

ORDINANCE NO. 5691

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5324,
ADOPTED JULY 17, 2003 GRANTING APPROVAL OF A CONDITIONAL USE TO
RE-ESTABLISH THE LEGAL NON-CONFORMING STATUS OF A BUILDING,
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.305 OF THE
LOMBARD ZONING ORDINANCE**

(PC 05-16: 506 East St. Charles Place)

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 subject property is zoned B4 Corridor Commercial District; and,

WHEREAS, a legal non-conforming building located on the subject property was damaged greater than fifty percent of the value of the building as the result of a traffic accident in 1991; and

WHEREAS, Section 155.302 (G) of the Zoning Ordinance states that the legal non-conforming status of a building shall be lost if the damage or destruction caused by any means exceeds fifty percent of the market value of the building; and

WHEREAS, the Village adopted Ordinance 5324 on July 17, 2005 which granted a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the legal nonconforming status of an existing building for the subject property; and

WHEREAS, since the date of approval of Ordinance 5324, minor improvements have been made to the building but the has remained unoccupied to date; and

WHEREAS, the Village finds that the existing building in its unoccupied state creates a deleterious appearance to the St. Charles Road corridor; and

WHEREAS, the Village proposes a petition to mend to the conditions of approval associated with Ordinance 5324, which would establish timeframes for completion of requisite building improvements on the subject property; and

WHEREAS, the petition was subject to a public hearing before the Plan Commission on June 20, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting amendments to the approved conditional use; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 Ordinance 5324 is hereby amended to include the following conditions:

1. That the property owner shall provide the Village with a copy of a lease agreement between the property owner and a lessee for the Scoop's ice cream building. The property owner shall also provide any supplemental documentation from the lessee denoting the proposed use of the subject premises.
2. That a building permit for any requisite interior or exterior improvements shall be applied for no later than forty-five (45) days from the date of approval of this Ordinance.
3. That a Certificate of Occupancy/Zoning Certificate shall be applied for and shall be approved by the Village within one-hundred thirty-five (135) days from the date of approval of this Ordinance.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 506 East St. Charles Place, Lombard, Illinois and legally described as follows:

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE

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William J. Mueller, Village President

ATTEST:



Brigitte O'Brien, Village Clerk