

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Village Attorney **DATE:** June 7, 2005
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE DOWNERS GROVE ZONING ORDINANCE RELATED TO DOWNTOWN CLASSIFICATIONS AND PROCEDURES", as presented.

E. J. [Signature]

SUMMARY OF ITEM:

Adoption of the attached ordinance will make certain amendments related to downtown classifications and procedures.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS PROVISIONS
OF THE DOWNERS GROVE
ZONING ORDINANCE RELATED TO
DOWNTOWN CLASSIFICATIONS AND PROCEDURES

WHEREAS, from time to time the Village reviews provisions of the Downers Grove Zoning Ordinance to ensure that they are clear, up to date, and effectively regulating the matters to which they apply in the manner intended by the Village; and

WHEREAS, the Village staff recently undertook such a review of portions of the Zoning Ordinance, and the Village Staff has recommended that the Mayor and Council of the Village of Downers Grove amend various provisions of the Zoning Ordinance related to the Village's downtown business area; and

WHEREAS, the complex system of regulation in the downtown business area, comprised of base district regulations plus overlay district regulations, has been unnecessarily confusing and has not provided existing property owners and business owners, and potential investors, with a clear understanding of what development and maintenance of property is permissible within the downtown business area; and

WHEREAS, the amendments in this Ordinance are intended to clarify and simplify those regulations; and

WHEREAS, the proposed amendments have been thoroughly researched and studied by the Village staff, the Downers Grove Plan Commission, and other advisory bodies; and

WHEREAS, the Plan Commission conducted a public hearing on April 13, 2005, pursuant to notice thereof duly published on March 21, 2005, in the Downers Grove Reporter to consider the proposed amendments to the Zoning Ordinance and, after the conclusion of the public hearing, the Plan Commission recommended that the Village Council adopt this

Ordinance; and

WHEREAS, the Council has reviewed and considered the findings and recommendations of the Plan Commission, has considered all of the facts and circumstances related to the proposed amendments, and has determined that the proposed amendments, in the form included in this Ordinance, satisfy the standards set forth in Section 28-1700 of the Zoning Ordinance applicable to amendments to the text of the Zoning Ordinance.

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

Section 1. That Section 3.13 is hereby amended to read as follows:

3.13 Classification of Licenses

Such licenses shall be, and are hereby, divided into the following classes:

(a) Class "A" package liquor licenses, which shall authorize the retail sale on the premises specified, which shall not include premises of less than three thousand six hundred square feet, of alcoholic liquor in packages with the seals unbroken, only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of packaged liquor is the main or principal business and/or in locations where the principal business is that of a drug store or grocery store, including those grocery stores referred to as "convenience stores."

(b) Class "B" beer and wine on-premise consumption licenses as follows:

(1) Class "B-1" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

(2) Class "B-3" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant, as defined herein, with full kitchen facilities for on-site preparation of meals, and which is open for business for a single daily period between the hours of 11:00 A.M. and 3:00 P.M., and for a single period on Sundays between the hours of 12:00 Noon and 4:00 P.M.

(c) Class "B" beer and wine off-premise consumption licenses as follows:

(1) Class "B-2-A" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of beer and wine is the main or principal business.

(2) Class "B-2-B" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the main or principal business is that of a drug store or grocery store.

(3) Class "B-2-C" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the main or principal business is that of a convenience store wherein at least seventy-five percent (75%) of the retail sale square footage area is devoted to the sale of food, non-alcoholic beverages,

household products, cosmetic items and reading materials.

(d) Class "C" club licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a club as defined herein.

(e) Class "C-1" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the major and primary business is that of a Comedy Club. Provided, the sale of alcoholic beverages shall be authorized only during or one hour before the regularly scheduled performances. The performances shall consist of one or more comedians and shall be not less than 1.5 hours in length with patrons paying a separate admission charge for each performance. At the end of each performance, patrons shall be required to exit before the next group of patrons admitted. Provided, performances shall be done by professional comedians except that amateur performances (open mike) shall be permitted not more than one night per week.

(f) Class "D" restaurant licenses as follows:

(1) Class "D-1" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(2) Class "D-3" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises by service bar only, where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than seventy-five.

(3) Class "D-4" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises; and the retail sale of beer and wine only in original packages, unopened only, and not for consumption on the premises, subject to the following:

a. The licensed premises shall have a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

b. Retail liquor sales for off-site consumption shall be limited to beer and/or wine produced on the licensed premises, such as a micro-brewery.

(4) Class "D-5" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant located in ~~the Concentrated Central Area~~ DB Downtown Business District as defined in the Downers Grove Zoning Ordinance, and having a guest seating capacity, excluding outdoor areas, of not less than sixty but not more than one hundred twenty four.

(g) Class "E" transition licenses as follows:

(1) Class "E-1" transition licenses shall be issued only for premises which were licensed by DuPage County for the retail sale of alcoholic liquor immediately prior to the annexation to the Village of the territory on which such premises are located; provided, however, that within three years of initial issuance of a Class "E-1" license,

a. The licensed premises must comply with the requirements for the issuance of a retail liquor license in the Village;

b. The licensee must apply for and receive such a license, or if no license of the necessary classification is available, the Liquor Commissioner may issue an "E-2" license as provided herein; and

c. The licensee must thereafter comply with the limitations of the license applied for and issued.

(2) Class "E-2" transition licenses shall be issued only for premises which were issued an "E-1" license and which comply with the requirements for issuance of a retail liquor license in the Village. Such license shall state limitations on liquor sales and required seating, if applicable.

(h) Class "F" hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not

less than one hundred twenty-five operated as an integral part of the hotel.

(i) Class "G" recreation facilities licenses as follows:

(1) Class "G-1" recreation facility license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a recreational facility having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

(2) Class "G-2" recreation facility license shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises in a recreational facility of not less than 16,000 square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(j) Class "H" publicly owned golf course license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a facility located on a golf course owned and operated by the Downers Grove Park District.

(k) Class "I" catering license shall authorize the sale of alcoholic liquor in connection with the operation of an off-site catering business that serves alcoholic liquor in connection with the catering of foods for private functions and for consumption only on the premises where the food is catered. The sale of alcoholic liquor shall be incidental to the food service and if the catered event does not qualify as a private function, a special event license shall also be required for the location of the catered event. No cash bar shall be permitted. No alcoholic liquor shall be served at a single location for more than eight (8) consecutive hours. A licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the location of each event the licensee has catered within the Village and the number of hours for which liquor and food were served at such events during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

(l) Class "O" outdoor license shall authorize the sale and consumption of alcoholic liquor in an enclosed seating area. This license shall be limited to the conditions of the license classification issued to the establishment. The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times.

(m) Class "R" restaurant license shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(n) Class "R-1" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(o) Class "T" theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a theater, subject to the following conditions:

- a. Sales of alcoholic beverages shall be limited to contracted theater rentals.
- b. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.
- c. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
- d. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
- e. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
- f. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.
- g. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

Section 2. That Section 14.1 is hereby amended to read as follows:

14.1 Definitions

(a) For purposes of this Chapter, the definitions contained in Illinois Compiled Statutes, ch. 625, §§ 5/1-100 to 5/1-300 shall apply.

(b) For purposes of this Chapter, the following definitions, in addition to those established in subsection (a) hereof, shall apply.

~~Concentrated Business District~~ DB Downtown Business District roadways means the following roadways:

Burlington Avenue, from the east line of Forest Avenue to the west line of Washington Street.

Curtiss Street, from the east line of Forest Avenue to the west line of Washington Street.

Forest Avenue, from the north line of Curtiss Street to the south line of Franklin Avenue.

Grove Street, from the east line of Carpenter Street to the west line of Main Street.

Highland Avenue, from the north line of Warren Avenue to the south line of Rogers Street.

Main Street, from the north line of Maple Avenue to the south line of Franklin Street.

Rogers Street, from the east line of Main Street to the west line of Highland Avenue.

Warren Avenue, from the east line of Forest Avenue to the west line of Washington Street.

Washington Street, from the north line of Maple Avenue to the south line of Burlington Avenue.

Holiday or legal holiday means and includes all State holidays.

Section 3. That Section 14.97.4 is hereby amended to read as follows:

14.97.4 Citation; compliance; penalties

(a) Any person charged with a violation of any provisions of Article VIII of this Chapter, or Sections 14-159 and 14-160 of Article IX of this Chapter, for which no other penalty or compromise payment is specifically provided for by this Code, may settle and compromise such charge by paying to the Village, within fourteen (14) days after the time of the police department citation alleging such offense, a sum of twenty dollars (\$20.00); except that if the person is charged under the following sections the penalty or compromise payment shall be as follows:

(1) \$5.00 for the first and second violation in a sixty (60) day period of Section 14-105.7 which occurs in the ~~Concentrated Business District~~ DB Downtown Business District as defined as Section 14-1 of this Chapter. For purposes of this section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(2) \$10.00 for the first and second violation in a 60 day period of Section 14-106, 14-107 or 14-109 which occurs in the ~~Concentrated Business District~~ DB Downtown Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(3) \$100.00 for the third or subsequent violation in a 60 day period of Section 14-105.7, 14-106, 14-107 or 14-109 which occurs in the ~~Concentrated Business District~~ DB Downtown Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(4) \$100.00 for a violation of Section 14-97.1 or 14-98.1 involving a motor vehicle having a gross vehicle weight (including vehicle and attached equipment and maximum load)* in excess of 8,000 pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code.

(b) If such penalty or compromise payment has not been made prior to the expiration of fourteen (14) days, the Police Department shall cause to be mailed, by first class U.S. mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a final notice referring to the offense so charged. At any time prior to the expiration of fourteen (14) days from the date of mailing of such final notice, any person charged with a violation of the provisions of Article VIII of

this Chapter, or Sections 14-159 and 14-160 of Article IX of this Chapter, may settle and compromise such charge by paying to the Village the amount of the fine established herein together with an additional sum of ten dollars (\$10.00) for each offense so charged.

(c) All such compromise payments may be made at the Downers Grove Police Department. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.

(d) Any person found guilty by a court of law of a violation of any of the provisions of Article VIII or IX of this Chapter, for which no other penalty is specifically provided for by this Code, shall be subject to a fine of not less than twenty dollars (\$20.00) and not more than one hundred fifty dollars (\$150.00) for each such violation.

(e) If a person fails to pay the penalty for violation of any provision of this Chapter the Village may utilize the services of a collection agency to recover the amount owed. For each unpaid citation referred to a collection agency, a twenty-five dollar \$25.00 administrative fee shall be included with the penalty amount to cover the Village's cost in processing the matter. (Ord. No. 2745, § 34; Ord. No. 2857, § 10; Ord. No. 3254, § 2; Ord. No. 3275, § 3.)

* Equivalent to Illinois Motor Vehicle Registration Class C and higher, second division vehicles.

Section 4. That Section 14.123 is hereby amended to read as follows:

14.123 Issuance and sale of permits

(a) The Village Manager shall cause suitable window sticker permits or hang tags be prepared and made available for issuance and sale. The aggregate number of permits prepared, available and designated for any specific permit lot (or for any portion thereof designated for permit parking pursuant to Section 14-122) at any one time shall not exceed one hundred twenty percent of the number of parking spaces available for parking vehicles in such lot (or such portion thereof.)

Notwithstanding anything in this Code to the contrary, the number of permit stickers or hang tags sold shall not exceed the number of parking spaces actually available for parking of vehicles in such lot (or such portion thereof) unless the Village Manager determines, on the basis of surveys of parking space vacancy rates and other relevant criteria, that the sale of an additional amount of parking stickers or hang tags is justified, in which event, an additional amount of parking stickers or hang tags may also be sold at the direction of the Village Manager. Permit stickers and hang tags shall designate the permit parking lot for which issued and shall be issued and sold for a minimum three month period and a maximum of one year, except that permit stickers or hang tags for Lot Z shall only be issued annually.

(b) Under the direction of the Village Manager, permit stickers or hang tags shall be offered for sale during regular business hours at the Village offices in advance of the commencement of each such three month period and shall be sold to applicants in accordance with the chronological priority of applications for such permits, subject to the following:

(1) Permit renewal notices shall be mailed to existing permit holders, and renewal permits or hang tags may be issued and sold to such permit holders, in advance of the time when such permits or tags are made available for sale at the Village offices provided payment is made prior to the established deadline for renewal; however, every overlay parking permit shall require resubmission of proof of employment at a ~~Concentrated Central Area~~ DB Downtown Business District business as provided for in paragraph (g) of this section on a yearly basis.

(2) At the discretion of the Village Manager, permit stickers and hang tags may be offered for sale at the Village offices only to persons residing within the corporate limits of the Village or persons who own or are employed by businesses within the ~~Concentrated Central Area~~ DB Downtown Business District of the Village, as defined in the Comprehensive Zoning Ordinance of the Village, prior to any offer of such permits for sale to the general public and nonresidents. To be eligible for a permit pursuant to this Section, the applicant must either be actually residing and living within the Village, or be employed by, or an owner of, a business within the ~~Concentrated Central Area~~ DB Downtown Business District at the time of

application.

(c) The fee for each such permit sticker or hang tag for each three month period shall be determined by the rate class assigned to the permit parking lot for which such permit sticker or hang tag is to be issued, computed in accordance with and subject to the following schedule:

| Rate class | Resident Fee | Non-Resident Fee |
|------------|--------------|------------------|
| I | \$80.00 | \$110.00 |
| II | \$75.00 | \$105.00 |
| III | \$25.00 | |
| IV | \$250.00 | |
| V | \$90.00 | \$120.00 |

Such fee shall be reduced, based on a daily proration of the number of days that have expired prior to the date of sale of such permit sticker or hang tag.

(d) At the discretion of the Village Manager, permit holders may return permit stickers and hang tags prior to the expiration of the three-month period covered by such permit sticker or hang tag and may receive a refund of all or a portion of the fee paid for such sticker or tag, without interest, such refund to be determined on the basis of number of unexpired full days remaining in such three-month period less a \$6.00 administrative fee. Class III permits shall be returned to the Village for such refund immediately upon the termination of permit holder's employment with a business located in the ~~Concentrated Central Area-DB Downtown Business District~~ as defined in the Comprehensive Zoning Ordinance of the Village. Permit stickers and hang tags issued to permit holders pursuant to this Section shall not be transferable to another person, motor vehicle, or parking lot, except as provided in subsection (h). Such returned permits may be resold in chronological priority to those on waiting lists kept by the Village for that quarter and not valid past the next sale of permits, but such waiting list for Lots A, B, C, D, F, K, L, M, and R shall include Downers Grove residents only.

(e) The following permit parking lots shall have the following rate classes:

Rate class I: Lot A, lot B, lot C, lot G, lot H, lot K, lot L and lot R, as such lots are designated in Section 14-85.

Rate class II: Lot D, lot F, lot I and lot M, as such lots are designated in Section 14-85.

Rate class III: Lot A, lot B, lot D, lot F, lot K, lot L, lot M, Forest lot North, 900 Burlington lot, the southwest portion of the Curtiss lot, a portion of the Main and Maple Avenue lot and any designated spaces in the Parking Deck as such lots are designated in Section 14-85.

Rate class IV: Lot Z.

Rate class V: the Parking Deck.

(f) Notwithstanding any contrary provision in this division, the Village Manager shall be authorized to refuse to issue any such permit sticker or hang tag, or renewal thereof, to any permit holder who is convicted of more than three violations of any of the provisions of this division within any consecutive period of six months, except for Section 14-127.

(g) Class III permits, also referred to as "overlay parking permits", shall be issued only to employees of businesses located in the ~~Concentrated Central Area-DB Downtown Business District~~, as defined in the Comprehensive Zoning Ordinance of the Village, upon their providing evidence of such employment. An overlay parking permit shall be available for purchase at Village Hall only for those ~~Concentrated Central Area-DB Downtown Business District~~ employees who provide the following: (1) a current pay stub from a ~~Concentrated Central Area-DB Downtown Business District~~ employer; and (2) a written letter on letterhead from the ~~Concentrated Central Area-DB Downtown Business District~~ employer requesting permission for said employee to obtain an overlay parking permit along with the employee's general work schedule.

Said overlay parking permit may only be used by a ~~Concentrated Central Area-DB Downtown Business District~~ employee during the employee's working hours at the ~~Concentrated Central Area-DB Downtown Business District~~ employer's place of business. Any violation of these requirements or misuse of this permit may result in a forfeiture of said permit and inability to apply for another permit for a period of one (1) year as well as a parking citation issued pursuant to this Code. Overlay parking permits shall be

valid in lot A, lot B, lot C, lot D, lot F, lot K, lot L and lot M from 8:30 a.m. to 3:00 p.m., Monday through Friday and in Forest lot North, 900 Burlington lot, the southwest portion of the Curtiss lot, a portion of the Main and Maple Avenue lot and any designated spaces in the Parking Deck from 5:00 a.m. to 3:00 p.m., Monday through Friday. After 3:00 p.m. Monday through Friday, all spaces are free.

(h) Transfers between Village permit parking lots shall be made only at the start of a three-month permit period. If a permit holder desires to transfer to another Village permit parking lot, the permit holder shall remit to the Village the following: (1) the parking permit renewal form; (2) a request that the permit be transferred to another lot as specified by the permit holder; and (3) payment of the appropriate parking permit fee in the manner specified by the Village.

Transfers shall be made by the Village after permit renewals are completed, but prior to sale to the general public, and shall be made in accordance with the chronological order such requests for transfers were received; however, non-resident permit holders shall not be allowed to transfer into Lots A, B, C, D, F, K, L, M.

(i) At the discretion of the Village Manager, the Village may sell one-day parking permits for Village permit parking lots at a cost of \$3.00 each. Such permits shall be sold only after 8:00 a.m. on the day the permit may validly be used. These one-day parking permits may be used in any Village permit parking lot or area, except that such permits shall not be used in permit parking Lots B, C, K, L, or the Parking Deck as defined herein.

(j) Permits for Lot Z (Class IV) shall only be issued to students of Downers Grove South High School, said permits are non-transferable.

Section 5. That Section 15.28.2 is hereby amended to read as follows:

15.28.2 Attachment to street light poles of any device or material prohibited

No person shall attach any device or material to any street light pole located within the ~~concentrated central area~~ DB Downtown Business District or the DT Transition District of the Village as defined in the Comprehensive Zoning Ordinance of the Village of Downers Grove, passed and approved April 19, 1965, as amended. Such device or material shall include, but not be limited to, boxes, vending machines and any other type of dispensers for newspapers and other publications, bicycles, garbage receptacles, benches, signs and advertisements. This restriction shall not apply to the American flag, seasonal decorations, banners related to Village sponsored events, or signs regulating parking or traffic, when attachment of such items is authorized by the Village Council.

Section 6. That Section 17.45(22) is hereby amended to read as follows:

17.45 (a)(22) Same- Amendments

907.1.5 General Requirements for Alarm and Fire Detection Systems in the Village.

(a) All buildings or structures of Use Groups A-4, E, I-1, I-2, I-3 and R-1, shall be protected throughout all spaces by an approved supervised fire detection and fire protective signaling system connected to the Village's fire alarm receiving equipment in accordance with the provisions of Chapter 17, Article VI of the Downers Grove Municipal Code, unless such building or structure is fully protected by an approved supervised fire sprinkler system.

(b) All buildings or structures of Use Groups A-2, A-3, B, F, H, M, R-2, S-1, and S-2, which are located within the ~~concentrated business district~~ DB Downtown Business District (as defined in the Comprehensive Zoning Ordinance) and are required to have a certain degree of separation between floors, paths of exit access, occupancy or uses, shall be permitted to substitute a complete fire detection and fire protective signaling system installed throughout the building for the required degree of separation if in the opinion of the code official such separation is impractical. The fire detection and fire protective signaling system shall be connected to the Village's fire alarm receiving equipment in accordance with the provisions of Chapter 17, Article VI of the Downers Grove Municipal

Code and the Building Code. (c) All buildings or structures containing a residential use and any other occupancy that is not a residential use shall have a complete fire detection and fire protective signaling system installed throughout the building. The fire detection and fire protective signaling system shall be connected to the Village's fire alarm receiving equipment in accordance with the provisions of Chapter 17, Article VI of the Downers Grove Municipal Code.

Section 7. That Section 19.48 is hereby amended to read as follows:

19.48 Ice Cream Vendors

Motor vehicles, traditionally referred to as ice cream trucks, used to sell ice cream and other related frozen products to the public may be permitted to operate on public streets subject to the following conditions:

- 1) Ice cream trucks shall not operate within the ~~Concentrated Business District~~ DB Downtown Business District as defined in the Comprehensive Zoning Ordinance.
- 2) No sales shall be made from an ice cream truck when the truck is less than fifty (50) feet from the nearest intersecting road, street or highway.
- 3) No sales shall be made from an ice cream truck within five-hundred (500) feet of the property line of any elementary or secondary school when that school is in session and one (1) hour prior to the school session and one (1) hour after the school session.
- 4) When an ice cream truck is stopped upon a public street for the purpose of making a sale it shall operate its emergency flashing lights and shall not broadcast any music or other sounds.
- 5) All sales from the ice cream truck shall occur on the side of the vehicle nearest the street curb.

Section 8. That Section 19.49 is hereby amended to read as follows:

19.49 Sidewalk Cafes

(a) No person shall operate or maintain a sidewalk cafe on property occupied, maintained or controlled by the Village without first having obtained a license therefor or subject to the conditions contained herein, a license agreement and any other such terms and conditions as the Village may direct. Applications for a sidewalk cafe shall be made on forms provided by the Village by the owner or lessee of the property on which such sidewalk cafe is to be operated or maintained. No sidewalk cafe license shall be issued unless the Village Manager has given notice to the Village Council at least seventy-two (72) hours prior to a regularly scheduled Village Council meeting. At such meeting the Village Council may, in its discretion, direct the Village Manager to deny the sidewalk cafe license to the applicant therefor, or impose any additional conditions or restrictions as it deems appropriate. For purpose of this section, the following terms are defined:

1. "Sidewalk Cafe" means a dining area situated upon public property, including a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served for consumption on premises.
2. ~~"Concentrated Central Business District~~ "DB Downtown Business District" means that area so described in the Downers Grove Zoning Ordinance.
3. "Restaurant" means an establishment where food or beverages are sold or served and which includes table seating within such establishment for consumption on premises. Such business may also include "take out" sales in addition to sales for on-site consumption.

(b) The decision to grant or deny an application under this section shall be within the sole discretion of the Village Council. Because each application will involve different property and issues, the Village Council is expected to consider a number of factors, including but not limited to the following:

- (1) The location and area surrounding the proposed sidewalk cafe.

- (2) Any safety concerns.
- (3) The impact on surrounding properties, uses and occupants.
- (4) The impact on pedestrian and vehicular traffic.
- (5) The nature of the property and whether a sidewalk cafe is appropriate within this area.
- (6) The operation of the proposed sidewalk cafe.
- (7) The past operation of the licensee within the Village.
- (8) Whether alcoholic liquor will be served within the sidewalk cafe.

(c) A sidewalk cafe shall be subject to such conditions and restrictions as may be directed by the Village Council to protect the public health, safety or welfare, including but not limited to the following:

(1) The applicant's restaurant shall be located within the ~~Concentrated Central Business District~~ DB Downtown Business District and in a building immediately adjacent to the public area designated in the license application.

Section 9. That Section 28.201 is hereby amended to read as follows:

28-201. Definitions.

For the purposes of this Zoning Ordinance, the following words and phrases shall have the meanings respectively ascribed to them as follows:

* * *

~~Concentrated Business District. The Concentrated Business District includes the following areas:~~

- ~~(a) The block bounded by Main Street, Forest Avenue, Franklin Street and Warren Avenue.~~
- ~~(b) Frontage along the east side of Main Street from Franklin Street to Rogers Street.~~
- ~~(c) The block bounded by Main Street, Highland Avenue, Rogers Street and Warren Avenue.~~
- ~~(d) The blocks bounded by Main Street, Warren Avenue, Forest Avenue and Curtiss Street, and the blocks bounded by Main Street, Warren Avenue, Washington Street and Curtiss Street;~~
- ~~(e) Beginning at a point on the south line of Curtiss Street, 465.52 feet west of Main Street; thence south 196.68 feet to a point at the southwest corner of Lot 55 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11 east of the Third Principal Meridian, thence east along the south line thereof 245.52 feet; thence south to the south line of Grove Street; thence east along said south line to the northwest corner of Lot 1 of Hoefert's Subdivision of Lot 47 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, thence south along the west line of Lots 1, 2, 3, and 4 of said Hoefert's Subdivision to the southwest corner of said Lot 4, thence east along the south line of said Lot 4 to the west line of Main Street; thence north along said west line of Main Street to the south line of Curtiss Street; thence west along the south line of Curtiss Street to the point of beginning; and~~

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~~(f) Frontage along the east side of Main Street from the north line of Lot 20 in Assessor's Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian to the south line of Grove Street, extended; and~~ ~~(g) That part of Outlot 1 in Curtiss' Addition to Downers Grove as recorded as Document Number 7317 lying south of Lot 22 in Assessor's Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian and lying west of Lot 18 in said Assessor's Subdivision; also, Lots 20, 21 and 22 in said Assessor's Subdivision; also that part of Lot 18 in said Assessor's Subdivision described by beginning on the north line of Maple Avenue at the southwest corner of Lot 18; thence North 1 1/2 degrees West along the west line of said Lot 18 a distance of 118.9 feet; thence North 77 degrees East a distance of 44.2 feet; thence South 4 3/4 degrees East a distance of 107.4 feet to the north line of said Maple Avenue; thence South 65 1/2 degrees West along said north line a distance of 54.2 feet to the place of beginning.~~

~~(h) Beginning at a point on the east line of Main Street at the intersection with the south line of Curtiss Street; thence south along said east line of Main Street to the south line of Grove Street, extended; thence east along said south line of Grove Street, extended, a distance of 380 feet east of the east line of Main Street; thence north along a line parallel to the east line of Main Street to the south line of Tract 2 of Albert P. Nelson's Assessment Plat, a part of Lot 52 of Assessor's Subdivision of Part of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded March 27, 1945 as Document 475345, in DuPage County, Illinois; thence easterly along the south line of said Tract 2 to the southeast corner of said Tract 2; thence continuing east along the extended south line of said Tract 2 to the west line of Washington Street; thence north along said west line of Washington Street to the south line of Curtiss Street; thence west along said south line of Curtiss Street to the point of beginning; and~~

~~(i) Beginning at a point on the northeast corner of the rights-of-way of Warren Street and Highland Avenue; thence east along the north right-of-way line of Warren Street, a distance of 154 feet, east of the east line of Highland Avenue; thence north a distance of 124 feet; thence east, a distance of 60 feet; thence north to the south right-of-way line of Rogers Avenue, thence west to the east right-of-way line of Highland Avenue; thence south to the point of beginning.~~

~~Concentrated Business District compact development. Structures located in the Concentrated Business District containing uses permitted in the district, but with a gross floor area greater than the maximum allowed for the permitted use.~~

~~Concentrated Business District Re-Development Project. A development involving residential units of not more than three bedrooms or a combination of commercial units and residential units of not more than three bedrooms which must be pursued as a Planned Development and located in the Concentrated Business District, and which involves the redevelopment through the construction of new buildings on vacant or underutilized parcels.~~

~~Concentrated Central Area. An area defined as commencing at southeast corner of the intersection of Gilbert Avenue and Carpenter Street and running thence southeasterly along the east line of Carpenter Street to the north line of Maple Avenue; thence easterly along the north line of Maple Avenue to the southeast corner of Lot 44 of Assessor's Subdivision of Sections 7 and 8, Township 38 North, Range 11 East of the Third Principal Meridian, to the point of beginning; thence southerly on a straight line to the northwest corner of Lot 2 of Blanchard Subdivision in the southwest quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, also being the northeast corner of Lot 1 of Meadowcroft Resubdivision; thence continuing southerly along the easterly boundary of the aforementioned Blanchard Subdivision to the southwest corner of Lot 4 of said Blanchard Subdivision; thence easterly along the southerly line of said Lot 4 to the southeast corner of said Lot 4; thence northeasterly on a straight line to the southwest corner of Lot 36 of the aforementioned Assessor's Subdivision; thence east along the south line of said Lot 36 a distance of 165 feet to the southeast corner of said Lot 36; thence northerly along the east line of said Lot 36 and the east line of Lot 6 in Curtiss Subdivision (Recorded as Document 29341) to the northwest corner of the Park District property; thence easterly along the most northerly line of the Park District property and its easterly prolongation to a point~~

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in the southerly prolongation of the west line of Lot 32 in said Curtiss Subdivision; thence southerly along said prolongation to a point being 150 feet northerly of the westerly prolongation of the south line of Lot 26 in said Curtiss Subdivision as measured along the said southerly prolongation of the west line of said Lot 32; thence easterly along the said line being 150 feet northerly of the westerly prolongation of the south line of Lot 26 to a point in the east line of the west 92 feet of said Lot 26, said point being 150 feet northerly of the south line of Lot 26 as measured along the said east line of the west 92 feet of Lot 26; thence northerly along the said east line of the west 92 feet of Lot 26 to a point in the northerly line of Maple Avenue right of way; thence easterly along the north line of Maple Avenue to the west line of Washington Street; thence northerly along the west line of Washington Street to the center line of the St. Joseph Creek easement; thence easterly along the center line of St. Joseph Creek easement to the west line of Belden Place; thence northerly along the west line of Belden Place to the north line of Curtiss Street; thence easterly along the north line of Curtiss Street to its intersection with the east line of Mackie Place; thence northerly along the extension of the east line of Mackie Place to the intersection of said line with the south line of the Chicago, Burlington and Quincy Railroad right of way; thence westerly along the south line of said right of way to the west line of Washington Street; thence northerly along the west line of Washington Street to the south line of Rogers Street; thence westerly along the south line of Rogers Street to the west line of Highland Avenue; thence northerly along the west line of Highland Avenue to the south line of Franklin Street; thence westerly along the south line of Franklin Street to the east line of East Parkway; thence south along the east line of East Parkway to the north line of Lot 23 in Block 3 E. H. Prince and Company's Addition; thence westerly along the north line of said Lot 23 to the northwest corner thereof; thence southerly along the east lines of Lots 22 and 17, and the southerly extension of said Lot 17 (in said Block 3) to the south line of Warren Avenue; thence easterly along the south line of Warren Avenue to the northeast corner of Lot 13 in Block 1 of said E. H. Prince and Company's Addition; thence southerly along the east line of said Lot 13, and the southerly extension of said line to the south line of Gilbert Avenue; thence westerly along the south line of Gilbert Avenue to the place of beginning.

~~Concentrated central area compact residential development. — Buildings for multiple family dwellings within the Concentrated Central Area at a greater density and floor area ratio than allowed for permitted uses.~~

* * *

Downtown Design Guidelines. The guidelines for design of buildings, structures, and related development within the DB Downtown Business District and the DT Downtown Transition District adopted by the Council and as the Council by ordinance or resolution may amend from time to time. The Downtown Design Guidelines are attached as Appendix __ to this Zoning Ordinance.

* * *

~~Landbank Area.~~ The area south of Gilbert Street, north of Curtiss Street, east of Forest Avenue and west of Carpenter Street.

~~Landbank Development.~~ A residential townhouse development when pursued as a Planned Development and involving more than 1.5 acres of land and located in the Landbank Area.

* * *

~~Planned redevelopment.~~ A tract of land in the Concentrated Central Area involving the redevelopment or rehabilitation of multiple family residential property and which includes either demolition and redevelopment, or rehabilitation of existing structures or improvements, or a combination

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of both.

* * *

Restaurant. An establishment, including without limitation a café, a tearoom, and similar establishments, primarily engaged in the retail sale of prepared food and drinks.

* * *

Section 10. That Section 28.514. is hereby amended to read as follows:

28.514. R-6 District-special uses.

The following uses are allowed in the R-6 Multiple-family Residence District as special uses subject to the conditions stipulated for each use:

- (a) The special uses as set forth for the R-5 Two-family Residence District, except for churches.
- (b) Offices, medical and dental clinics within six hundred (600) feet of a business district.
- (c) ~~Concentrated Central Area Compact residential development. (See Section 28-1008.)~~
- ~~(d) Churches, church schools, and other places of worship. (See Section 28-1020.)~~
- ~~(e) Planned redevelopments. (See Section 28-1012.)~~
- (ed) Planned developments.

Section 11. That Section 28.605. is hereby amended to read as follows:

28.605. B-2 District - Permitted uses.

The following uses are allowed in the B-2 General Retail Business District as permitted uses:

- (a) Any use permitted in the B-1 Limited Retail Business District.
- (b) Retail, office and service uses as follows:
 - (1) Amusement establishments including, but not limited to, bowling alleys, pool halls, dance halls, skating rinks, and other similar places of recreation when conducted wholly within a completely enclosed building but specifically excluding any off-track wagering location as defined and licensed pursuant to the Illinois Horse Racing Act(230 ILCS 5/1 et seq.) which establishments are expressly prohibited in the Village.
 - (2) Animal Surgical Office (See Section 28-1021)
 - (3) Antique Shops
 - (4) Auction rooms
 - (5) Auditoriums
 - (6) Bakeries
 - (7) Banks and financial institutions, excluding drive-in banking.
 - (8) Bicycle stores, including rental and repair
 - (9) Blueprinting and photostating establishments
 - (10) Business colleges or business schools, operated as business enterprises.
 - (11) Carpet, rug and linoleum stores
 - (12) Caskets and casket supplies conducted wholly within a completely enclosed building.
 - (13) Catering establishments
 - (14) ~~Concentrated Business District Compact Development (See Section 28-1009.)~~
 - ~~(15) China and glassware stores~~
 - (16) Clothing and costume rental shops
 - (17) Currency exchanges
 - (18) Department stores

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(198) Dry cleaning establishments when employing facilities for the cleaning and pressing of dry goods for retail trade only conducted on the premises, and when using carbon tetrachloride, perchlorethylene, or other similar nonflammable solvents approved by the Fire Department:

- (2019) Employment agencies
- (210) Feed and seed stores
- (221) Frozen food lockers, excluding wholesale storage
- (232) Furrier shops
- (243) Furniture stores
- (254) Garages, public, for storage of private passenger automobiles and commercial vehicles under one and a half (1 ½) tons capacity
- (265) Hospitals or sanitariums
- (276) Hotels
- (287) Laundries employing not more than four (4) persons in addition to one owner or manager
- (298) Leather goods and luggage stores
- (3029) Loan offices
- (310) Locksmith shops
- (321) Medical or dental clinics and laboratories
- (332) Motels
- (343) Music conservatories or music instruction
- (354) Musical instruments, sales and repair
- (365) News stands
- (376) Office supply stores
- (387) Orthopedic, medical and surgical
- (398) Optometrists
- (4039) Parking lots, open and other than accessory for the storage of private passenger automobiles and subject to the provisions of Article XIV
- (410) Photograph developing and processing shops
- (421) Physical, cultural and health services including, but not limited to gymnasiums, swimming pools, reducing salons, masseurs, public baths:
- (432) Picture framing establishments when conducted for retail trade on the premises only:
- (443) Plumbing showrooms
- (454) Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo engravings.
- (465) Private clubs or lodges
- (476) Public service facilities, including electric distribution substations, fire or police stations, telephone exchanges and similar uses:
- (487) Radio and television broadcasting studios
- (498) Restaurants, excluding drive-in or drive-through restaurants:
- (5049) Second hand stores, if conducted wholly within a completely enclosed building:
- (510) Schools - music, dancing, business, or trade
- (521) Taxidermist shops
- (532) Telegraph offices
- (543) Theaters, excluding drive-in theaters
- (554) Ticket agencies - amusement
- (565) Travel bureaus and transportation ticket offices
- (576) Upholstering shops, if conducted wholly within a completely enclosed building:
- (587) Wholesale merchandise brokers, excluding wholesale storage
- (598) Any other similar type of retail store or service establishment not specifically permitted herein, but which has economic compatibility with the established uses on adjoining premises:

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Section 12. That Section 28.606. is hereby amended to read as follows:

28.606. B-2 District - Special uses.

The following uses are allowed in the B-2 General Retail Business District as special uses:

- (a) Aircraft landing areas.
- (b) Automobile Dealerships; conducted wholly within a completely enclosed building.
- (c) Automobile Laundries; conducted wholly within a completely enclosed building.
- (d) Automobile Repair; conducted wholly within a completely enclosed building.
- (e) Automobile service stations. (See Section 28-1018.)
- (f) ~~Concentrated central area compact residential development. (See Section 28-1008.)~~
- (g) Drive-in, drive-up and drive-through uses, including but not limited to banks and restaurants.
- (h) Outdoor cafes. (See Section 28-1006.)
- (i) Outdoor display of merchandise. (See Section 28-1005.)
- (j) Planned developments. (See Article XVI.)
- (k) Plumbing contractors' offices and shops, provided that such use shall be operated in conjunction with a plumbing showroom.
- (l) Recycling collection facilities. (See Section 28-1007.)
- (m) Telecommunications Towers. (See Section 28-1307.)
- (n) Undertaking establishments, funeral parlors.

Section 13. That Section 28.610. is hereby added to read as follows:

28.610.

(a) *Purpose and goals.* The purposes of the DB Downtown Business District are to establish comprehensive zoning standards for development in the central business area of Downtown Downers Grove and to provide the greater flexibility for that development that is appropriate and necessary to allow for revitalization and continuing vitality of traditional downtown area. Traditional downtown areas like Downtown Downers Grove often include buildings with mixed uses, lot-line-to-lot-line development, greater floor area ratios and heights, and other techniques to create vibrant, compact areas within which to shop, dine, and live. Buildings and streetscapes in these areas often are designed differently from retail buildings outside of the downtown area to achieve the desired dense, pedestrian-friendly retail environment. These are the goals of the DB District, which is intended to encourage high quality retail uses, compatible services uses, and, in conjunction therewith, multiple family residential dwelling units. The DB District provides for a broad range of these mixed uses and for somewhat more intense development in the nature of a traditional downtown. Development within the DB District that affects the exterior appearance of a structure is subject to review pursuant to the Downtown Design Guidelines.

(b) *Mapping restriction.* The DB District is designed for the types of development appropriate for the Village's downtown business area, and thus the DB District should be mapped only in the area shown on the Zoning Map as of June 17, 2005, except that (1) the DB District may be mapped on property contiguous to that area on property classified as of June 17, 2005, within the DT Downtown Transition District and (2) upon a finding by the Council that there exists specific extraordinary circumstances, the DB District may be mapped on property classified within other zoning districts abutting the existing DB District.

(c) *Permitted uses.* The following uses are allowed in the DB District as permitted uses:

- (1) Public, Institutional
 - Village-owned facilities and structures.
 - Governmental facilities and structures other than colleges, universities, and schools.

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(2) Commercial

- Antique shops.
- Animal grooming.
- Art and school supply stores.
- Art galleries and studios.
- Bakeries, retail only, with accessory preparation, but only up to 5,000 square feet.
- Banks, financial institutions, but excluding drive-in, drive-up, and drive through facilities.
- Barber Shops and Salons, beauty, barber, and personal grooming services.
- Bicycle shops.
- Books, stationery, and newspaper stores.
- Business and professional offices.
- Camera and photographic supply and repair stores.
- Candy stores, retail only, with accessory preparation.
- Carpet, rug, and linoleum stores and showrooms, but excluding warehousing.
- Clothing sales and clothing rental stores.
- Coin and philatelic stores.
- Copying, binding, and digital imaging services.
- Cosmetics and toiletry stores, retail only.
- Craft and hobby shops.
- Custom clothing making and millinery shops, including monogramming services.
- Department stores up to 15,000 square feet.
- Drug stores, but not including drive-through facilities.
- Dry cleaning stores, retail only, no plant on site.
- Electronics and household appliance stores, retail only, including radio, television, cellular, and similar products, but not including warehousing.
- Flower and florist shops.
- Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants up to 15,000 square feet.
- Furniture stores, retail only, but not including warehousing.
- Furrier stores, retail only.
- Garden supply shops and stores.
- Gift and card shops.
- Glassware stores, including china, ceramic, pottery, and similar products, retail only.
- Hardware stores up to 15,000 square feet.
- Interior decorating stores.
- Jewelry stores, including accessory repair and assembly, retail only.
- Leather goods and luggage stores.
- Liquor stores, but not including any customer seating, packaged goods only.
- Locksmith shops.
- Medical offices (outpatient services only) up to 3,000 square feet.
- Musical instrument stores, including accessory repairs.
- Office supply stores.
- Paint and wallpaper stores.
- Photograph developing and processing stores, retail only.
- Photographer studios, including accessory developing and processing.
- Picture framing stores, retail only.
- Plumbing showrooms, retail only, excluding warehousing.

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- Restaurants (but not including outdoor seating or drive-through facilities).
- Sewing machine shops, including accessory repairs, household machines only.
- Shoe stores and shoe repair shops.
- Sporting goods stores, but not including sales of firearms or ammunition of any kind.
- Tailor shops.
- Ticket sales and agencies.
- Tobacco shops.
- Toy stores.
- Travel bureaus including transportation ticket offices.
- Video stores.
- (3) Miscellaneous.
 - Home occupations.
 - Off-street parking lots and loading docks.

(d) *Special uses.* The following uses are allowed in the DB District as special uses:

- (1) Residential.
 - Multiple-family dwellings.
- (2) Public, Institutional.
 - Churches, other places of worship, and church schools, but only if existing as of June 17, 2005, and only on the property as existing on June 17, 2005. (See Section 28-1020).
 - Colleges, universities, and schools, both public and private.
 - Public utility facilities.
- (3) Commercial.
 - Automobile service stations, including automobile repair, minor, but excluding body repair and painting. (See Section 28-1013).
 - Animal surgical offices.
 - Bowling alleys.
 - Commercial schools.
 - Day care centers, subject to Section 28-1017.
 - Department stores larger than 15,000 square feet.
 - Drive-through facilities accessory to an authorized use (but not including drive-through restaurants).
 - Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants larger than 15,000 square feet.
 - Hardware stores larger than 15,000 square feet.
 - Health and fitness clubs.
 - Hotels and bed-and-breakfast establishments.
 - Medical offices (outpatient services only) larger than 3,000 square feet.
 - Outdoor seating accessory to a restaurant.
 - Outdoor display of merchandise accessory to an authorized use.
 - Private schools.
 - Theaters, but not including drive-in movie theaters.
- (4) Miscellaneous.
 - Planned developments.

(e) *Minimum lot area:* 800 square feet per dwelling unit, otherwise not applicable.

(f) *Minimum lot width:* None.

(g) *Minimum front setback:* None.

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(h) *Minimum side yard:* None.

(i) *Minimum rear yard:* None.

(k) *Minimum transitional yard:* Where a DB District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(i) Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side or rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use of the adjacent property in the residence district. An additional one foot of yard shall be provided for each additional one foot of height in excess of 20 feet.

(ii) Where a rear lot line coincides with a rear lot line of property in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, plus one foot of yard for each additional one foot of height in excess of 20 feet.

(iii) Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard equal in depth to the minimum front yard required by this Zoning Ordinance on such adjacent lot in the residence district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the residence district. There shall be an unobstructed, landscaped green space setback of no less than eight feet along the remainder of such front or side lot line.

(iv) If a rear lot line of a lot located in a DB District is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along such rear lot line equal in dimension to the minimum side yard required under this Zoning Ordinance on the adjacent residential lot. An additional one foot of yard shall be provided for each additional one foot of height in excess of 20 feet.

(l) *Maximum height:* 70 feet, excluding parapet walls and mechanical penthouses.

(m) *Maximum lot coverage:* Not applicable.

(n) *Minimum square feet of floor area per dwelling unit:* Single family—950, Two-family—750, Multiple family: 3-bedroom—750, 2-bedroom—620, 1-bedroom—500, studio—400.

(o) *Maximum floor area ratio:* None.

(p) *Minimum open space, landscaped green space, and common open space:* None.

(q) *Mechanical equipment:* All mechanical equipment shall be entirely screened from public view.

Section 14. That Section 28.611. is hereby added to read as follows:

28.611. DT Downtown Transition District.

(a) *Purpose and goals.* The DT Transition District has been designed in recognition of the land areas adjacent to the Village's DB Business District that serve as a transition between the Village's downtown business area and nearby areas of a single-family residential character. It is important that these areas of transition be maintained, not only to protect against the business area from expanding too close to the existing residential areas, but also to protect against low density residential uses being established on property too close to the retail area. The DT District provides for an appropriate mix of uses and allows an appropriate amount of flexibility for development and redevelopment. Development within the DT District that affects the exterior appearance of a structure is subject to review pursuant to the Downtown Design Guidelines.

(b) *Mapping guidelines.* The DT Transition District is designed to encourage development suitable in an area of transition between the Village's DB Downtown Business District and nearby residential areas. The DT District thus is intended to be mapped in areas abutting the DB District.

(c) *Permitted uses.* The following uses are allowed in the DT District as permitted uses:

(1) Residential.

- Single family dwellings.
- Attached single-family dwellings, two-family dwellings, row houses, and townhouses, not exceeding one unit per 4,000 square feet of land area.

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- (2) **Public, Institutional.**
 - Village-owned facilities and structures.
 - Governmental facilities and structures other than colleges, universities, and schools.
- (3) **Commercial.**
 - Art galleries and studios, but only on the first floor and limited to 2,500 square feet net floor area.
 - Beauty, barber, and personal grooming services, but only on the first floor and limited to 2,500 square feet net floor area.
- (4) **Miscellaneous.**
 - Home occupations.
 - Off-street parking lots and loading docks, subject to Article XIV.
- (d) **Special uses.** The following uses are allowed in the DT District as special uses:
 - (1) **Residential.**
 - Multiple family dwellings.
 - Attached single-family dwellings, two-family dwellings, row houses, and townhouses, exceeding one unit per 4,000 square feet of land area.
 - (2) **Public, Institutional.**
 - Churches, other places of worship, and church schools. (See Section 28.1020)
 - Public utility facilities.
 - Colleges, universities, and schools, both public and private.
 - (3) **Commercial.**
 - Business and professional offices.
 - Day care centers, subject to Section 28-1017.
 - Health and fitness clubs.
 - (4) **Miscellaneous.**
 - Medical offices (outpatient services only).
 - Planned developments.
- (e) **Minimum square feet of lot area total.** Single family residential—7,500. All other residential—10,500. All non-residential—7,500.
- (f) **Minimum lot width.** 50 feet.
- (g) **Minimum front setback.** None if any point of front lot line abuts the DB Downtown Business District; 10 feet in all other cases.
- (i) **Minimum side yard.** 5 feet.
- (j) **Minimum rear yard.** 20 feet.
- (k) **Maximum height.** 60 feet, except 35 feet for all residential uses other than multiple family.
- (l) **Minimum open space, landscaped green space, and common open space.** None.
- (m) **Maximum lot coverage.** None.
- (n) **Minimum square feet of floor area per dwelling unit.** Single family—950. Two-family—750. Multiple family: 3-bedroom—750, 2-bedroom—620, 1-bedroom—500, studio—400.
- (o) **Maximum floor area ratio.** Multiple family residential and all non-residential 2.5; all other not applicable.

Section 15. That Section 28.1005. is hereby amended to read as follows:

28.1005. Outdoor display of merchandise.

The outdoor display of merchandise, where allowed as a permitted or special use, shall be subject to the following conditions:

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- (a) Such outdoor display of merchandise shall be only on private property.
- (b) The owner for the special use shall be the owner of the property or the lessee, if any.
- (c) The owner for the special use shall submit a drawing indicating the exact location of such outdoor display of merchandise.
- (d) The owner for the special use shall specify the items to be displayed outdoors.
- (e) Outdoor display shall be limited to portable displays and shall be limited to display only during normal business hours of the owner. Provided, within the Concentrated Central Area ~~DB Downtown Business District~~, such outdoor display shall be limited to portable displays of flowers, plants, other live vegetation, fruits and vegetables and other similar displays and shall be limited to display only during normal business hours of the owner.
- (f) In the Fairview Concentrated Business District the required setback for the outdoor display of merchandise shall be four (4) feet.

Section 16. That Section 28.1008. is hereby amended to read as follows:

28.1008. Reserved.

~~———— A Concentrated central area compact residential development, where allowed as a permitted or special use, shall be subject to the following conditions:~~

- ~~———— (a) The maximum floor area ratio for such buildings shall not exceed 2.5.~~
- ~~———— (b) Each such use shall occupy a lot not less than one hundred (100) feet in width.~~
- ~~———— (c) The minimum lot area per dwelling unit shall be as follows:~~
 - ~~———— (1) three (3) or more bedrooms — three thousand (3,000) square feet per dwelling unit.~~
 - ~~———— (2) two (2) bedrooms — one thousand two hundred and fifty (1,250) square feet per dwelling unit.~~
 - ~~———— (3) one (1) bedroom, studio or efficiency unit — seven hundred and fifty (750) square feet per dwelling unit.~~
- ~~———— (d) The parking lot or garage situated on the zoning lot and all access drives shall be so located and designed as to minimize interference with traffic movement on adjacent streets.~~
- ~~———— (e) The use shall not overburden the Village utility systems or community facilities.~~
- ~~———— (f) Appropriate landscaping and screening will be provided where such zoning lots abut or are adjacent to single family dwellings.~~

Section 17. That Section 28.1009. is hereby amended to read as follows:

28.1009. Reserved.

~~———— A Concentrated Business District compact development, where allowed as a permitted or special use, shall be subject to the condition that off street parking be provided in an amount, based upon the difference between the number of dwelling units applied for and the maximum number of dwelling units, that would otherwise be permitted.~~

Section 18. That Section 28.1012. is hereby amended to read as follows:

28.1012. Reserved.

~~———— A planned redevelopment, where allowed as a special use within a residential zoning district shall be subject to the following conditions:~~

- ~~———— (a) A planned redevelopment is intended to promote redevelopment or rehabilitation of multiple-family residential property within the Concentrated Central Area. Therefore, a Planned Redevelopment may be proposed and approved only if the proposed plan involves either demolition and redevelopment, or rehabilitation of existing buildings or improvements, or a combination of both. A planned redevelopment is~~

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permitted as a special use only on a tract of land in the Concentrated Central Area having a street frontage of one hundred (100) feet or more.

~~_____ (b) The planned redevelopment complies with the requirements of Article XIV.~~

~~_____ (c) Buildings for multiple family dwellings may be permitted at a greater density and floor area ratio than is allowed in planned developments outside of the Concentrated Central Area not approved as a planned development, subject to the following:~~

~~_____ (1) The maximum floor area ratio for such building shall not exceed 2.5.~~

~~_____ (2) The minimum lot area per dwelling unit shall be as follows: three (3) or more bedrooms - three thousand (3,000) square feet per dwelling unit; two (2) bedrooms - one thousand two hundred and fifty (1,250) square feet per dwelling unit; one (1) bedroom, studio or efficiency unit - seven hundred and fifty (750) square feet per dwelling unit.~~

~~_____ (d) An owner may request, the Plan Commission may recommend, and the Village Council may authorize an increase in the maximum number of dwelling units permitted in a planned redevelopment under the provisions of this subsection if the planned redevelopment provides open space in excess of the forty percent (40%) minimum required under Article XVI, Section 28-1612. Provided, any such increase shall be recommended and authorized only pursuant to the following provisions:~~

~~_____ (1) For every full ten percent (10%) increase in additional open space, the Village Council may authorize an increase of up to ten (10%) percent in the maximum number of dwelling units permitted in a planned redevelopment, but in no event more than a thirty percent (30%) increase in the total maximum number of dwelling units that would otherwise be permitted in such planned redevelopment.~~

~~_____ (2) No increase in the number of dwelling units permitted in a planned redevelopment under this subsection shall be authorized that would have the effect of raising the total number of dwelling units in a planned redevelopment to more than seventy five (75) dwelling units per acre.~~

~~_____ (e) No building in a planned redevelopment shall exceed in height the lower of eighty (80) feet or eight (8) stories.~~

~~_____ (f) Except as otherwise provided herein, off street parking requirements shall be as provided in Article XIV. An owner proposing a planned redevelopment may request, the Plan Commission may recommend, and the Village Council may authorize a reduction in off street parking requirements to not less than .3 spaces per dwelling unit, or a waiver of any off street loading requirements, or both. Provided, any such reduction or waiver shall be recommended and authorized only pursuant to the following provisions:~~

~~_____ (1) Proposed plans for such planned redevelopment must provide for at least eighty percent (80%) occupancy for the elderly. For purposes of this section, the term "elderly" is limited to those persons who are sixty two (62) years of age or older and who have otherwise qualified to receive benefits under any housing subsidy program for senior citizen administered by the federal or state government, or any agency or instrumentality thereof. The owner making such request shall submit a detailed written statement signed by the owner outlining and describing in detail the governmental subsidy program under which the elderly occupants of such planned residential redevelopment will receive benefits. If such request is authorized, the owner shall undertake to submit annually to the Village Council a sworn affidavit stating the proportion of the then current occupancy by the elderly in such planned redevelopment.~~

~~_____ (2) The owner shall submit proposed covenants not to convert the planned redevelopment from residential use for the elderly for such number of years as the Village Council may determine at the time of approval of the preliminary plan, or for the period required under the described governmental subsidy program, whichever is longer. If required by the Village Council, such covenants shall be in form and substance suitable for filing for record in the Office of the Recorder of Deeds in DuPage County.~~

~~_____ (3) The owner shall present such evidence as is satisfactory to the Village Council and sufficient to establish that enough additional parking spaces can be provided to meet the requirements of Article XIV of this Zoning Ordinance in the event that the planned redevelopment is ever converted from residential use for the elderly, or in the event that the occupancy by the elderly of the planned redevelopment ever falls below eighty percent (80%). Such evidence may be presented in the form of covenants by the owner to keep enough additional open space available to meet such parking requirements, or covenants that~~

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~~structures or other improvements within the planned redevelopment would be demolished where necessary to provide for such required parking, or such other form as may be approved by the Village Council.~~

- ~~(g) No ordinance approving a planned redevelopment shall be effective as to future structure, or demolition, or both, within such planned redevelopment after three (3) years from the date of approval by the Village Council of the final plan, unless the Village Council shall by appropriate ordinance adopted within such period extend the same for an additional period of not more than two (2) years.~~

Section 19. That Section 28.1103. is hereby amended to read as follows:

28.1103. Lot Area.

Nothing in this section shall be interpreted so as to allow the creation of newly subdivided lots with a minimum lot area of less than 10,500 square feet. Provided, in those areas of the Village which are zoned for and subdivided with lots of less than 10,500 square feet, new lots with as little as 7,500 square feet may be created if 50 per cent of the lots in the block in which the proposed sub-division is located contain less than 10,500 square feet.

- (a) *R-1 District:* The minimum lot area shall be twenty thousand (20,000) square feet.
(b) *R-2 District:* The minimum lot area shall be fifteen thousand (15,000) square feet.
(c) *R-3 District:* The minimum lot area shall be ten thousand five hundred (10,500) square feet.
(d) *R-4 District:* The minimum lot area shall be seven thousand five hundred (7,500) square feet.
(e) *R-5 District:* For single-family dwellings, the minimum lot area shall be seven thousand five hundred (7,500) square feet. For two-family dwellings, the minimum lot area shall be ten thousand five hundred (10,500) square feet.
(f) *R-5A District:* For single- and two-family dwellings, the lot area requirement shall be the same as required in the R-5 Residence District. For attached single-family dwellings, the minimum lot area shall be four thousand (4,000) square feet of area per dwelling unit.

(g) *R-6 District:*

(1) *Lot area for attached single-family, two-family and multiple-family dwellings.* Every zoning lot used for attached single-family, two-family and multiple-family dwellings shall have a minimum area of ten thousand five hundred (10,500) square feet. The minimum lot area per dwelling shall be as follows: three (3) or more bedrooms - three thousand (3,000) square feet per dwelling unit; two (2) bedrooms - two thousand one hundred seventy-eight (2,178) square feet per dwelling unit; one (1) bedroom, studio or efficiency unit - one thousand four hundred and fifty-two (1,452) square feet per dwelling unit.

(2) *Lot area for single-family dwellings.* Every zoning lot used for single-family dwellings shall be subject to the same lot area requirements as for single-family dwellings in the R-5 District.

(h) *B-1 District:* The minimum lot area per dwelling shall be as follows: three (3) or more bedrooms - three thousand (3,000) square feet per dwelling unit; two (2) bedrooms - two thousand (2,000) square feet per dwelling unit; one (1) bedroom, studio or efficiency unit - one thousand (1,000) square feet per dwelling unit.

(i) *B-2 District:* Except as provided herein, the minimum lot area shall be the same as in the B-1 District. ~~Provided, the minimum lot area per dwelling unit for a multiple-family dwelling within a CBD Re-Development Project shall be not less than 800 square feet.~~

(j) *B-3 District:* Not applicable.

~~(k) DB District. See Section 28-610.~~

~~(l) DT District. See Section 28-611.~~

~~(km) O-R District:~~ Not applicable.

~~(ln) O-R-M District:~~ The minimum lot area shall be twenty thousand (20,000) square feet.

~~(mq) M-1 District:~~ The minimum lot area shall be twenty thousand (20,000) square feet.

~~(nq) M-2 District:~~ The minimum lot area shall be twenty thousand (20,000) square feet.

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Section 20. That Section 28.1105. is hereby amended to read as follows:

28.1105. Height.

(a) *General Provisions:* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, or necessary mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted Ordinances of the Village of Downers Grove.

(b) *R-1 District:* The maximum height for dwellings shall be thirty-five (35) feet.

(c) *R-2 District:* Requirements for height shall be the same as that required in the R-1 District.

(d) *R-3 District:* Requirements for height shall be the same as that required in the R-1 District.

(e) *R-4 District:* Requirements for height shall be the same as that required in the R-1 District.

(f) *R-5 District:* Requirements for height shall be the same as that required in the R-1 District.

(g) *R-5A District:* Requirements for height shall be the same as that required in the R-1 District.

(h) *R-6 District:* The maximum height for single-family and two-family dwellings shall be thirty-five (35) feet.

(i) *B-1 District:* The maximum height shall be thirty-five (35) feet, excluding parapet walls and mechanical penthouses.

(j) *B-2 District:* The maximum height shall not exceed thirty-five (35) feet, excluding parapet walls and mechanical penthouses. ~~Provided, the maximum height in the Concentrated Business District shall be sixty (60) feet, excluding parapet walls and mechanical penthouses.~~

(k) *B-3 District:* The maximum height shall be sixty (60) feet, excluding parapet walls and mechanical penthouses.

~~(l) *DB District:* See Section 28-610.~~

~~(m) *DL District:* See Section 28-611.~~

~~(n) *O-R District:* The maximum height shall be one hundred twelve (112) feet, excluding parapet walls and mechanical penthouses.~~

~~(ng) *O-R-M District:* The maximum height shall be one hundred twenty-six (126) feet, excluding parapet walls and mechanical penthouses except that for property located north of I-88 and zoned in this district, the maximum height shall be one hundred forty (140) feet, excluding parapet walls and mechanical penthouses.~~

~~(nd) *M-1 District:* The maximum height shall be thirty-five (35) feet, excluding parapet walls and mechanical penthouses.~~

~~(eq) *M-2 District:* The maximum height shall be thirty-five (35) feet, excluding parapet walls and mechanical penthouses.~~

Section 21. That Section 28.1106. is hereby amended to read as follows:

28.1106. Open space - landscaped green space.

(a) *R-1 District:* Not applicable.

(b) *R-2 District:* Not applicable.

(c) *R-3 District:* Not applicable.

(d) *R-4 District:* Not applicable.

(e) *R-5 District:* Not applicable.

(f) *R-5A District:* Not applicable.

(g) *R-6 District:* Not applicable.

(h) *B-1 District:* A minimum of ten percent (10%) of the lot area shall be landscaped green space of which a minimum of fifty percent (50%) shall be located in the front yard.

(i) *B-2 District:* A minimum of ten percent (10%) of the lot area shall be landscaped green space of which a minimum of fifty percent (50%) shall be located in the front yard. ~~Provided, landscaped green space~~

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shall not be required in the Concentrated Business District

(j) *B-3 District*: A minimum of ten percent (10%) of the lot area shall be landscaped green space of which a minimum of fifty (50%) percent shall be located in the front yard.

~~(k) DB District: See Section 28-610.~~

~~(l) DT District: See Section 28-611.~~

(km) *O-R District*: A minimum of twenty percent (20%) of the lot area shall be landscaped green space of which a minimum of fifty percent (50%) shall be located in the front yard.

(ln) *O-R-M District*: A minimum of fifteen percent (15%) of the lot area shall be landscaped green space; of which a minimum of fifty percent (50%) shall be located in the front yard.

(mo) *M-1 District*: A minimum of fifteen percent (15%) of the lot area shall be landscaped green space of which a minimum of fifty percent (50%) shall be located in the front yard, except for properties that front on the west side of Thatcher Road that also abut the Illinois State Tollway right-of-way, where a minimum of 15% of the lot area shall be landscaped greenspace.

(np) *M-2 District*: A minimum of fifteen percent (15%) of the lot area shall be landscaped green space of which a minimum of fifty percent (50%) shall be located in the front yard.

Section 22. That Section 28.1109. is hereby amended to read as follows:

28.1109. Floor Area Ratio.

(a) *R-1 District*: For nonresidential uses, the maximum floor area ratio shall not exceed 0.6.

(b) *R-2 District*: Same as required in the R-1 District.

(c) *R-3 District*: Same as required in the R-1 District.

(d) *R-4 District*: Same as required in the R-1 District.

(e) *R-5 District*: For nonresidential uses, the maximum floor area ratio shall not exceed 0.8.

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

(g) *R-6 District*: The maximum floor area ratio shall not exceed 1.5.

(h) *B-1 District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed 0.4.

(i) *B-2 District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed .75.

~~Provided, in the Concentrated Business District a maximum floor area ratio of 3.0 may be permitted.~~

(j) *B-3 District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed .75.

~~(k) DB District: See Section 28-610.~~

~~(l) DT District: See Section 28-611.~~

(km) *O-R District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed .75, provided however, that buildings with a floor area ratio in excess of .5 shall meet the following requirements:

(1) Required parking for the portion of the floor area ratio of the structure which exceeds .5 shall be located in enclosed, underground or decked parking facilities.

(2) A minimum of twenty percent (20%) landscaped green space shall be required for buildings with floor area ratios greater than .5 but not greater than .75.

(ln) *O-R-M District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed 0.8 except that for property located north of I-88 and zoned in this district, the maximum floor area ratio of buildings on a zoning lot shall be 1.0.

(mo) *M-1 District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed 1.0.

(np) *M-2 District*: The maximum floor area ratio of buildings on a zoning lot shall not exceed 1.0.

Section 23. That Section 28.1110. is hereby amended to read 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

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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, 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.

(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.

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(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) 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.

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

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

~~(5) 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) DB District: See Section 28-610.~~

~~(l) DT District: See Section 28-611.~~

~~(m) 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.

~~(n) 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.~~

~~(o) 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~~

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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 24. That Section 28.1111. is hereby amended to read as follows:

28.1111. Side Yard.

(a) R-1 District:

(1) For residential uses, there shall be side yards having a depth of not less than five (5) feet each plus one foot for each one foot of height over twenty (20) feet. Provided that buildings not containing a built-in garage shall be provided with one side yard of at least ten (10) feet. Corner lots are subject to the provisions of Section 28-1102.

(2) For non-residential uses in buildings less than forty (40) feet in height, the side yard shall be the same as required for single-family dwellings. For non-residential uses in buildings forty (40) feet or more in height, the side yard 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:* Same as required in the R-1 District.

(c) *R-3 District:* Same as required in the R-1 District.

(d) *R-4 District:* Same as required in the R-1 District.

(e) *R-5 District:* Same as required in the R-1 District.

(f) *R-5A District:* Same as required in the R-1 District. Provided, for the purpose of this paragraph an attached single-family dwelling shall be considered as one building.

(g) R-6 District:

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

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

(h) *B-1 District:* Not applicable.

(i) *B-2 District:* Not applicable.

(j) *B-3 District:* Not applicable.

(k) *DB District:* See Section 28-610.

(l) *DI District:* See Section 28-611.

(m) *O-R District:* Side yards shall be no less than thirty (30) feet in width except that lots containing buildings in excess of fifty (50) feet in height shall provide one (1) additional foot of side yard on each side for every foot of height in excess of fifty (50) feet.

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(~~hi~~) *O-R-M District*: There shall be side yards having a depth of not less than ten (10) feet each plus one (1) foot for each two (2) feet of height over twenty (20) feet; except that adjacent to a railroad, the yard abutting the railroad right-of-way shall not be required.

(~~mi~~) *M-1 District*: There shall be side yards having a depth of not less than ten (10) feet each plus one (1) foot for each two (2) feet of height over twenty (20) feet; except that adjacent to a railroad, the yard abutting the railroad right-of-way shall not be required.

(~~ni~~) *M-2 District*: There shall be side yards having a depth of not less than twenty (20) feet each plus one (1) additional foot for each two (2) feet of height over thirty-five (35) feet.

Section 25. That Section 28.1112. is hereby amended to read as follows:

28.1112. Rear Yard.

(a) *R-1 District*:

(1) For residential uses, there shall be a rear yard having a depth of not less than twenty (20) feet plus one foot for each one foot of height over twenty (20) feet. Provided, in planned developments or other subdivisions containing ten (10) lots or more in which permanent common open space is provided under the terms of recorded covenants in form and substance approved by the Village Manager, the required rear yard of any lot in which the rear lot line coincides with the perimeter of such common open space shall be reduced to five (5) feet. Provided further, no such reduction shall be made which would have the effect of permitting a principal building on any such lot to be located closer than twenty (20) feet from the center line of such permanent common open space.

(2) For non-residential uses in buildings less than forty (40) feet in height, the rear yard shall be the same as required for single-family dwellings. For non-residential uses in buildings forty (40) feet or more in height, the rear yard 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*: Same as required in the R-1 District.

(c) *R-3 District*: Same as required in the R-1 District.

(d) *R-4 District*: Same as required in the R-1 District.

(e) *R-5 District*: Same as required in the R-1 District.

(f) *R-5A District*: Same as required in the R-1 District. Provided, for the purpose of this paragraph an attached single-family dwelling shall be considered as one building.

(g) *R-6 District*:

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

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

(h) *B-1 District*: A rear yard shall be provided for residential uses located above the first floor; such yard to be not less than thirty (30) feet in depth and to begin at a level no higher than that of the finished floor of the lowest residential unit.

(i) *B-2 District*: Same as required in the B-1 Limited Retail Business District.

(j) *B-3 District*: Same as required in the B-1 Limited Retail Business District.

(k) *DB District*: See Section 28-610.

(l) *DT District*: See Section 28-611.

(~~kn~~) *O-R District*: Rear yards shall be no less than fifty (50) feet in depth except that lots containing buildings in excess of fifty (50) feet in height shall be provided with one (1) additional foot of rear yard for each foot of height in excess of fifty (50) feet.

(~~hn~~) *O-R-M District*: There shall be a rear yard having a depth of not less than ten (10) feet each plus one (1) foot for each two (2) feet of height over twenty (20) feet; except that adjacent to a railroad, the yard abutting the railroad right-of-way shall not be required.

(~~mo~~) *M-1 District*: There shall be a rear yard having a depth of not less than ten (10) feet each plus

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one (1) foot for each two (2) feet of height over twenty (20) feet; except that adjacent to a railroad, the yard abutting the railroad right-of-way shall not be required.

(n~~o~~) *M-2 District*: There shall be a rear yard having a depth of not less than twenty (20) feet each plus one (1) additional foot for each two (2) feet of height over thirty-five (35) feet.

Section 26. That Section 28.1113. is hereby amended to read as follows:

28.1113. Transitional Yard.

(a) *R-1 District*: Not applicable.

(b) *R-2 District*: Not applicable.

(c) *R-3 District*: Not applicable.

(d) *R-4 District*: Not applicable.

(e) *R-5 District*: Not applicable.

(f) *R-5A District*: Not applicable.

(g) *R-6 District*: Where a side lot line coincides with the side or rear lot line of an R-1 through R-5A zoning district, a transitional yard of twenty (20) feet plus one (1) foot for each one (1) foot of height above twenty (20) feet shall be provided.

(h) *B-1 District*: Where a B-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(1) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side or rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use or the adjacent property in the residence district. An additional one (1) foot of yard shall be provided for each additional one (1) foot of height in excess of twenty (20) feet.

(2) In a B-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth, plus one (1) foot of yard for each additional one (1) foot of height in excess of twenty (20) feet.

(3) In a B-1 District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard equal in depth to the minimum front yard required by this Zoning Ordinance on such adjacent lot in the residence district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residence district. There shall be an unobstructed, landscaped green space setback of no less than eight (8) feet along the remainder of such front or side lot line.

(4) If a rear lot line of a lot located in a B-1 District is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along such rear lot line equal in dimension to the minimum side yard required under this Zoning Ordinance on the adjacent residential lot. An additional one (1) foot of yard shall be provided for each additional one (1) foot of height in excess of twenty (20) feet.

(i) *B-2 District*: Same as required in the B-1 Limited Retail Business District.

(j) *B-3 District*: Same as required in the B-1 Limited Retail Business District.

(k) *DB District*: See Section 28-610.

(l) *DT District*: See Section 28-611.

(m) *O-R District*: Not applicable.

(n) *O-R-M District*: Where the side or rear lot line coincides with lot lines of property in a residence district, a transitional yard of thirty (30) feet plus one (1) foot for each two (2) feet of height over twenty (20) feet shall be provided. The parking of vehicles shall not take place within the fifteen (15) feet closest to any residence district. Screening of such parking shall be in accordance with Article XIV.

(o) *M-1 District*: Where the side or rear lot line coincides with lot lines of property in a residence district, a transitional yard of thirty (30) feet plus one (1) foot for each two (2) feet of height over twenty (20) feet shall be provided on the M-1 lot. The parking of vehicles shall not take place within the fifteen (15) feet closest to any residence district. Screening of such parking shall be in accordance with Article XIV.

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(n) *M-2 District*: Where a side or rear lot line in the M-2 zoning district abuts or coincides with a side or rear lot line in a residence district, a transitional yard shall be provided along such lot line on the M-2 lot, not less than seventy-five (75) feet in depth and containing land-scaping and planting suitable to provide an effective twenty-five (25) per cent screening of structures.

Section 27. That Section 28.1410. is hereby amended to read as follows:

28.1410. Number of off-street parking and off-street loading spaces required.

(a) Off-street parking, and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

**CLASS A PARKING
(Stall Size 9' x 18.5')**

| USE | NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED | OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED |
|--|---|--|
| CBD Re-Development Project District | 1.4 per dwelling unit with at least 1 parking space designated for each dwelling unit | None required |
| Single-family attached and detached, two-family and multi-family dwelling units | 2 per dwelling unit | None required |
| Senior citizen housing | .5 per bedroom except in the Concentrated Central Area, as defined in Article III herein District , .3 per dwelling unit | None required |
| Sheltered care facilities | .5 per bed | 1 plus 1 additional for each 100,000 sq. ft. of gross floor area |
| Motels, hotels, lodging houses | 1 per lodging unit | 1 for each structure over 20,000 sq. ft. of gross floor area |
| Commercial (except as specifically provided below) | 1 per 300 sq. ft. of gross floor area | 1 for every structure over 10,000 sq. ft. of gross floor area plus 1 for each additional 100,000 sq. ft. of gross floor area |
| Furniture, appliance stores, Automobile Dealership, Automobile Laundry, Automobile Repair, machinery sales | 1 per 600 sq. ft. of gross floor area | 1 plus 1 additional for each 25,000 sq. ft. of gross floor area |
| Churches, (except churches in existence as of January 14, 1991 located within 1,000 ft. of the Concentrated Business District) indoor theaters, auditoriums, and other places of assembly. | 1 for every 3 persons permitted in main auditorium area according to capacity standards of building code | 1 for each structure over 100,000 sq. ft. of gross floor area |
| Churches in existence as of January 14, 1991 and located within 1,000 ft. of the Concentrated Business District . | 35% of the parking space requirements for churches generally as set forth in this section | None required |
| Funeral parlors | 1 per every 100 sq. ft. of gross area | None required |
| Hospitals, rest homes, nursing homes, | 1.2 parking spaces per bed | 1 plus 1 additional for each |

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| USE | NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED | OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED |
|---|---|---|
| etc. | | 100,000 sq. ft. of gross floor area |
| Medical offices, clinics or related medical services when located in a building for medical offices | 1 per 100 sq. ft. of gross floor area for the first 5,000 sq. ft.; 1 per 200 sq. ft. of gross floor area for the next 20,000 sq. ft.; 1 per 400 sq. ft. of gross floor area for the remainder of the building | 1 for each structure over 40,000 sq. ft. of gross floor area |
| Establishments dispensing food or beverages for consumption on the premises other than restaurants with lounges | 1 per 100 sq. ft. of gross floor area, excluding areas exclusively devoted to permanent storage purposes (e.g. walk-in freezers, storage coolers or dry storage areas) the are not open to the general public. | 1 for each structure over 10,000 sq. ft. of gross floor area |
| Restaurants with lounges | 1 per 100 sq. ft. of gross floor area of the restaurant, excluding areas exclusively devoted to permanent storage purpose (e.g. walk-in freezers, storage coolers or dry storage areas) that are not open to the general public, plus 3 per 100 sq. ft. of gross floor area of the lounge | 1 for each structure over 10,000 sq. ft. of gross floor area |

CLASS B PARKING (Stall Size 8.5' x 18.5')

| USE | NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED | OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED |
|--|--|---|
| Manufacturing | 1 per 500 sq. ft. of floor area | 1 for each structure plus 1 for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft. |
| Warehousing | 1 per 1,000 sq. ft. of floor area | 1 for each structure plus 1 for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft. |
| Parking lots, open and other than accessory for the storage of private passenger automobiles | Not applicable | Not applicable |
| Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo-engraving | 1 per 850 sq. ft. of floor area | 1 for each structure plus 1 for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft. |

CLASS A PARKING FOR LESS THAN 50 SPACES CLASS B PARKING FOR 50 OR MORE SPACES

| | | |
|--|--|------------------------|
| | | OFF-STREET LOADING AND |
|--|--|------------------------|

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| USE | NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED | UNLOADING SPACES WHICH SHALL BE PROVIDED |
|---|--|--|
| Offices, banks or public administration | 1 per 400 sq. ft. of gross floor area | 1 for each structure over 40,000 sq. ft. of gross floor area |

(b) In the event that the calculation of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction shall be counted as one (1) parking space.

(c) Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals or Plan Commission as a variation in accordance with this Zoning Ordinance.

(d) When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission as a special use in accordance with this Zoning Ordinance.

(e) For uses not listed in the foregoing schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Board of Appeals or Plan Commission, and off-street loading spaces shall be provided in adequate number and size to serve such use as determined by the Zoning Board of Appeals or Plan Commission.

(f) The ~~Concentrated Business~~ DB Downtown Business District is exempt from the provisions of this section.

Section 28. That Section 28.1501.3 is hereby amended to read as follows:

28.1501.03 Prohibited Signs

No person or activity shall display any of the following signs within the Village of Downers Grove:

- (1) Any sign or structure which constitutes a hazard to public health or safety.
- (2) Any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs.
- (3) Signs, which by color, location, or design resemble or conflict with traffic control signs or signals.
- (4) Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign shall be located on the public right of way, or affixed to or upon public property. This prohibition includes, but is not limited to, any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.
- (5) Portable signs, not including sandwich board signs as allowed in the CCA/ DB Downtown Business District; DT Transition District; and Fairview Concentrated Business District.
- (6) Vehicle signs when the vehicle is not licensed, insured or operational.
- (7) Advertising off premises signs.
- (8) Moving signs.
- (9) LED or Flashing signs.
- (10) Signs with bare bulb illumination except marquees located in the ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District.

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- (11) Attention getting devices.
- (12) Exposed gas tubing, exterior to the building, including but not limited to Argon and Neon.
- (13) Roof Signs.
- (14) Electronic Changeable Copy/Message Board.
- (15) Box-type Signs in the ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District.
- (16) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the last thirty (30) days.
- (17) Any sign painted directly on a wall, roof, or fence, except in the ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District.
- (18) Any sign placed or attached to a telecommunications tower, pole, or antenna.
- (19) Changeable copy consisting of more than two lines, excluding automobile service station reader boards. The changeable copy surface area shall be included in the total surface area allowed.
- (20) Single pole signs with a base of less than two (2) feet wide.
- (21) Any sign not expressly permitted in this Article.

Section 29. That Section 28.1502 is hereby amended to read as follows:

28.1502 General Commercial Signs

In all areas of the Village except the ~~Central Concentrated Area~~ DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District, the total allowable sign surface area shall not exceed an area equal to one and one-half (1.5) square foot per one (1) linear foot of tenant frontage per tenant, except menu boards, window and temporary signs. However, buildings setback greater than three hundred (300) feet from the roadway are allowed a total allowable sign surface area of two (2) square feet per one (1) linear foot of tenant frontage per tenant excluding menu boards, window and temporary signs. In no case shall a single tenant exceed a maximum of three hundred (300) square feet of total sign surface area.

Section 30. That Section 28.1503 is hereby amended to read as follows:

28.1503 ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District /Fairview Concentrated Business District

In the ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District; and Fairview Concentrated Business District, the total sign surface area shall not exceed an area equal to one (1) square foot per one (1) linear foot of tenant frontage with a maximum of three hundred (300) square feet per zoning lot, except menu boards, window and temporary signs.

28.1503.08 Protected Signs

Signs located in the ~~Concentrated Central Area~~ DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District and erected prior to 1965 shall be deemed heritage signs and shall be allowed to continue and be maintained and parts replaced in any manner to allow for continued use. In order to be deemed a protected sign, the owner of such sign shall provide conclusive evidence to the Code Enforcement Department of the existence of such sign prior to 1965.

Section 31. That Section 28.1611. is hereby amended to read as follows:

28.1611. Height regulations.

- (a) *Residential planned developments.* No building in a residential planned development shall

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exceed in height the greater of thirty-five (35) feet or sixty-six and two thirds percent (66 2/3%) of the shortest distance between any wall of such building and any exterior boundary line of such planned development. If any building in a residential planned development exceeds thirty-five (35) feet in height, it shall be screened on each side which is parallel to or makes an angle of forty-five (45) degrees or less with the lot line of any adjacent lot by means of a wall, fence or compact hedge, which shall be twenty-five (25) percent or more opaque, not less than four (4) feet nor more than six (6) feet in height, and situated within ten (10) feet of such lot line. ~~Provided, the provisions of this Section 28-1611(a) shall not apply to a Landbank Development.~~

(b) *Business planned developments.* No building in a business planned development shall exceed in height the following:

(1) B-1 Limited Retail Business District - thirty-five (35) feet excluding parapet walls and mechanical penthouses.

(2) B-2 General Retail Business District - sixty (60) feet excluding parapet walls and mechanical penthouses. ~~Provided, a CBD Re-Development Project shall not exceed seventy (70) feet, excluding parapet walls and mechanical penthouses.~~

(3) B-3 General Services and Highway Business District - one hundred forty (140) feet, excluding parapet walls and mechanical penthouses.

(4) O-R Office/Research District - one hundred forty (140) feet, excluding parapet walls and mechanical penthouses.

~~(5) DB District: See Section 28-610~~

~~(6) DT District: See Section 28-611~~

(c) *Manufacturing planned development.* No building in a manufacturing planned development shall exceed in height the following:

(1) O-R-M Office-Research-Manufacturing District

(i) In general - one hundred forty (140) feet, excluding parapet walls and mechanical penthouses.

(ii) Property located north of I-88 - two hundred ten (210) feet, excluding parapet walls and mechanical penthouses.

(2) M-1 Light Manufacturing District - forty (40) feet, excluding parapet walls and mechanical penthouses.

(3) M-2 Restricted Manufacturing District - sixty (60) feet, excluding parapet walls and mechanical penthouses.

(d) *Exceptions.* As part of the public hearing for the planned development, the Plan Commission may hear testimony, and determine and recommend to the Village Council an exception which will increase the height in a business or manufacturing planned development over that permitted in subsections (b) and (c) above, provided that such an exception as may be recommended to the Village Council shall not be contrary to the public interest. Furthermore, such an exception may be recommended to the Village Council only after the Plan Commission has made findings of fact based upon the standards in subsection (e) hereof, which findings indicate that owing to specific conditions, a literal enforcement of the height regulations will, in such an individual case, produce practical difficulties or a particular hardship for the petitioner. The terms of relief recommended by exception shall be specifically set forth in a conclusion or statement which is supported from the findings of fact of the Plan Commission. The Village Council shall, upon receipt of a recommendation for an exception and findings of fact from the Plan Commission, review said recommendation and finding of facts and may authorize the exception by specific ordinance with findings such as, but not limited to those set forth in subsection (e) hereof.

(e) The exception shall only be recommended for approval if the Plan Commission finds that the following provisions are met:

(1) That the planned development has unique circumstances or extraordinary conditions that warrant the allowance of additional height.

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(2) That the particular physical characteristics, shape, and topographic conditions of the site, and the vehicular access as determined by roadway capacity, roadway geometrics, traffic control devices, and site distances would warrant the allowance of additional height.

(3) That the planned development will not impair an adequate supply of light and air to adjacent property and would be compatible with the local environment.

(4) That the planned development will not exert a detrimental influence or impair property values on the surrounding property or neighborhood.

(5) That the planned development will not adversely alter the land use characteristics of the zoning district or adversely alter the essential character of the locality.

The Village Council shall, upon receipt of a recommendation for an exception and findings of fact from the Plan Commission, review said recommendation and finding of facts and may authorize the exception by ordinance with findings such as, but not limited to those set forth above.

Section 32. That Section 28.1612. is hereby amended to read as follows:

28.1612. Permanent common open space.

(a) Except for areas subdivided for single-family dwellings on separate zoning lots pursuant to the Subdivision Control Ordinance, no planned development shall be approved unless such plan provides the following minimum percentage of the total area of the planned development as permanent common open space:

(1) Thirty percent (30%) - R-1 Single-Family Residence District; R-2 Single-Family Residence District; R-3 Single-Family Residence District; R-4 Single-Family Residence District.

(2) Forty percent (40%) - R-5 Two-Family Residence District; R-5A Town House Residence District; R-6 Multi-Family Residence District. ~~Provided, a Landbank Development shall not be required to provide any permanent common open space except as may be mandated by the Village Council in the context of a Planned Development.~~

(3) Fifteen percent (15%) - B-1 Limited Retail Business District; B-2 General Retail Business District; B-3 General Services and Highway Business District; ~~DB Downtown Business District and DT Downtown Transition District.~~

(4) Twenty percent (20%) - M-1 Light Manufacturing District; M-2 Restricted Manufacturing District; O-R Office-Research District; O-R-M Office-Research-Manufacturing District.

(b) On sites in the B-1, B-2 and B-3 Districts where provision of the required minimum permanent common open space is not possible, such requirement may be waived in whole or in part to allow reconstruction of existing buildings which would be nonconforming because of the permitted floor area ratio in the District.

Section 33. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 34. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Zoning Provisions

Passed:

Published:

Attest: _____
Village Clerk