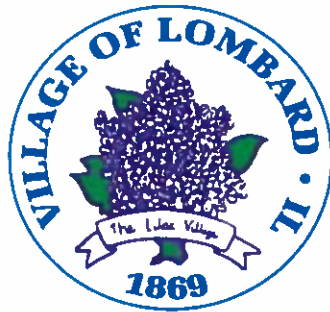


**ORDINANCE 7150
PAMPHLET**

**PC 15-26: 777 E BUTTERFIELD ROAD
CONDITIONAL USE**



PUBLISHED IN PAMPHLET FORM THIS 20th DAY OF NOVEMBER, 2015, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

A handwritten signature in black ink that reads "Sharon Kuderna". The signature is written in a cursive style with a horizontal line underneath the name.

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7150

AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO SECTION 155.415 (C)(20) OF THE LOMBARD ZONING ORDINANCE FOR OUTSIDE SERVICE AREAS (OUTDOOR DINING) FOR OTHER PERMITTED OR CONDITIONAL USE IN THIS DISTRICT; A CONDITIONAL USE PURSUANT TO SECTION 155.415 (C)(6) OF THE LOMBARD ZONING ORDINANCE FOR DRIVE-THROUGH AND DRIVE-IN ESTABLISHMENTS/SERVICES; AND CONDITIONAL USE PURSUANT TO SECTION 155.208 (C) OF THE LOMBARD ZONING ORDINANCE FOR MORE THAN ONE PRINCIPAL STRUCTURE ON ONE LOT-OF-RECORD

(PC 15-26; 777 E. Butterfield Road)

(See also Ordinance No. 7149)

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 Code of Lombard, Illinois; and,

WHEREAS, the 777 E. Butterfield Road, the Subject Property, as defined below and pursuant to companion Ordinance No. 7149, which approved a map amendment to the Subject Property, is zoned B3 Community Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Section 155.415 (C)(20) of the Lombard Zoning Ordinance for outside service areas (outdoor dining) for other permitted or conditional use in this district; a conditional use pursuant to Section 155.415 (C)(6) of the Lombard Zoning Ordinance for drive-through and drive-in establishments/services; and conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance for more than one principal structure on one lot-of-record; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 19, 2015 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 petition as 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 follow:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below:

1. A conditional use pursuant to Section 155.415 (C)(20) of the Lombard Zoning Ordinance for outside service areas (outdoor dining) for other permitted or conditional use in this district;
2. A conditional use pursuant to Section 155.415 (C)(6) of the Lombard Zoning Ordinance for drive-through and drive-in establishments/services; and
3. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance for more than one principal structure on one lot-of-record.

SECTION 2: That this Ordinance is limited and restricted to the property located at 777 E. Butterfield Road, Lombard, Illinois and legally described as follows:

LOT 2 IN FREED SUBDIVISION, BEING A SUBDIVISION IN SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1982 AS DOCUMENT R82-44604, IN DUPAGE COUNTY, ILLINOIS

Parcel Identification Number(s): 06-29-201-007; (the "Subject Property")

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

1. The petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report;
2. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board. This conditional use approval shall become null and void twelve (12) months from the date of approval if the proposed site improvements are not completed or an extension has been granted;
3. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
4. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. If, for any reason, the Nicor parcel becomes unavailable for off-site parking related to 777 E. Butterfield Road, an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the restaurant use.

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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 5th day of November, 2015.

First reading waived by action of the Board of Trustees this ____ day of ____, 2015.

Passed on second reading this 19th day of November, 2015.

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

Nays: None

Absent: None


Approved this 19th day of November, 2015.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 20th day of November, 2015.


Sharon Kuderna
Village Clerk