
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2021-36

**AN ORDINANCE AMENDING
TITLE 11 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES AS IT RELATES TO
ALLOWANCES FOR USES IN THE OLD TOWN DISTRICT**

FRANCO A. COLADIPIETRO, Mayor

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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 27th day of September 2021

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TITLE 11 OF
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CODE OF ORDINANCES AS IT RELATES TO ALLOWANCES FOR USES IN THE OLD
TOWN DISTRICT**

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 11 (OTP Old Town Preservation District) Chapter 4 provides for the uses within the Old Town Preservation District;

WHEREAS, The Zoning Code currently restricts uses in Old Town and states that all permitted and special uses in the B-1 and B-2 Districts, are allowed in the Old Town, but are required to obtain a special use permit;

WHEREAS, the Village Board recognizes that the existing code is rather excessive in its restriction for new businesses to begin operating within the Old Town Preservation District in an efficient and timely manner;

WHEREAS, the Village Board desires to allow a business to apply for a change of use in the Old Town Preservation District that cannot otherwise be approved administratively without going through the public hearing process for a special use, as currently required;

WHEREAS, the Village Board finds it necessary and proper pursuant to its Home Rule Powers to amend said Code, Chapter and Section to allow for an expedited application process under certain circumstances; 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 Title 9

Title 11 (Zoning Regulations) Chapter 11 (OTP Old Town Preservation District) Chapter 4 (Uses) shall be amended, as follows:

11-11-4: USES:

B. The following uses and plans do not require a special use permit:

3. Unless otherwise prohibited by subsection D of this section, all permitted uses in the B-1, Neighborhood Business District, B-2, Community Business District and B-3, General Service District, shall not require special uses and/or be subject to a public hearing process, but instead shall be subject to the following:

a. Any application for a change in use, which is otherwise permitted pursuant to this section, shall be reviewed and evaluated by the Board of Trustees at a public meeting;

b. No fee shall be assessed for the application however the applicant shall be responsible for any review fees, which could include but are not limited to, any review of the application by the Village Attorney and/or Third-Party Consultants;

c. Any application for consideration of a use shall include a comprehensive narrative, which includes the following:

i. The nature of the business and scope of the services that are to be provided;

ii. Hours of operation;

- iii. Number of shifts (if shifts are to be utilized)
 - iv. Number of overall employees, as well as number of employees per shift, if shifts will be utilized;
 - v. Anticipated parking demands;
 - vi. Any special considerations or accommodations that may not otherwise be considered;
 - vii. Any other information deemed to be essential to the application, as determined by Village Staff or the Village Board of Trustees.
- d. The Village Board reserves the right to refer any request to the Planning and Zoning Commission, if it is determined that the request warrants further review. Should the Board choose to refer the request to the Planning and Zoning Commission, the application shall then be considered as a request for a special use and as such, shall be subject to all processes and fees set forth for the special use process.

C.

1. Unless otherwise authorized to the contrary by a development ordinance granting a special use permit, planned development or site plan approval, or in accordance with the provisions of subsection B of this section, changes of use shall be made as in the manner prescribed for special uses.
2. For purposes of this chapter, a new occupant or tenant shall be considered a change in use when at least one of the following two (2) circumstances applies:
 - a. There is a change in use within a building entirety or tenant space between a retail business and either a personal service establishment, business service establishment, professional office establishment, or special use as defined in sections 11-8C-2 and 11-8C-4 of this title.
 - b. There is a change in use within a building entirety or tenant space whereby the new use has a higher parking space requirement than the previous use, or the new use is a higher intensity use by virtue of having a greater number of employees, customers, or vehicular traffic than the previous use in such location.

D. Only the following special uses may be permitted, subject to review and approval as detailed in subsection 11-11-5C of this chapter:

1. All of the ~~permitted~~ and special uses in the B-1 neighborhood business district are allowed ~~permitted~~ as special uses, excluding the following permitted and special uses:
 - Dry cleaning and laundry receiving establishment.
 - Nursery school, children's day school, day nursery, childcare center, and daycare center, unless operated on the premises of a church.
2. All of the ~~permitted~~ and special uses in the B-2 community business district are allow ~~permitted~~ as special uses.

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.

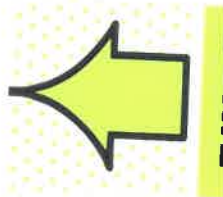
DECIDED pursuant to a roll call vote as follows:

	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	6	0	0	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 27th day of September 2021.



Franco A. Coladipietro
Village President



ATTEST:



PAMELA S. HAGER
Village Clerk