

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418  
(C)(12) OF THE LOMBARD VILLAGE CODE**

PC 14-36: 14 W. St. Charles Road

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B5 Central Business District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 155.418(C)(12) of the Lombard Village Code to provide for outside display and sales of products the sale of which is a permitted or conditional use in this district within the B5 Central Business District; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on November 17, 2014 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 conditional use 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 a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 155.418(C)(12) of the Lombard Village Code to provide for motor vehicle sales.

SECTION 2: That this Ordinance is limited and restricted to the property located at 14 W. St. Charles Road, Lombard, Illinois and legally described as follows:

THAT PART OF LOTS 4 AND 5 IN BLOCK 11 IN THE TOWN OF LOMBARD IN THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF ST. CHARLES ROAD (FORMALLY LAKE STREET) AND THE WEST LINE OF THE EAST 93.12 FEET OF LOT 6 (SAID LINE BEING THE EAST LINE OF PARK AVENUE); THENCE NORTHERLY ALONG THE EAST LINE OF PARK AVENUE 206.83 FEET TO A POINT ON THE NORTHERLY LINE OF A 33.0 FOOT PUBLIC ALLEY HERETOFORE VACATED PER DOCUMENT NUMBER 26476; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY 199.58 FEET TO A POINT ON THE EASTERLY LINE AND ITS NORTHERLY EXTENSION THEREOF, OF THE WEST 100.0 FEET OF LOT 5 THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF THE WEST 100 FEET OF LOT 5 AND ITS NORTHERLY EXTENSION A DISTANCE OF 93.56 FEET TO THE POINT OF BEGINNINGS; THENCE CONTINUING SOUTHERLY ALONG THE LAST DESCRIBED LINE A DISTANCE OF 24.54 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 70.0 FEET (AS MEASURED ALONG THE EAST AND WEST LINES THEREOF) A DISTANCE OF 24.94 FEET; THENCE SOUTHERLY ALONG A LINE 5 FEET EAST OF THE WEST LINE OF LOT 4, 70.0 FEET TO A POINT OF THE NORTHERLY LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF ST. CHARLES ROAD, 50.06 FEET; THENCE NORTHERLY A DISTANCE OF 97.55 FEET TO A POINT 25.04 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY 25.045 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-07-206-020; (the “Subject Property”).

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance, shall be granted subject to compliance with the following conditions:

- A. That this relief is limited to the outside display and sales of products, the sale of which is a permitted or conditional use in the B5 Central Business District only (which consists exclusively as an outdoor dining area), and any physical site improvements or alterations require approval through the Village;

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- B. That the petitioner shall be required to apply for and receive a building permit for any improvements;
- C. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
- D. That the petitioner shall develop the site in accordance with plans and submitted as part of this request;
- E. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the outside dining activity, is not established by said date, this relief shall be deemed null and void;
- F. The outdoor dining activity shall not be open past 11:00 p.m. on Friday and Saturdays and 9:00 p.m. Sunday through Thursday;
- G. That all 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
- H. All tables, chairs and umbrellas shall be removed from the outdoor seating area during the cold weather months (generally the end of October to March).

SECTION 4: 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 \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2014.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk