

## MEMORANDUM

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

**FROM:** Michael S. Toth, Planner I

**DATE:** May 18, 2009

**SUBJECT:** Live Entertainment Text Amendments

There has been an increased demand for the integration of live entertainment into new and existing businesses. There has also been an increased demand to address live entertainment in downtown Lombard as suggested during the recent Downtown Visioning workshops. As such, Village staff has conducted an initial analysis of live entertainment in accordance with the Lombard Zoning Ordinance and surrounding municipalities. Village staff is seeking the thoughts and direction of the Plan Commission with respect to the proposed text amendments. Staff will be placing this item on the May 18, 2008 Plan Commission meeting workshop agenda.

### **LIVE ENTERTAINMENT**

The Zoning Ordinance presently permits live entertainment as a conditional use in the O, I, B3, B4 and B4A Districts, only as part of a restaurant. As such, a restaurant establishment wishing to integrate a live entertainment component (karaoke, live music, etc) is required to obtain conditional use approval through the public hearing process. On the contrary, banquet halls are already permitted to include live entertainment as an accessory use. Banquet halls are regulated the same as restaurants in regards to the permitted zoning district. As an example, a restaurant is a permitted use in the B3 – Community Shopping District. Therefore, a banquet hall is a permitted use in the B3 – Community Shopping District. To provide clarity, the proposed text amendments would allow live entertainment for applicable uses, as long as the standards are met. Staff is proposing to add standards to live entertainment uses, which would regulate each live entertainment case on its own merit. Mainly, live entertainment would only be permitted as an accessory use to a permitted use or approved conditional use and would be required to meet all requirements of Village Code, including the liquor provisions. Under the proposed standards, a permit would be required so that staff would have the opportunity to review the plans and ensure that they are in accordance with all seven standards.

Also, the Zoning Ordinance does not include a definition for “live entertainment”. In order to provide clarity to the Zoning Ordinance, a definition of live entertainment would be added as part of the proposed text amendments.

### **1) Existing Conditions**

The following chart depict how the Village of Lombard currently regulates the live entertainment use.

Land Use	Zoning District								
	O	I	B1	B2	B3	B4	B4A	B5	B5A
Restaurant w/Live Entertainment	C	C			C	C	C		

**2) Neighboring Municipalities**

In an effort to obtain a better understanding of how the live entertainment use is regulated in the surrounding communities, analysis of surrounding communities was conducted. The following chart depicts how those surrounding communities regulate live entertainment as a use.

Municipality	Permitted	CU/SU	Comments
Downers Grove	X		Permitted as an accessory use to restaurants and bars.
Carol Stream	X		No restrictions.
Glendale Heights	X		Regulated by a permit which requires staff review and approval by the Board. No public hearing required. See attached sheet.
Lisle	X		No restrictions.
Oak Brook	X	X	Permitted as an accessory use to restaurants and bars in the B-3 & O districts only. Special Use in other districts.
Oak Brook Terrace	X	X	Permitted. However, if a restaurant was required to receive a Special Use (for bar), an amendment to that original Special Use is required.
Wheaton	X		Permitted in Zoning Ordinance, however, it's regulated through other codes i.e. liquor license provisions.
Hinsdale		X	Special Use only as an accessory use to restaurants and bars.
Addison	X		No restrictions.
Elmhurst	X	X	Permitted (1 district) or Conditional Use (4 districts) as an accessory to restaurants.
Glen Ellyn		X	Conditional Use as an accessory to restaurants.
Villa Park	X	X	Conditional Use as an accessory to juice bars, otherwise permitted indoors.
Westmont	X		Permitted through liquor license process.
Wood Dale		X	Conditional Use as an accessory to restaurants/hotels.

In conclusion, each of the 14 communities surveyed permitted live entertainment as a permitted or conditional use. Whether on its own merit or as an accessory to a restaurant or other use, in 11 out of the 14 communities, live entertainment is considered a permitted use. In the three communities where live entertainment is classified solely as a conditional use, live entertainment could only be done as a conditional use as an adjunct to a restaurant, which is how Lombard currently regulates the use.

**3) Proposed Changes**

The chart below illustrates the proposed changes to the Lombard Zoning Ordinance with respect to live entertainment. As previously discussed, live entertainment was once only considered as part of a restaurant, but will now stand on its own merit and be considered a permitted use in the O, I and B1 - B5A zoning districts in conjunction with another permitted or approved conditional use. Any new additions and/or changes are underlined while any information that is to be removed is marked with a strikethrough.

Land Use	Zoning District								
	O	I	B1	B2	B3	B4	B4A	B5	B5A
Live Entertainment	P*	P*	P*	P*	P*	P*	P*	P*	P*
<del>Restaurant w/Live Entertainment</del>	€	€			€	€	€		

\*Subject to Section 155.223

**PROPOSED TEXT AMENDMENTS**

The proposed text amendments to the Lombard Zoning Ordinance are listed below. Any new additions and/or changes are underlined while any information that is to be removed is marked with a strikethrough.

**SECTION 155.223 LIVE ENTERTAINMENT**

(A) All live entertainment uses shall comply with all of the following standards and requirements:

(1) The live entertainment uses shall clearly be an accessory use to either a permitted or an approved conditional use.

(2) The total area used for the live entertainment use shall not exceed 25% of the gross floor area of the business.

(3) All live entertainment activities conducted on site shall be conducted within the confines of the building.

(4) No toxic, explosive, flammable, or other hazardous materials; as defined by the BOCA Basic Fire Prevention Code as adopted in the Building Code of the Village of Lombard shall be used for any live entertainment purposes.

(5) All live entertainment uses shall fully comply with all other provisions of Village Code.

(6) Any business serving alcoholic beverages shall be required to meet the full provisions of Chapter 112 of Village Code, which regulates Alcoholic Beverages.

(7) Each live entertainment applicant shall submit to the Department of Community Development a live entertainment permit. No live entertainment shall be allowed prior to the issuance of a live entertainment permit.

**SECTION 155.802 RULES AND DEFINITIONS**

**LIVE ENTERTAINMENT** is any performance, musical act, (including karaoke), theatrical act (including stand-up comedy), play, revue, dance act, song and dance act, disc jockey, or any combination of these, or similar activity performed live by one or more persons, whether or not done for compensation, and whether or not admission is charged and is clearly an accessory use to either a permitted or an approved conditional use. Live entertainment does not include adult entertainment.

**~~RESTAURANT, INCLUDING LIVE ENTERTAINMENT~~**

**ACTION REQUESTED**

Staff is seeking the Commissioner's input regarding the proposed live entertainment text amendments. Should the Commissioners direct staff to move forward with the amendments, staff will subsequently prepare text amendments for the Village Plan Commission and Village Board consideration.

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