

July 16, 2018

Title

PC 18-19

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot.

Prepared By

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Assistant Director, and
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DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot.

Currently, the Zoning Ordinance allows outdoor cafes as an accessory use to a restaurant when no more than six tables, with a maximum of 24 chairs, are located between the restaurant building and the public right-of-way, provided said area is either a front yard or a corner side yard. Outdoor Cafés are permitted in the B5 and B5A Zoning Districts. The definition of outdoor cafe is contradictory, whereas buildings located within the B5 and B5A Zoning Districts do not have setbacks and there is neither a front yard nor a corner side yard to accommodate an accessory use. The Village proposes to amend the code to remove the inconsistencies in setbacks. The intent is to clean up the code for clarity.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance but noted that outside seating must meet the Illinois Accessibility Code and have an accessible route and accessible seating. There shall be a hard surface to the seating area, and 5% or at least one table and chairs to meet the accessible seating requirements for the actual table and chairs.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

Planning Services Division:

Seven businesses provide outdoor seating located in the B5 Zoning District, or downtown Lombard. Buildings in the B5 and B5A Zoning Districts do not have required setbacks, and therefore do not have a front yard or a corner side yard to accommodate an accessory use. Most outdoor cafés in the downtown are located to the front or side of the business.

Neighboring Community Standards

Staff surveyed outdoor cafe requirements in other municipalities around the Village of Lombard (Clarendon Hills, Downers Grove, Elmhurst, Glen Ellyn, Wheaton, and Willowbrook). Similar to the Village of Lombard Zoning Code, the majority of these communities require a dimensioned drawing or a site plan showing all existing buildings, structures and objects on the business property adjacent to the public right of way and on the public right of way adjacent to the business, including a depiction of the on-street parking adjacent to the business, and the proposed location of each item to be placed within the public right of way including street lights, signs, planters, trees, and tables or chairs. For example, the Village of Clarendon Hills allows businesses which abut a public right of way to operate an outdoor seating area; Village of Downers Grove allows outdoor cafes in the Downtown Business District to be located on public property; and Village of Wheaton issues sidewalk cafes permits to businesses owning or leasing property immediately adjacent to an improved sidewalk within a public right of way.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are denoted by a ~~striketrough~~.

Section 155.802

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.** ~~are located between the restaurant building and the public right of way, provided said area is either a front yard or a corner side yard as defined in this section.~~

As noted above, none of the surveyed municipalities required outdoor cafes to be located in a required yard. Therefore, the proposed change will make Lombard's outdoor cafe standard similar to that used by nearby communities. This would allow for outdoor cafes to be located within the buildable area of the lot and removes the yard requirements.

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 properties within the B5 and B5A Zoning Districts.
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. Outdoor Cafes are a permitted use in the B5 and B5A Zoning Districts.

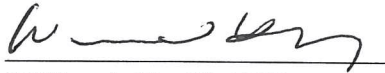
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment will reduce outdoor cafe requirements for business establishments, but will not otherwise impact standards for those types of developments.
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.

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 18-19.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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