
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2022-41

**AN ORDINANCE AMENDING
TITLE 11 OF THE
VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES AS IT RELATES TO OUTDOOR
DINING REGULATIONS**

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Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 10th day of October 2022

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**AN ORDINANCE AMENDING
TITLE 11 OF THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES AS IT RELATES TO OUTDOOR DINING REGULATIONS**

WHEREAS, the Village of Bloomingdale (hereinafter referred to as "Village") is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

WHEREAS, Title 11 (Zoning Regulations) Chapter 8 (Business Districts), Article C (B-2, Community Business District) and Article D (B-3, General Business District) provides regulations related to outdoor dining uses within the Village;

WHEREAS, the Village Code currently allows outdoor dining areas for certain establishments existing in the B-2 and B-3 District, as a special use, despite also containing references that suggest the allowances of such use are permitted as-of-right, if specific requirements can be met;

WHEREAS, the Village recognizes that this discrepancy causes unnecessary confusion for applicants desirous of requesting an outdoor dining area at their establishment within said Districts and Staff is now requesting a text amendment to the Village Code to clarify the intent of the sections referenced herein;

WHEREAS, the Village of Bloomingdale Planning and Zoning Commission held a public hearing pursuant to State law on September 6, 2022 to discuss an amendment to the Code to clarify the intent of this use in the B-2 and B-3 zoning districts which resulted in a positive recommendation to the Village Board;

WHEREAS, the Village Board finds it necessary and proper pursuant to its Home Rule Powers to amend said Code, Chapter and Section to provide the necessary clarification as it relates to the outdoor dining regulations in the B-2 and B-3 zoning districts; and

WHEREAS, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment to Title 11 Chapter 8

Title 11 (Zoning Regulations) Chapter 8 (Business Districts) Article C (B-2, Community Business District) shall be amended as follows:

11-8-C-2: PERMITTED USES

Newspaper office, not including printing.

Outdoor dining, complying with the following conditions:

- A. The seating area consists of twenty-four (24) seats or less;
- B. The property is not adjacent to a residential district;
- C. There is no live entertainment, music on speakers, or video screens on the outdoor patio;
- D. A railing is added to protect diners from vehicular traffic. The building and zoning official may waive this requirement if, in his discretion, the proposed seating is not adjacent to, or endangered by, vehicular traffic;
- E. At least one accessible seat is provided;
- F. Screening, either a landscaped area with plantings or containers (planters), shall be added to buffer the area;
- G. No signage, not otherwise permitted in chapter 14 of this title, is added;
- H. No lighting is added that will create light trespass on any residential properties.

11-8-C-4: SPECIAL USES

Off street parking facility as a principal use on a zoning lot, provided the parking lot is part of an overall planned development, and is constructed to serve one or more principal uses in the same planned development.

Outdoor seating in excess of twenty-four (24) seats or otherwise not consistent with the conditions set forth in Section 11-8-C-2 of this code.

~~Outdoor dining. Outdoor dining may be approved by the building and zoning official, if, upon review, the use has been shown to comply with the following conditions:~~

- ~~A. The seating area consists of twenty four (24) seats or less;~~
- ~~B. The property is not adjacent to a residential district;~~

- ~~C. There is no live entertainment, music on speakers, or video screens on the outdoor patio;~~
- ~~D. A railing is added to protect diners from vehicular traffic. The building and zoning official may waive this requirement if, in his discretion, the proposed seating is not adjacent to, or endangered by, vehicular traffic;~~
- ~~E. At least one accessible seat is provided;~~
- ~~F. Screening, either a landscaped area with plantings or containers (planters), shall be added to buffer the area;~~
- ~~G. No signage, not otherwise permitted in chapter 14 of this title, is added;~~
- ~~H. No lighting is added that will create light trespass on any residential properties.~~

~~Outdoor seating in excess of twenty four (24) seats or otherwise not consistent with the above conditions shall require approval of a special use. The village may request a security deposit to cover the cost of the review by the building and zoning official, or his designee, in addition to any other applicable building permit fees.~~

Title 11 (Zoning Regulations) Chapter 8 (Business Districts) Article D (B-3, General Business District) shall be amended as follows:

11-8-D-4: SPECIAL USES

Outdoor amusement establishment; trampoline center, miniature golf course, kiddy park, etc.

~~Outdoor dining.~~

Outdoor display lot for display and sales of goods, fixtures and equipment of swimming pools and related accessories, said display and sales to be in conjunction with and part of the adjacent business use.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

Section Four – Home Rule Preemption

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

Section Five – Effective Date:

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Six - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Seven - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Eight – Saving Clause

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village’s Municipal Code, which are hereby declared to be separable.

Section Nine - Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

/ / /

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro			X	
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	5	0	1	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 10th day of October 2022.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk