



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CERTAIN SETBACK PROVISIONS ON DOUGLAS ROAD**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That 28-1110 of the Downers Grove Municipal Code is hereby amended as follows:

**28-1110. Front Yard.**

(a) *R-1 District:*

(1) *General requirement.* Except as provided herein, structures shall be setback at least forty (40) feet. Structures over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* For non-residential uses in buildings less than forty (40) feet in height, the setback shall be the same as required for single-family dwellings. For non-residential uses in buildings forty (40) feet or more in height, the setback shall be increased beyond the requirements for single-family dwellings by two (2) feet for each additional one (1) foot of height over forty (40) feet.

(b) *R-2 District:*

(1) *General requirement.* Except as provided herein, buildings shall be setback at least thirty five (35) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(c) *R-3 District:*

(1) *General requirement.* Except as provided herein, buildings shall be setback at least thirty (30) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(d) *R-4 District:*

(1) *General requirement.* Except as provided herein, buildings shall be setback at least twenty five (25) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(e) *R-5 District:* Same as required in the R-4 District.

(f) *R-5A District:* Same as required in the R-4 District.

(g) *R-6 District:*

(1) *General requirement.* Except as provided herein, setback requirements shall be the same as required in the R-4 District.

(2) *Landbank Development.* A Landbank Development shall not be required to provide any setback except as may be mandated by the Village Council in the context of a Planned Development.

(h) *B-1 District:*

(1) Except as otherwise provided below, the minimum setback in the B-1 zoning district shall be not less than thirty (30) feet. Provided, buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two (2) feet of height over twenty (20) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The required setback with respect to signs shall be measured from that portion of the sign or its support whichever is closest to the street.

(3) Notwithstanding any of the foregoing provisions of this section or any provision of Article XII, additional construction on a zoning lot on which a building was erected prior to April 19, 1965, may conform to the actual setback line of such building, if the actual setback line of such building is legally nonconforming and all required transitional yards, if any, are provided and maintained in accordance with the applicable provisions of this Zoning Ordinance.

(4) Except as otherwise provided in this section, the minimum setback on Ogden Avenue shall be not less than seventy-five (75) feet from the center line of Ogden Avenue. The minimum setback for any vertical portion of a canopy shall be fifty-eight (58) feet from the center line of Ogden Avenue, and the minimum setback for any horizontal portion of a canopy shall be fifty (50) feet from the center line of Ogden Avenue or eight (8) feet from the property line, whichever is greater. Off-street parking, portable or fixed signs, fences, private electric light standards or any similar items, shall comply with a minimum setback of not less than fifty (50) feet from the center line of Ogden Avenue. Where there is a conflict between this subsection and the provisions of Section 28-1518, this subsection shall control.

(5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight (8) feet.

(6) The minimum setback from the north line of Second Street shall be fifty (50) feet between the east line of Fairview Avenue and the west line of Wilcox Avenue.

(i) *B-2 District:*

(1) Except as otherwise provided below, the minimum setback shall be not less than twenty-five (25) feet, except that buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two (2) feet of height over twenty (20) feet. The setback requirements shall be observed on each street side of a corner lot.

(2) The required setback with respect to signs shall be measured from that portion of the sign or its support whichever is closest to the street.

(3) Notwithstanding any of the foregoing provisions of this section or any provision of Article XII, additional construction on a zoning lot on which a building was erected prior to April 19, 1965, may conform to the actual setback line of such building, if the actual setback line of such building is legally nonconforming and all required transitional yards, if any, are provided and maintained in accordance with the applicable provisions of this Zoning Ordinance.

(4) The minimum setback on Ogden Avenue shall be as required in the B-1 Business District.

(5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight (8) feet.

(6) Property in the Concentrated Business District shall not be required to provide any setback.

(j) *B-3 District:* Except as provided below, setback shall be the same as required in the B-2 General Retail Business District. Where a zoning lot fronts Ogden Avenue and also fronts on a street intersecting with Ogden Avenue, the minimum setback for parking or display of motor vehicles along the intersecting street shall be not less than eight (8) feet.

(k) *O-R District:* The minimum setback shall be seventy-five (75) feet, except that any lot fronting, in whole or in part, on land located in a residential zoning district, shall provide a setback of one hundred (100) feet. Buildings that exceed fifty (50) feet in height shall be provided with one (1) additional foot of setback for every foot of height in excess of fifty (50) feet.

(l) *O-R-M District:*

(1) Except as otherwise provided below, the minimum setback in the O-R-M District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The setback on Second Street, from the east line of Wilcox Avenue to the west line of Cumnor road shall be sixty (60) feet.

(3) The setback on Ogden Avenue shall be seventy-five (75) feet from the center line of Ogden Avenue, except that lighting standards shall be set back fifty (50) feet from the center line.

(4) The setback on Inverness Road, on the north side only, from Belmont Road to Janes, shall be twenty-five (25) feet.

(5) The setback on Warren Avenue, on the south side only, from Lee Street to Saratoga Avenue, and the setback on Rogers Street, on the south side only, from Prospect Avenue to Fairview Avenue, shall be ten (10) feet for those zoning lots that were classified for manufacturing uses as of January 1, 1950, and remaining classified from time to time in a Manufacturing District.

(6) The setback on Maple Avenue, on the south side only, shall be ten (10) feet.

(m) *M-1 District:*

(1) Except as otherwise provided below, the minimum setback in the M-1 District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The setback on Second Street, from the east line of Wilcox Avenue to the west line of Cumnor Road shall be sixty (60) feet.

(3) The setback on Ogden Avenue shall be seventy-five (75) feet from the center line of Ogden Avenue, except that lighting standards shall be set back fifty (50) feet from the center line.

(4) The setback on Inverness Road, on the north side only, from Belmont Road to Janes Avenue, shall be twenty-five (25) feet.

(5) The setback on Warren Avenue, on the south side only, from Lee Street to Saratoga Avenue, and the setback on Rogers Street, on the south side only, from Prospect Avenue to Fairview Avenue, shall be ten (10) feet for those zoning lots that were classified for manufacturing uses as of January 1, 1950, and remaining classified from time to time in the M-1 Manufacturing District.

(6) The setback on Maple Avenue, on the south side only, shall be ten (10) feet.

(7) Where a zoning lot fronts on Ogden Avenue and also fronts on a street intersecting with Ogden Avenue, the minimum setback along the intersecting street shall be not less than eight (8) feet.

(8) The setback on Douglas Road between Rogers Street on the north and Maple Avenue on the south shall be not less than ten (10) feet.

(n) *M-2 District:* Except as otherwise provided below, the minimum setback in the M-1 District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. Provided, where a lot in the M-2 zoning district is located directly across a street from property in a residence district, such lot shall be provided with a setback of not less than one hundred (100) feet. These setback requirements shall be observed on each street side of a corner lot.

SECTION 2. That Section 28-1303 of the Downers Grove Municipal Code is hereby amended as follows:

**28-1301. Fences.**

(a) Fences, including walls and plants in the nature of a fence, shall be erected in conformance with the requirements of this section.

(b) It shall be unlawful to erect or alter any fence within the Village unless a permit has been issued by the Director. A written petition for such permit shall be filed with the Director and fee paid, in conformance with this Zoning Ordinance. A fence permit issued under this section shall be valid for a term of six (6) months.

(c) *Impairment of public protection services and vision obstruction prohibited.* No fence shall be constructed in any yard which, by nature of the material used for its construction, its design or its

location, would impair public protection services or would impair public safety by obstructing the vision of persons using the street, sidewalks, or driveways on or adjacent to such yard.

(d) *Structural elements.* All fences shall be constructed so that structural elements, if any, are located on the side of the fence facing toward the property on which the fence is constructed.

(e) *Open design fences.* Open design fences shall be constructed in such a manner that no vertical member shall exceed a width of six inches, and the ratio of open area to closed shall be 1:2, with the open area distributed uniformly over the entire fence surface.

(f) *Electrified or barbed wire fences.* No electrified or barbed wire fence shall be erected in any zoning district except that such fences may be erected in the business and manufacturing district by variation granted pursuant to Article XV of this Zoning Ordinance.

(g) *Residence district regulations.* In residence districts, the following are allowed:

(1) *Front and side yards abutting streets.* In front yards and side yards abutting a street:

(i) Open-design fences of no more than four (4) feet in height are permitted within required front yards and on corner lots within required side yards abutting streets.

(ii) Chain link and woven mesh fences are not permitted, except that chain link fences, including those which are anodized or vinyl-clad, constructed without slats, are permitted within the yard area on corner lots where the side of any principal structure located on such lot faces a street, provided that such fence shall be located only in the area from the rear line of the structure to the rear lot line, and further provided, that such fence shall not exceed four (4) feet in height.

(iii) Fences or walls of no more than six (6) feet in height are permitted within the yard area on corner lots where the side of any principal structure located on such lot faces a street if the rear of the structure faces the rear of a structure which is located on an adjacent corner lot, provided that such fence shall be located only in the area from the rear line of the structure to the rear lot line, and further provided that, if a driveway passes through such yard or within fifteen (15) feet of such yard on the nearest adjacent lot, the fence shall be constructed in such manner as to provide triangular vision clearance areas formed by the lot lines, the driveway, and lines connecting points fifteen (15) feet from the intersection thereof.

(2) In all other yards:

(i) Fences or walls of no more than six (6) feet in height are permitted within the required side or rear yard; provided, however, that on double frontage lots, where the rear of any principal structure located thereon faces a street, the yard on such frontage shall be considered a rear yard, subject to the provisions of this paragraph except that if a driveway passes through such yard or within fifteen (15) feet of such yard on the nearest adjacent lot, the fence shall be constructed in such manner as to provide triangular vision clearance areas formed by the lot lines, the driveway, and lines connecting points fifteen (15) feet from the intersection thereof.

(ii) On corner lots with three sides abutting a street, fences or walls of no more than six (6) feet in height are permitted within any yard area except that area where the front of any principal structure located on such lot faces a street, provided that such fence shall be located only in the area from the rear line of the structure to the rear lot line, and further provided that, if a driveway passes through such yard or within fifteen (15) feet of such yard on the nearest adjacent lot, the fence shall be constructed in such manner as to provide triangular vision clearance areas formed by the lot lines, the driveway, and lines connecting points fifteen (15) feet from the intersection thereof.

(h) In business and manufacturing districts, the following are allowed:

(1) In front yards and side yards abutting a street, open-design fences of no more than eight (8) feet in height are permitted.

(2) In rear yards and side yards not abutting a street, fences or walls of no more than eight (8) feet in height are permitted.

(3) In front yards of properties fronting on Douglas Road between Rogers Street on the north and Maple Avenue on the south, chain link fences of no more than eight (8) feet in height are permitted on the Douglas Road frontage.

SECTION 3. That Section 28-1404 of the Downers Grove Municipal Code is hereby amended

as follows:

**28-1404. Location of parking spaces.**

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

(a) *Front yards.* Off-street parking spaces may not be located in any required front yards, except as follows:

(1) Off-street parking spaces accessory to a single-family residence may be located in any driveway that is improved with an appropriate surface material approved by the Village Engineer.

(2) Off-street parking spaces accessory to any church that was in existence prior to April 19, 1965, or prior to the time when the provisions of this Ordinance became applicable thereto, may be located in the required front yard, but not within five (5) feet of the front lot line, only to the extent necessary to provide the number of parking spaces that would have been required for such church under the provisions of Section 28-1410 if such provisions had been applicable thereto at the time of construction or occupancy of such church.

(3) Off-street parking spaces for properties in the M-1, Light Manufacturing Zoning District that are located on the west side of Thatcher Road and also abut the Illinois State Tollway right-of-way may be located in the required front yard but not less than five (5) feet from the front property line, provided that such spaces are located in a parking lot that is improved with an appropriate surface material approved by the Village Engineer.

(4) Off-street parking spaces for properties in the M-1, Light Manufacturing Zoning District that front on Douglas Road between Rogers Street on the north and Maple Avenue on the south may be located in the required front yard on the Douglas Road frontage, provided that such spaces are located in a parking lot that is improved with an appropriate surface material approved by the Village Engineer.

(b) *Residence districts.* Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from the parking spaces to the main entrance to the use served.

(c) *Business and manufacturing districts.* All required parking spaces shall be within one thousand (1,000) feet of the main entrance to the use served, except for spaces accessory to dwelling units, which shall be within three hundred (300) feet of the entrance to the dwelling. One quarter of all required spaces shall be within three hundred (300) feet of the main entrance to the use served. The remaining required spaces must be within one thousand (1,000) feet of the main entrance to the use served provided that businesses which dispense alcoholic beverages for consumption on the premises may not have parking facilities across an arterial street (designated as such a street on the Downers Grove Future Land Use Map) from the business. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district unless authorized by the Board as a special use.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

[dougstbk]