

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 ~~strickthrough~~.

§ 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.

(xxxviii) Pet shops.

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

(xl) Shoe stores.

(xli) Sporting goods stores.

(xlii) Theater, indoor.

(xliii) Tobacco shops.

(xliv) Toy shops.

(xlv) Variety shops.

(xlvi) 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:

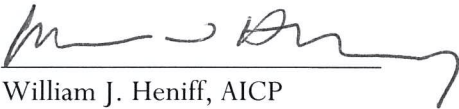
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to all restaurants and grocery stores within the Village.
2. *The consistency of the proposed amendment with 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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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

PC Case	Business Name and Address	Conditions for Approval	Zoning District
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.

Municipality	Outdoor Seating	Rules and Regulations
Downers Grove	Temporary Use Permit	Outdoor cafes are permitted as a temporary use between March 15th and November 15 th . 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?