

ORDINANCE NO. 5142

**AN ORDINANCE DELETING TITLE 11, CHAPTER 115,
SECTION 115.08 OF THE LOMBARD VILLAGE CODE**

WHEREAS, the Village of Lombard maintains a Code of Ordinances, which is found in the Code of Lombard, Illinois; and,

WHEREAS, Title 11, Chapter 115 of the Code of Lombard, Illinois includes provisions regulating filling stations (i.e., gas stations) within the Village; and,

WHEREAS, Title 11, Chapter 115.08 of the Code of Lombard, Illinois reads as follows:

§ 115.08 APPROVAL OF PROPERTY OWNERS REQUIRED.

If a majority of the property on the street or streets on which a proposed filling station will abut is used for residential purposes, a permit to construct or operate a filling station shall be granted only after a majority of the property owners and the owners of a majority of the front footage within 250 feet of the proposed location of such construction or operation on both sides of any street or streets on which it will abut, has been submitted in writing to the building and zoning department.

WHEREAS, Title 15, Chapter 155 of the Code of Lombard, Illinois, also referred to as the Lombard Zoning Ordinance, includes provisions regulating the location of land uses including gas/service stations within the Village; and,

WHEREAS, Section 155.102 of the Zoning Ordinance specifically grants the authority of approving or disapproving the location of conditional uses, including gas/service stations, to the Village Board of Trustees; and

WHEREAS, Village Counsel further finds that Section 115.08 is legally unenforceable as it is inconsistent with case law; and

WHEREAS, the Board of Trustees deems it reasonable to periodically review said Code and make necessary changes pertaining to said Code.

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 11, Chapter 115, Section 115.08 of the Lombard Village Code is hereby deleted in its entirety.

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 _____, 2002.

First reading waived by action of the Board of Trustees this 6th day of June, 2002.

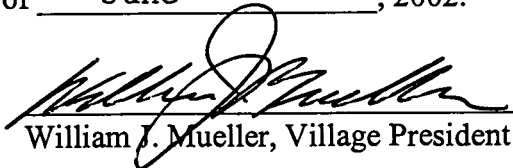
Passed on second reading this 6th day of June, 2002.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

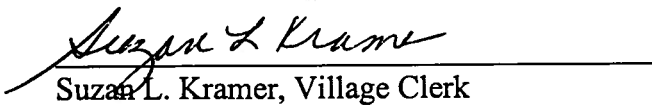
Nayes: None

Absent: None

Approved by me this 6th day of June, 2002.


William J. Mueller, Village President

ATTEST:


Suzan L. Kramer, Village Clerk

Published by me in pamphlet form this 10th day of June, 2002.


Suzan L. Kramer, Village Clerk