoor seating on the public right-of-way permits must complete an application in a form approved by the village which must be submitted to the village's Department of Community Development with a non-refundable fee of \$150.00 or a non-refundable renewal fee of \$50.00 for those renewing a permit from the previous year where no substantial changes have been made to the site plan. Applicants applying for both permits simultaneously may pay one \$150.00 fee. All applications shall include the following information:

(A) Name of the proprietor and the business establishment for which the outdoor cafe permit and/or the outdoor seating on the public right-of-way permit is sought.

(B) The address and phone number of the proprietor and the business establishment.

(C) A detailed site plan showing all existing objects on the property and on the public right-of-way adjacent to the business establishment including a depiction of on-street parking adjacent to the business establishment, and the proposed location of each chair and table. When music or other entertainment is provided outdoors on the private property of the petitioner requesting the permit, the site plan shall include the area and placement of said music or entertainment.

(D) Permit applications for outdoor seating on the public right-of-way must include Certificates of Insurance in the following amounts:

- 1) Commercial General Liability Insurance—\$1,000,000, showing the village and its officers, employees, agents and volunteers as additional insureds, and containing a

statement that said policies shall not be changed or canceled without 30 days written notice to the Village of Lombard;

2) Workers' Compensation—statutory amount; and

3) if alcoholic beverages will be consumed or sold, dram shop insurance as required by Section 112.18(A)(17) of this Code, shall be required.

(E) Permit applications for outdoor seating on the public right-of-way must include a signed indemnification statement on the form provided by the village. An inspection of the property to document existing conditions of public improvements shall be performed by the village prior to issuance of an outdoor cafe permit and/or an outdoor seating on the public right-of-way seating permit. Applications should be filed at least two weeks prior to scheduled use to allow sufficient time for such inspection.

(Ord. 6713, passed 5/3/12)

#### § 119.22 - Regulations

All permit holders shall be subject to the following regulations:

(A) The outdoor cafe area and the outdoor seating on the public right-of-way area **and outdoor dining on private property area** shall be maintained clean and free from refuse or clutter at all times regardless of the source of such refuse and clutter. Refuse from ~~the~~ **any** outdoor seating area shall not be disposed of in public waste receptacles.

(B) Outdoor seating elements (as defined in § 119.23 below) shall not be permanently attached and shall be removed when not in use during cold weather months (generally October through March). Any outdoor seating elements owned by the business establishment, that are intended to be placed within the public right-of-way outside of established business hours, shall be identified within the annual permit application, and shall be subject to review by the Director of Community Development, or their designee. If approved, the village reserves the right to require the establishment to remove or modify the outdoor seating elements, if deemed necessary by the village at any time.

(C) For outdoor seating on the public right-of-way, all public improvements shown on the site plan, including, but not limited to, pavers, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. The permit holder shall immediately report any damage to such public improvements to the Community Development Department. The village shall repair or replace such public improvement at its discretion and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the outdoor seating on the public right-of-way permit.

(D) Activities involving the outdoor seating on the public right-of-way shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

(E) Outdoor cafe permits and/or outdoor seating on the public right-of-way permits shall be posted in a conspicuous place inside the business establishment.

(F) The source of music or other entertainment provided outdoors in conjunction with an outdoor café or outdoor seating in the public right-of-way permit **or outdoor dining on private property permit**, shall be located only on the private property of the permit holder and shall be provided, with noise levels maintained in strict compliance with the provision of Title 9, Chapter 93 of this Code or any other codes which may be established with regard to noise or public nuisances. Furthermore, all outdoor music or entertainment shall cease by 10:30 p.m. on Sunday through Thursday, and by 11:30 p.m. on Friday and Saturday.

(G) Outdoor seating areas on private property shall be permitted for establishments in which the designated seating area is on the same lot of record as the business establishment and located

within the buildable area of the property. For outdoor seating within public rights-of-way, the outdoor seating area shall be limited to the areas designated on the permit, and shall not be located in front of any other business establishment or use unless the permit holder provides authorization to the village, from the adjacent business owner or occupant stating that he/she/it consents to the sidewalk seating elements being placed in front of his/her/its business establishment or use.

(H) Business establishments must meet all provisions as set forth within the Smoke Free Illinois Act.

(I) Business establishments must provide public restrooms for patrons, as required by this Code.

(J) Business establishments shall be entitled to remove or exclude persons from the outdoor seating on the public right-of-way area during the hours of business operation, and are authorized to give notice to any such persons to prevent such entry, in the same manner as applicable to the non-public right-of-way portion of the business establishment.

#### § 119.23 - Restrictions.

(A) Tables, chairs, temporary fencing, decorations and umbrellas (the "outdoor seating elements"):

(1) Shall be located so that a four foot wide unobstructed walkway, as measured from the outdoor seating element to any other obstructions on the opposite side of the unobstructed walkway, is maintained at all times;

(2) Shall be located in accordance with the approved site plan, shall generally be immediately adjacent to the building and in no instance less than 42 inches from the back of curb, except that outdoor seating elements can be located closer than 42 inches from the back of curb when there is no parallel parking adjacent to them (said modification to these requirements may be varied by the Director of Community Development, or their designee if granting such approval provides for a better design and layout of the seating area);

(3) Shall not obstruct normal ingress and egress from the businesses establishment.

(4) Shall not be of a design and/or weight that will create a wind-blown hazard, and,

(5) Shall meet all provisions of the current Federal American with Disabilities (ADA) Standard and the Illinois Accessibility Code.

(B) The following items or actions are prohibited in the outdoor seating on the public right-of-way area **and the outdoor dining on private property area**:

(1) Outdoor seating elements in locations not approved by the Department of Community Development, and

(2) Electrical appliances.

(C) The following provisions are required for business establishments where the service or consumption of alcoholic beverages will take place in the outdoor cafe or outdoor seating on the public right-of-way **or outdoor dining on private property**:

(1) The business establishment shall have a valid liquor license issued by the village, that allows for the service of the type of alcoholic beverages being served.

(2) Alcoholic beverage consumption shall only be permitted within the designated outdoor seating area, or any other portion of the business establishment to which the liquor license relates. The permit holder shall not allow or permit any customer, employee or other person to remove alcoholic beverages from the area designated in the outdoor cafe or outdoor seating area in the right-of-way permit **or outdoor dining on private property permit**, other than to another location within the business establishment to which the liquor license relates.

(3) To ensure that consumption of alcoholic beverages is limited to the designated outdoor seating areas and operated in compliance with this Code, outdoor cafes and outdoor seating areas on the public right-of-way **and private property** shall be regularly monitored and bussed by an employee or contractor of the business establishment.

(4) The hours during which patrons may occupy the outdoor café or outdoor seating on the public right-of-way **or outdoor dining on private property** shall not extend beyond the hours of operation of the other portions of the business establishment. Notwithstanding the foregoing, the outdoor café or outdoor seating on the right-of-way **or outdoor dining on private property** shall not be occupied during the following times:

Between 12:30 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 1:30 a.m. and 6:00 a.m. on Saturday; and between the hours of 1:30 a.m. and 12:00 p.m. (noon) on Sunday, except for Class "M" liquor licenses, whose hours of operation shall be controlled by subsection 112.36(B) of this Code.

(5) Outside seating areas on private property, not in conjunction with outdoor seating on the public right of way, shall be fenced or screened in a manner that prevents patrons from congregating outside of the designated seating area. Fencing shall be of a wood or metal design, and may be permanently secured to the ground or removable during the period in which outdoor seating is not open. Said fencing shall also meet the design and ingress/egress provisions as required by this Code. Modification to these requirements may be varied by the Director of Community Development, or their designee, if granting such approval provides for a better design and layout of the outdoor seating area.

(Ord. 6713, passed 5/3/12)

§ 119.24 - Enforcement; revocation.

(A) Any person, firm or corporation who violates the provisions of §§ 119.20, 119.21, 119.22 or 119.23 of this Code shall be fined not less than \$50.00 nor more than \$750.00 for each day on which the violation occurs or continues to occur. In addition, the outdoor cafe permit and/or the outdoor seating on the public right-of-way permit **and/or the outdoor dining on private property permit** may be revoked as a result of any such violation.

(B) The Chief of Police, the Fire Chief or the Community Development Director, or their designees, of the Village, upon determining that the method or manner of use of the outdoor café or the outdoor seating or the conduct of persons serving within or using same pose an immediate threat to the public health, safety or welfare shall have the power and authority to cause the outdoor dining elements to be removed immediately and to revoke the permit issued pursuant to §§ 119.20 and 119.21 of this Code.

§ 119.99 - Penalty.

(A) Penalty for violation of §§ 119.01 through 119.04 shall be not less than \$50.00 or more than \$750.00. Revocation or termination of DuPage County Board of Health permit shall result in a concurrent termination of the license granted under this Chapter.

(B) Any person, firm, or corporation violating any provision of §§ 119.10—119.13 shall be fined not less than \$50.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.



## MEMORANDUM

**TO:** LOMBARD PLAN COMMISSION  
Donald Ryan, Plan Commission Chairperson

**FROM:** Jennifer Ganser, AICP, Assistant Director  
Department of Community Development,  
Joseph Hill Community Development Intern

**DATE:** August 19, 2019

**SUBJECT:** Workshop – Outdoor Seating

Staff researched past outdoor seating conditional use cases and how outdoor seating is handled in the downtown in regards to a potential future text amendment. Outdoor seating is listed under “outside service areas” as a conditional use in the O – Office District and all the Business Districts. This conditional use requires a Plan Commission public hearing and Village Board consideration. In some planned development (Highlands of Lombard, Fountain Square, and Yorktown Mall), outside seating was approved to be a permitted use for all restaruatns. Therefore, when a new restaurant opens they do not need a public hearing review for outdoor seating. It is permitted by right.

“Outdoor cafés” are a permitted use in the B5 and B5A Districts. Village Code states that an outdoor café is an accessory use to a restaurant, however; the definition restricts the number of tables and chairs within the outdoor area. This use is permitted in the downtown area to encourage outdoor seating and pedestrian activity. Businesses apply for a yearly permit that is approved by Village Staff. If seating is on the right-of-way the business needs to provide insurance. If a downtown business has more than six tables, they may elect to go thru the conditional use process like Praga and Balkan Bakery. Below is the definition of an outdoor café.

*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.*

Outdoor cafes must follow Chapter 119. The relevant Sections are attached. This allows the downtown restaurants to obtain a yearly permit, approved by staff, with limited restrictions. A site plan is required that is reviewed by Community Development, Police, and Fire.

Next, staff researched past outdoor seating Plan Commission public hearings. Since 2000, every public hearing request has been approved. Below is a chart showing cases since 2013.

**Outdoor Seating Plan Commission Cases Since 2013**

<b>PC Case</b>	<b>Business Name and Address</b>	<b>Conditions for Approval</b>	<b>Zoning District</b>
PC 13-03	801 E. Roosevelt Road; Overtime Bar & Grill	Outdoor dining area must stop operations after 11 p.m. on weeknights and 1 a.m. on Friday and Saturday nights.	B4A
PC 13-05	352 E. Roosevelt; Maxfield's Restaurant	Outdoor dining activity must stop after 11 PM.	B4A
PC 14-36	14 W. St. Charles Rd; Balkan Bakery	Shall not be open past 11:00 p.m. on Friday and Saturdays and 9:00 p.m. Sunday through Thursday; Patrons shall leave the outdoor dining area no later than thirty minutes after the time in which the outdoor seating area is scheduled to close; and Tables, chairs and umbrellas shall be removed from the outdoor seating area during the cold weather months (generally the end of October to March).	B5
PC 15-08	1300 S. Main Street; Wing Bros	Outdoor dining area must stop operations after 11 p.m. on weeknights and 1 a.m. on Friday and Saturday nights.	B4A
PC 15-09	800 E. Roosevelt Road; Noon Whistle	Outdoor dining area must stop operations after 11 p.m. on weeknights and 1 a.m. on Friday and Saturday nights. Other nights shall be consistent with their hours of operation.	B4A
PC 15-26	777 E. Butterfield Road	None	B3
PC 16-11	211 E. Roosevelt Road; Pita Pita	Outdoor dining area must stop operations after 11 p.m. on weeknights and 1 a.m. on Friday and Saturday nights.	B4APD
PC 17-29	783 E. Butterfield Road, Anthony's Coal Fired Pizza	None	B3

PC 18-17	201-275 W. Roosevelt Road; Starbucks	None	B4APD
PC 19-05	800 E. Roosevelt; Noon Whistle	Outdoor seating will not be operated after 11 PM weeknights and 1 AM Friday/Saturday nights.	B4APD

Staff also contacted other municipalities regarding outside seating. Many allow outside seating as a permitted use with varying restrictions.

<b>Municipality</b>	<b>Outdoor Seating</b>	<b>Rules and Regulations</b>
Downers Grove	Temporary Use Permit	Outdoor cafes are permitted as a temporary use between March 15 <sup>th</sup> and November 15 <sup>th</sup> . The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times.
Glen Ellyn	Permitted Use	Must provide a site plan with number of tables, chairs, trash, and landscaping locations; 5-foot setback must be maintained; certificate of liability insurance of \$2,000,000 is required with Glen Ellyn as an additional insured
Oak Brook	Conditional Use	Interior area must be between 2,000 and 8,000 square feet and interior seating capacity of 50 to 200 customers. Seasonal or year-round outdoor seating cannot exceed 6,000 square feet. Must be located in B2 Zoning District in regional retail or mixed-use center. <i>*Part of future zoning code update to allow as a permitted use</i>
Villa Park	Permitted Use	Must have additional Certificate of occupancy for May-November. Seating area must be fenced in.
Bolingbrook	Conditional Use	Outdoor seating requires a special use permit. Hours of operation must coincide with hours of indoor operation. A decorative fence with a minimum of three feet in height in the dining area.
Willowbrook	Temporary Use	Outdoor seating can be present between April 1 and September 30 each year. Approval is handled by staff.



**ACTION REQUESTED**

Staff is bringing this item to the Plan Commission for informational purposes and discussion. This item may be brought forth as a text amendment at a later date to the Plan Commissions.

Staff has the following questions:

1. Should outdoor seating be a permitted use in B1-B5A?
2. Should a business be required to obtain a staff approved permit, similar to outdoor cafes in the downtown?
3. Should restrictions be placed on the use, similar to outdoor cafes in the downtown?

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### TEXT AMENDMENTS TO THE ZONING ORDINANCE – OUTDOOR DINING

February 3, 2020

**Title**

PC 20-04

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

Text amendments of the Lombard Zoning Ordinance to Sections 155.413(B)(28),(K);155.414(K); 155.415(I);155.416(K);155.417(G); 155.418(I); 155.419(I); to add outdoor dining as a permitted use and amend the standards to restrictions on business uses to list outdoor dining as an exception.

155.802 add the definition of outdoor dining and amend the definition of outdoor café.

**Submittals**

1. Workshop – Outdoor Seating Memo dated August 19, 2019;

**Prepared by**

Tami Urish  
Planner I

**DESCRIPTION**

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.213 – 219 and 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to allow outdoor dining on private property as a permitted use in all business districts. The definitions of outdoor dining and outdoor cafes will be defined separately.

**INTER-DEPARTMENTAL REVIEW****Building Division:**

The Building Division has the following comments regarding the proposed text amendment to the Zoning Ordinance:

1. All outdoor dining table and chair placements must meet the current Building, Fire and Life Safety codes in regards to egress and seating capacity.
2. All outdoor dining must meet the provisions of the current Illinois Accessibility Code as well as the current Federal ADA Standard.

**Fire Department:**

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Private Engineering Services:**

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Public Works:**

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

**Planning Services Division:**

The Plan Commission held a workshop on August 19, 2019. Commissioners provided positive feedback to the research conducted by staff. Unanimous approvals of conditional uses of outdoor dining and that many other municipalities allow outdoor dining as a permitted use prompted staff to recommend simplifying the process for restaurant owners to install outdoor dining.

A permit will be required for the initial establishment of outdoor dining on private property and updated if a business owner proposes to alter their plans. The same annual permit for outdoor cafes on public right of way will be required for the downtown.

Outdoor cafes and outdoor dining will be required to follow Chapter 119. Amendments to add outdoor dining on private property to Chapter 119 will be reviewed by the Economic and Community Development Committee (ECDC) with recommendations to the Village Board of Trustees.

### **EXISTING & PROPOSED REGULATIONS**

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~strike through~~.

§ 155.413 - B1 Limited Neighborhood Shopping District requirements.

(B) Permitted uses. The following uses shall be permitted in the B1 District:

(27) Offices including business, professional, non-profit, and governmental.

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

~~(28)~~ ~~(29)~~ Outpatient medical and dental offices and clinics.

~~(29)~~ ~~(30)~~ Pet grooming services (not including animal hospitals or overnight visits).

~~(30)~~ ~~(31)~~ Post office and parcel packing and shipping establishments.

~~(31)~~ ~~(32)~~ Repair, rental or servicing of any article, the sale of which is a permitted use in the district.

~~(32)~~ ~~(33)~~ Restaurants, not including entertainment, dancing, and/or amusement devices.

~~(33)~~ ~~(34)~~ Shoe stores.

~~(34)~~ ~~(35)~~ Silk screening services.

~~(35)~~ ~~(36)~~ Sign printers.

~~(36)~~ ~~(37)~~ Tailor shops and custom dressmakers.

~~(37)~~ ~~(38)~~ Tanning salon.

~~(38)~~ ~~(39)~~ Variety shops.

~~(39)~~ ~~(40)~~ Video tapes, sale and rental of, electronic game cartridges and similar items.

~~(40)~~ ~~(41)~~ Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

(K) Restrictions on business uses. The operation and design of business uses shall conform to the following restrictions:

(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.

§ 155.414 - B2 General Neighborhood Shopping District requirements.

(K) Restrictions on business uses. The operation and design of business uses shall conform to the following restrictions:

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) All business activities, servicing, processing, and 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.

§ 155.415 - B3 Community Shopping District requirements.

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

the following restrictions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business activities, servicing, processing and 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 subsection 155.103 (F) of this Chapter.

§ 155.416 - B4 Corridor Commercial District requirements.

(K) Restrictions on business uses. The operation and design of business uses shall conform to the following restrictions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business activities, servicing, processing, and 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, outdoor service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to subsection 155.103 (F) of this Chapter.

§ 155.417 – Roosevelt Road Corridor B4A District requirements.

(G) Use regulations.

(1) Permitted uses. The following land uses are permitted in the Roosevelt Road Corridor B4A District, subject to the provisions of this Chapter.

(a) Retail uses.

(xxxvi) Office supply stores.

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

(xxxviii) Paint, glass, and wallpaper stores.

(xxxix) Pet shops.

(xl) Restaurants, not including entertainment, dancing, and/or amusement devices.

(xli) Shoe stores.

(xlii) Sporting goods stores.

(xliii) Theater, indoor.

(xliv) Tobacco shops.

(xlv) Toy shops.

(xlvi) Variety shops.

(xlvii) Videotapes, compact and laser disc, electronic game cartridges and similar items, sales and rental.

§ 155.418 - B5 Central Business District requirements.

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

All business activities, servicing, processing, and 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 subsection 155.103(F) of this Chapter.

§ 155.419 - B5A Downtown Perimeter District requirements.

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

All business activities, servicing, processing, and 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. Accessory uses such as outside display, sales and rental, outside service areas, and drive-through/drive-in services may be allowed as conditional uses pursuant to subsections 155.103(F) and 155.210 of this chapter.

§ 155.802 - Rules and definitions.

*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.**

### **STANDARDS FOR TEXT AMENDMENTS**

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

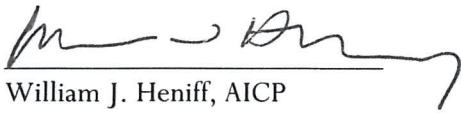
- 1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*  
The text amendment is generally applicable to all restaurants and grocery stores within the Village.
- 2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*  
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
- 3. The degree to which the proposed amendment would create nonconformity;*  
Staff does not believe any nonconformity would be created.
- 4. The degree to which the proposed amendment would make this ordinance more permissive;*  
The proposed amendment will allow more flexibility for restaurants and grocery stores to provide outdoor dining for their customers. Providing a choice to eat inside or outside and supplying additional seasonal seating is more permissive, however, the Village has a history of allowing outdoor dining with a conditional use.
- 5. The consistency of the proposed amendment with the Comprehensive Plan; and*  
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
- 6. The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*  
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard, and are consistent with the policy previously added as Chapter 119 (Ordinance 3713 passed May 3, 2012) for the downtown.

## **FINDING & RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 20-04.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

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