

**ORDINANCE 7488  
PAMPHLET**

**SCRIVENER'S ERROR: CONDITIONAL USES  
WITHIN THE B5 ZONING DISTRICT**



PUBLISHED IN PAMPHLET FORM THIS 16<sup>th</sup> DAY OF MARCH 2018, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.



Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7488**

**AN ORDINANCE AMENDING ORDINANCE NO. 3520,  
ADOPTED FEBRUARY 20, 1992, NUNC PRO TUNC,  
TO CORRECT A SCRIVENER'S ERROR CONTAINED THEREIN,  
IN REGARD TO THE B-5 CENTRAL BUSINESS DISTRICT REGULATIONS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** The President and Board of Trustees (the "Village Board") of the Village of Lombard (the "Village") find as follows:

- A. On February 12, 1992, pursuant to proper notice, the Lombard Plan Commission held a public hearing relative to amending the B-5 Central Business District zoning regulations, as set forth in the Lombard Zoning Ordinance, to delete the prohibition of non-retail uses on the first floor of buildings (the "Non-Retail Prohibition"); said Non-Retail Prohibition being located in Section 7.F.9.c. of the Lombard Zoning Ordinance.
- B. On February 12, 1992, the Lombard Plan Commission recommended the deletion of the Non-Retail Prohibition to the Village Board.
- C. On February 20, 1992, the Village Board approved Ordinance No. 3520, to delete the Non-Retail Prohibition from the Lombard Zoning Ordinance ("Ordinance No. 3520").
- D. That Ordinance No. 3520 improperly made reference to Section 7.F.9.b. of the Lombard Zoning Ordinance, when Section 7.F.9.c., which actually contained the Non-Retail Prohibition, should have been referenced therein (the "Scrivener's Error").

- E. That Section 7.F.9.b. of the Lombard Zoning Ordinance covered drive-through/drive-in services and facilities in the B-5 Central Business District; a topic which was not the subject of the aforementioned Plan Commission public hearing and recommendation, and which was not the subject matter before the Village Board at the February 20, 1992 Village Board meeting.
- F. That it is in the best interests of the Village to amend Ordinance No. 3520, so as to correct the aforementioned Scrivener's Error in said Ordinance No. 3520, nunc pro tunc, so that said correction relates back to the adoption of Ordinance No. 3520.

**SECTION 2:** That, based on the foregoing, Ordinance No. 3520 is hereby amended to correct the Scrivener's Error as contained therein, nunc pro tunc, by amending Section 1 thereof to read in its entirety as follows:

**Section 1:** That Section 7.F.9.c. of the Lombard Zoning Ordinance is hereby deleted."

**SECTION 3:** That, in light of SECTION 2 above, the language of Section 7.F.9.b. of the Lombard Zoning Ordinance, which was improperly deleted as a result of Ordinance No. 3520, shall be reinserted in the current Lombard Zoning Ordinance (Chapter 155 of the Lombard Village Code), as Section 155.418(C)(7) of the Lombard Village Code, to read as follows: "Drive-through/drive-in services and facilities", with the current provisions of Sections 155.418(C)(7) through (23) of the Lombard Village Code being renumbered as Sections 155.418(C)(8) through (24), respectively.

**SECTION 4:** That all other provisions of Ordinance No. 3520, not corrected hereby, shall remain in full force and effect.

**SECTION 5:** 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 \_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this 15<sup>th</sup> day of March, 2018.

Passed on second reading this 15<sup>th</sup> day of March, 2018, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

**APPROVED** by me this 15<sup>th</sup> day of March, 2018.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form on this 16<sup>th</sup> day of March, 2018.

  
Sharon Kuderna, Village Clerk