

ORDINANCE 22-003

TITLED:

**ORDINANCE AMENDING CHAPTER 54 "ZONING" OF THE BOLINGBROOK VILLAGE
CODE TO REGULATE ASSEMBLY USES IN BUSINESS DISTRICTS IN THE VILLAGE OF
BOLINGBROOK, ILLINOIS**

**VILLAGE CLERK
VILLAGE OF BOLINGBROOK**

PREPARED BY & MAIL TO:

VILLAGE CLERK'S OFFICE
VILLAGE OF BOLINGBROOK
375 W. BRIARCLIFF RD.
BOLINGBROOK, IL 60440

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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village has previously adopted Chapter 54 "Zoning" of the Bolingbrook Village Code as its official Zoning Code which contains the Village's zoning districts and their respective uses and regulations; and

WHEREAS, the Bolingbrook Plan Commission held a duly noticed public hearing in accordance with Division 5 of the Zoning Code on December 15, 2021 wherein it voted to recommend approval of a text amendment to the Zoning Code of the Village of Bolingbrook; and

WHEREAS, the Mayor and Board of Trustees believe it to be in the best interest of the residents of the Village to amend the text of Chapter 54 "Zoning" of the Bolingbrook Village Code to regulate assembly uses in business districts in the Village of Bolingbrook, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The Mayor and Board of Trustees find as facts the recitals hereinabove set forth.

SECTION TWO: The Plan Commission findings and recommendation with respect to the text amendment is attached hereto as Exhibit 1 and made a part hereof, are hereby adopted and incorporated herein by reference.

SECTION THREE: Section 54-132(b) "Special uses" of Section 54-132 "B-1 local retail district" of Chapter 54 "Zoning" of the Bolingbrook Village Code is hereby amended by adding the following special use:

- (15)Dance Hall, Discotheque, Banquet hall, private club, tavern, cocktail lounge, nightclub, and any eating or drinking establishment that has been approved for live music or pre-recorded music such as a deejay or karaoke, or that has an approved occupancy limit of 25 persons or more.

SECTION FOUR: Section 54-133(b)(11) "Special uses" of Section 54-133 "B-2 community retail district" of Chapter 54 "Zoning" of the Bolingbrook Municipal Code is hereby amended by eliminating the stricken language and adding the underlined language as follows:

- (11)~~Dance Hall, Discotheque, Banquet hall, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or~~ and any eating or drinking establishment that has been approved for which has live entertainment, fashion shows or dancing, music or pre-recorded music such as a deejay or karaoke, or that has an approved occupancy limit of 25 persons or more.

SECTION FIVE: Section 54-134(b)(11) "Special uses" of Section 54-134 "B-3 highway commercial district" of Chapter 54 "Zoning" of the Bolingbrook Municipal Code is hereby amended by eliminating the stricken language and adding the underlined language as follows:

- (11)~~Dance Hall, Discotheque, Banquet hall, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or~~ and any eating or drinking establishment that has been approved for which has live entertainment, fashion shows or dancing, music or pre-recorded music such as a deejay or karaoke, or that has an approved occupancy limit of 25 persons or more.

SECTION SIX: Section 54-135(a) "Permitted uses" of Section 54-135 "B-4 commercial urban redevelopment district" of Chapter 54 "Zoning" of the Bolingbrook Municipal Code is hereby amended by eliminating the stricken language and adding the underlined language as follows:

- (14)~~Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, night club, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or any eating or drinking establishment which has live entertainment, fashion shows, or dancing.~~ RESERVED.

SECTION SEVEN: Section 54-135(b) "Special uses" of Section 54-135 "B-4 commercial urban redevelopment district" of Chapter 54 "Zoning" of the Bolingbrook Municipal Code is hereby amended by adding the following special use:

- (27)Dance Hall, Discotheque, Banquet hall, private club, tavern, cocktail lounge, nightclub, and any eating or drinking establishment that has been approved for live music or pre-recorded music such as a deejay or karaoke, or that has an approved occupancy limit of 25 persons or more.

SECTION EIGHT: Section 54-610(7) "Additional standards and criteria" of Article IX "Special Uses" of Chapter 54 "Zoning" of the Bolingbrook Municipal Code is hereby

amended by eliminating the stricken language and adding the underlined language as follows:


- (7) *Live entertainment.* Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, nightclub, and any eating or drinking establishment ~~with live entertainment or dancing, that has been approved for live music or pre-recorded music such as a deejay or karaoke, or that has an approved occupancy limit of 25 persons or more~~
- a. *Hours of operation.* The hours of operation of such establishments shall not extend beyond the hour of the liquor license, or 2:00 a.m., whichever is earlier.
 - b. *Personnel.* Adult (21 years of age or older) manager must be present and supervising during all hours of operation. A full-time supervisor shall visit on a regular basis. All employees of the establishment shall have a police check made by the village police department.
 - c. *Regulations on premises.* The operator shall discourage the loitering of individuals, both inside and outside the establishment. Establishments catering to minors shall display a sign stating that curfew begins at 11:00 p.m. for all persons under curfew age. Order and quiet must be maintained on the premises so as not to violate the public peace.
 - d. *Miscellaneous requirements.*
 - 1. Eating and drinking establishments with live entertainment or dancing shall be insulated to prevent excessive light, noise, or other offensive factors from penetrating the walls of the establishment and adversely affecting any adjoining establishments of the surrounding area.
 - 2. Outdoor beer gardens and outdoor cafes accessory to eating and drinking establishments with live entertainment or dancing shall not be permitted to have live entertainment conducted outside; however, outdoor speakers shall be permitted as long as noise levels do not adversely affect any adjoining establishment or the surrounding area and no noise may be heard across property lines after 11:00 p.m.
 - e. *Offset for Tax Loss.* All special uses listed in this section (7) that are located in any Business Zoned District (B-1, B-2, B-3, B-4) are subject to an "Offset Tax" pursuant to Chapter 46 of this Code.

SECTION NINE: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law

PASSED THIS 11th DAY OF JANUARY, 2022.

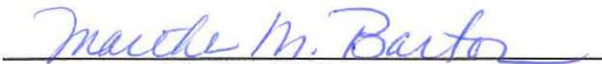
| | | |
|--------------|---|--|
| AYES: | 6 | Carpanzano, Doris, Lawler, Rupsis, Watts, Zarate |
| NAYS: | 0 | None |
| ABSENT: | 0 | None |
| ABSTENTIONS: | 0 | None |

APPROVED THIS 11th DAY OF JANUARY, 2022.



Mary S. Alexander-Basta
MAYOR

ATTEST:



Martha M. Barton
VILLAGE CLERK

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY THE AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK, JANUARY 12, 2022.

STATE OF ILLINOIS)
COUNTIES OF WILL) SS
AND DUPAGE)

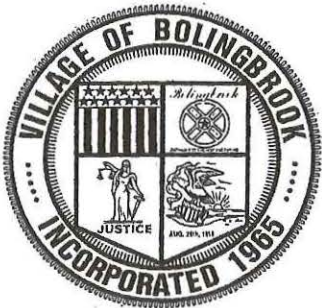
I, Martha M. Barton, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

I further certify that on January 11, 2022, the Corporate Authorities of such municipality passed and approved Ordinance 22-003 entitled:

AMENDING CHAPTER 54 "ZONING" OF THE BOLINGBROOK VILLAGE CODE TO REGULATE ASSEMBLY USES IN BUSINESS DISTRICTS IN THE VILLAGE OF BOLINGBROOK, ILLINOIS

The pamphlet form of Ordinance 22-003 including the Ordinance and a cover sheet, thereof, was prepared on January 11, 2022. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 12th day of January, 2022.



Martha M. Barton

Martha M. Barton,
VILLAGE CLERK

[Addendum to staff report]**RECOMMENDATION OF THE BOLINGBROOK PLAN COMMISSION REGARDING A TEXT AMENDMENT FOR THE PURPOSE OF ADDRESSING ASSEMBLY USES IN BUSINESS DISTRICTS IN THE VILLAGE OF BOLINGBROOK**

Meeting Date: December 15, 2021

Project No. 421.21

Having duly noticed and held a public hearing on December 15, 2021, with respect to approval of the application by the Public Services & Development Department, on behalf of the Village of Bolingbrook, for a **TEXT AMENDMENT** to the Zoning Ordinance concerning Articles 2 & 9, within Chapter 54 of the Bolingbrook Municipal Code, for the purpose of addressing assembly uses in business districts in the Village of Bolingbrook, Illinois, the Plan Commission finds that the proposed text amendment **MEETS** the following standards set forth in the Zoning Ordinance:

- (A) The proposed text amendment at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community; and
- (B) The proposed text amendment will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- (C) The proposed text amendment will not have a substantial adverse economic effect upon existing businesses in the vicinity and will not have an adverse impact upon the tax bases of units of local government and school districts; and
- (D) The proposed text amendment will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations; and

The Plan Commission therefore recommends that the Text Amendment be **APPROVED**.

Approved by the Plan Commission December 15, 2021.

Ayes: 8

Nays: 0

Absent: 0