



# MANAGER'S MEMO ITEM

---

<b>ITEM:</b>	Downtown Area Zoning Requirements	
<b>WORKSHOP DATE:</b>	March 22, 2005	
<b>PREPARED BY:</b>	Enza Petrarca, Village Attorney	Amanda Riordan, Planner
	Michael Baker, Assistant Village Manager	Keith Sbiral, Planner
<b>PURPOSE:</b>	To update the Council with respect to the proposed amendments to the Zoning Ordinance and Zoning Map pertaining to the Village's downtown area.	

## **BACKGROUND:**

---

As directed by Council, Staff has reviewed the Zoning Ordinance provisions and requirements as they pertain to the Village's downtown area. The Zoning Ordinance establishes two downtown areas; the Concentrated Business District (CBD) which is comprised of the commercial core of the downtown, and the Concentrated Central Area (CCA) which includes the CBD as well as the residential area immediately surrounding it.

The Zoning Ordinance establishes the boundaries of these areas, as well as the zoning requirements and provisions within each. These overlay designations do not take the place of the underlying zoning districts of properties within their boundaries, but rather modify the applicable zoning regulations.

Within the Concentrated Business District, zoning modifications include exemptions from requirements such as front setback, greenspace, and off-street parking, as well as increases in permitted FAR and residential density. It is noteworthy that not all of the zoning modifications within the CBD are afforded as of right, as some require Special Use or Planned Development consideration. The Concentrated Central Area surrounds the CBD, and its only benefit is that properties zoned either multi-family or commercial may be considered for an increase in residential density beyond that allowed in the underlying zoning district either by way of Special Use or Planned Development approval

Staff has reviewed the existing structure and framework of these Zoning Ordinance provisions, and has drafted proposals as follows:

### *Lists of Authorized Permitted and Special Uses*

The Zoning Ordinance establishes permitted uses within each zoning district, which are then categorized as either Permitted Uses (often called as-of-right uses, proposals for which are authorized administratively) and Special Uses (requiring consideration by the Plan Commission and the Village Council). Staff has reviewed the lists of Permitted and Special Uses within both the CBD and CCA, and has recommended certain changes to foster the concept of a traditional downtown area. The role of the CCA is also proposed to be expanded beyond its current focus on increased residential density.

### *Zoning Requirements*

As applied to the downtown, the Zoning Ordinance establishes zoning requirements that reflect the intended concept of a traditional downtown area; structures located adjacent to the street and connected to one another with party walls, little to no on-site greenspace, and no on-site parking. Staff has reviewed the applicable requirements, and has recommended certain changes which are intended to encourage redevelopment within the downtown.

### *Zoning Ordinance Structure*

Staff considers the existing framework of the Zoning Ordinance disconnected in that the provisions applicable within the CBD and CCA are scattered throughout the Ordinance, making it exceptionally difficult to administer. Staff is therefore proposing to concentrate all applicable provisions for these two areas within the same section of the Zoning Ordinance. This new structure will also aid in a longer-term review of the framework of the Ordinance as future comprehensive amendments are considered.

*Boundaries of the Concentrated Business District and Concentrated Central Area*

Staff is also reviewing the boundaries of both the CBD and the CCA. We will evaluate the developments and redevelopments which have occurred in the downtown areas, as well as looking to create additional redevelopment opportunities. When considering the boundary changes, Staff will also consider underlying zoning, existing uses, proximity to the downtown area including the parking deck and other factors which may influence redevelopment opportunities. In certain areas, Staff will be recommending expanding the boundaries, while in other areas, especially longstanding and flourishing single family residential areas, Staff will be recommending contracting the boundaries.

**ATTACHMENTS:**

---

1.

**STAFF RECOMMENDATION:**

---

Staff recommends that the Council forward the proposed amendments to the Plan Commission for consideration and recommendation. The proposed amendments require consideration as text amendments to the Zoning Ordinance, which require the Plan Commission to conduct a public hearing and forward recommendations to the Council for approval.

**REQUESTED COURSE OF ACTION:**

---

That the Village Council forward the proposed amendments to the Plan Commission.

Original draft 06/13/03; revisions 09/12/03, 09/16/03, 09/18/03, 02/22/05, 03/14/05

**VILLAGE OF DOWNERS GROVE**

**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 \_\_\_\_, 2005, pursuant to notice thereof duly published on \_\_\_\_\_, 2005, in the [name of newspaper] to consider the proposed amendments to the Zoning Ordinance and, after the conclusion of the public hearing, the Plan Commission recommended that \_\_\_\_\_; 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;

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

SECTION 1. That Chapter 28 of the Downers Grove Municipal Code is hereby amended 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~~
- ~~(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 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 of both.~~

\* \* \*

*Restaurant. An establishment, including without limitation a cafés, a tearoom, and similar establishments, primarily engaged in the retail sale of prepared food and drinks for immediate consumption on the premises.*

\* \* \*

**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.)*~~
- ~~*(f) Planned developments.*~~

\* \* \*

**28-602. B-1 District - Permitted uses.**

*The following uses are allowed in the B-1 Limited Retail Business District as permitted uses:*

- (a) *Retail and service uses as follows:*
- (1) *Art and school supply stores*
  - (2) *Art galleries and studios*
  - (3) *Barber shops*
  - (4) *Beauty shops*
  - (5) *Book or stationery stores*
  - (6) *Camera and photographic supply stores*
  - (7) *Churches, church schools, and other places of worship (See Section 28-1020.)*
  - (8) *Clothes pressing establishments*
  - (9) *Coin and philatelic stores*
  - (10) *Custom dressmaking and millinery shops*
  - (11) *Drug stores*
  - (12) *Dry cleaning of the automatic self-service type and laundry receiving stations where processing is to be done elsewhere.*
  - (13) *Dry goods or notion stores*
  - (14) *Electrical and household appliance stores, including radio and television sales*
  - (15) *Florist shops and conservatories*
  - (16) *Food stores, grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens, and frozen food stores including locker rental in conjunction therewith.*
  - (17) *Garden supply and seed stores*
  - (18) *Gift shops*
  - (19) *Government structures*
  - (20) *Haberdasheries*
  - (21) *Hardware stores*
  - (22) *Hobby shops*
  - (23) *Interior decorating shops, including upholstering and making of draperies, slip covers and other similar articles.*
  - (24) *Jewelry stores, including watch repair*
  - (25) *Laundries, automatic, self-service type, or hand, provided that laundry machines shall not exceed 14 pounds capacity each.*
  - (26) *Liquor stores, package goods only*
  - (27) *Paint and wallpaper stores*
  - (28) *Photographer*
  - (29) *Restaurants (excluding drive-through or curbside service, dancing, and entertainment)*
  - (30) *Schools - music, dance, or business*
  - (31) *Sewing machine stores, household machines only*
  - (32) *Shoe and hat repair stores*
  - (33) *Shoe stores*
  - (34) *Sporting goods stores*
  - (35) *Tailor shops*
  - (37) *Tobacco shops*
  - (38) *Toy shops*
  - (39) *Wearing apparel shops*
  - (40) *Variety stores*
- (b) *Business and professional offices. (See Section 28-1004.)*
- (c) *Miscellaneous uses as follows:*
- (1) *Clubs and lodges (nonprofit), fraternal or religious institutions*
  - (2) *Day Care Center. (See Section 28-1017.)*
  - (3) *Meeting halls.*
  - (4) *Nursing homes.*

- (5) *Sheltered care facilities.*
- (d) *Residential uses as follows:*
  - (1) *Multiple-family dwellings either in buildings devoted exclusively to residences or in buildings containing residences and other uses permitted in the B-1 zoning district.*
  - (2) *Lodging houses, if business uses or premises designated for such use occupy the ground floor.*
- (e) *Uses incidental to principal permitted uses as follows:*
  - (1) *Accessory uses.*
  - (2) *Home occupations. (See Section 28-1014.)*
  - (3) *Parking, accessory.*
  - (4) *Signs.*
  - (5) *Temporary structures for construction purposes, for a period not to exceed the duration of such construction.*

\* \* \*

**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) **[add new language if any]** *Automobile repair service shops, including automobile laundries, repair, rebuilding and painting of automobiles.*
- (c) **[add new language if any]** *Automobile service stations. (See Section 28-1018.)*
- ~~(d) *Concentrated central area compact residential development. (See Section 28-1008.)*~~
- (e) *Drive-through uses, including but not limited to banks and restaurants.*
- (f) *Outdoor cafes. (See Section 28-1006.)*
- (g) *Outdoor display of merchandise. (See Section 28-1005.)*
- ~~(h)~~ *Planned developments. (See Article XVI.)*
- (i) *Plumbing contractors' offices and shops, provided that such use shall be operated in conjunction with a plumbing showroom.*
- (j) *Recycling collection facilities. (See Section 28-1007.)*
- ~~(k)~~ *Telecommunications Towers. (See Section 28-1307.)*
- (l) *Undertaking establishments, funeral parlors.*

\* \* \*

**28-610. DB Downtown Business District.**

(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 DC District should be mapped only in the area shown on the Zoning Map as of June 1, 2005, except that (1) the DB District may be mapped on property contiguous to that area on property classified as of June 1, 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.
  - (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.
    - 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.
- 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 1, 2005, and only on the property as existing on June 1, 2005.
- 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.
- 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.
- (h) *Minimum side yard:* Residential—20 feet. Non-residential—10 feet if adjacent to residential, none if adjacent to non-residential.
- (j) *Minimum rear yard:* Residential—20 feet. Non-residential—10 feet if adjacent to residential, none if adjacent to non-residential.
- (k) *Minimum transitional yard:* Residential—20 feet. Non-residential—10 feet if adjacent to residential, none if adjacent to non-residential.
- (l) *Maximum height:* **[to be fixed]** 70 feet to top of deck of flat roof; 90 feet to peak of hipped or gabled roof.
- (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) **[add requirement re: screening of mechanical equipment?]**

**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.
- (2) *Public, Institutional.*
  - Village-owned facilities and structures.
  - Governmental facilities and structures other than colleges, universities, and schools.
- (3) *Commercial.*
  - **[considering adding list of permitted low-intensity commercial uses, such as galleries, beauty salons, other low-intensity retail or service-oriented uses]**
- (4) *Miscellaneous.*
  - Home occupations.
  - Off-street parking lots and loading docks.

(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.
  - Public utility facilities.
  - Colleges, universities, and schools, both public and private.
- (3) *Commercial.*
  - Art galleries and studios **[if not a permitted use]**.
  - Beauty, barber, and personal grooming services **[if not a permitted use]**.
  - **[other low-intensity retail or service-oriented uses]**.
  - 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 total square feet of lot area:* Single family residential—7,500. All other residential—10,500. All non-residential—7,500.

(f) *Minimum square feet of lot area per dwelling unit:* 3-bedroom—3,000; 2bedroom—2,178; 1-bedroom—1,452.

(g) *Minimum lot width:* 50 feet.

(h) *Minimum front setback:* None abutting DB Downtown Business District; 10 feet abutting all other districts.

(i) *Minimum side yard:* 5 feet.

(j) *Minimum rear yard:* 20 feet.

(k) *Maximum height:* Multiple family—60 feet. All other residential—35 feet. All non-residential—60 feet.

(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 1.5; all other not applicable.

\* \* \*

**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:

(a) Outdoor display of merchandise shall be on private property only.

(b) The special use shall be granted only to the property owner or the lessee of the property if any.

(c) Prior to any outdoor display of merchandise, the property owner, or lessee if any, shall submit a plan for the display depicting the specific location of the display and specifying all merchandise to be displayed.

(d) No outdoor display of merchandise shall be permitted except only after the Village approves the specific location of the display and all merchandise to be displayed. The display shall be maintained only in strict compliance with the Village-approved location and list of merchandise.

(e) All outdoor displays of merchandise shall be limited to portable displays and shall be conducted only during normal business hours of the owner or lessee if any.

(f) Within the ~~Concentrated Central Area~~ DB Downtown Core District, the outdoor display of merchandise shall be limited to flowers, plants, other live vegetation, fruits, vegetables, and similar displays.

(g) In the Fairview Concentrated Business District, the required setback for outdoor display of merchandise shall be four feet.

\* \* \*

**~~28-1008. Concentrated central area compact residential development 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.~~

***28-1009. Concentrated Business District compact development 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.

\* \* \*

***28-1012. Planned redevelopment 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 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 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.~~

\* \* \*

**28-1103. Lot Area.**

Nothing in this section shall be interpreted, construed, or applied 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, but only if 50 percent or more of the lots within the block in which the proposed subdivision is located contain less than 10,500 square feet.

- (a) *R-1 District:* The minimum lot area shall be 20,000 square feet.
- (b) *R-2 District:* The minimum lot area shall be 15,000 square feet.

- (c) *R-3 District:* The minimum lot area shall be 10,500 square feet.
- (d) *R-4 District:* The minimum lot area shall be 7,500 square feet.
- (e) *R-5 District:* For single-family dwellings, the minimum lot area shall be 7,500 square feet. For two-family dwellings, the minimum lot area shall be 10,500 square feet.
- (f) *R-5A District:* For single-family and two-family dwellings, the lot area requirement shall be the same as required in the R-5 District. For attached single-family dwellings, the minimum lot area shall be 4,000 square feet per dwelling unit.
- (g) *R-6 District:*
  - (1) *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 total lot area of 10,500 square feet. The minimum square feet of lot area per dwelling unit shall be: 3 or more bedrooms—3,000; 2 bedrooms—2,178; 1 bedroom, studio, or efficiency—1,452.
  - (2) *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 unit shall be: 3 or more bedrooms—3,000; 2 bedrooms—2,000; 1 bedroom, studio, or efficiency—1,000. Otherwise, not applicable.
- (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
- (m) *O-R District:* Not applicable.
- (n) *O-R-M District:* The minimum lot area shall be 20,000 square feet.
- (o) *M-1 District:* The minimum lot area shall be 20,000 square feet.
- (p) *M-2 District:* The minimum lot area shall be 20,000 square feet.

\* \* \*

**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 shall be 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 35 feet.
- (i) *B-1 District:* The maximum height shall be 35 feet, excluding parapet walls and mechanical penthouses.
- (j) *B-2 District:* The maximum height shall be 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 60 feet, excluding parapet walls and mechanical penthouses.
- (l) *DB District:* See Section 28-610
- (m) *DT District:* See Section 28-611
- (n) *O-R District:* The maximum height shall be 112 feet, excluding parapet walls and mechanical penthouses.
- (o) *O-R-M District:* The maximum height shall be 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 140 feet, excluding parapet walls and mechanical penthouses.
- (p) *M-1 District:* The maximum height shall be 35 feet, excluding parapet walls and mechanical penthouses.
- (o) *M-2 District:* The maximum height shall be 35 feet, excluding parapet walls and mechanical penthouses.

**28-1106. *Open space, green 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 10 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard.
- (i) *B-2 District:* A minimum of 10 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard. ~~Provided, landscaped green space shall not be required in the Concentrated Business District~~
- (j) *B-3 District:* A minimum of 10 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard.
- (k) *DB District:* See Section 28-610
- (l) *DT District:* See Section 28-611
- (m) *O-R District:* A minimum of 20 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard.
- (n) *O-R-M District:* A minimum of 15 percent of the lot area shall be landscaped green space; of which a minimum of 50 percent shall be located in the front yard.
- (o) *M-1 District:* A minimum of 15 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard, except that for properties that front on the west side of Thatcher Road and also abut the Illinois State Tollway right-of-way, a minimum of 15 percent of the lot area shall be landscaped green space.
- (p) *M-2 District:* A minimum of 15 percent of the lot area shall be landscaped green space of which a minimum of 50 percent shall be located in the front yard.

\* \* \*

**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:* Same as required in the R-1 District, except that 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 shall not exceed 0.4.

(i) *B-2 District:* The maximum floor area ratio shall not exceed 0.75. ~~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 lot shall not exceed 0.75.

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

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

(m) *O-R District:* The maximum floor area ratio shall not exceed 0.75, provided, however, that when the floor area ratio exceeds 0.5, then the following requirements shall be met:

(1) Required parking to satisfy off-street parking requirements for that portion of a building representing all of the floor area ratio exceeding 0.5 shall be located in enclosed, underground, or decked parking facilities.

(2) A minimum of 20 percent of the lot area shall be landscaped green space.

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

(o) *M-1 District:* The maximum floor area ratio shall not exceed 1.0.

(p) *M-2 District:* The maximum floor area ratio shall not exceed 1.0.

**28-1110. Front Yard.**

(a) *R-1 District:*

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

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

- (b) *R-2 District:*
- (1) *General requirement.* Except as provided herein, buildings shall be set back at least 35 feet. Buildings over 20 feet in height shall be set back one additional foot for each two feet of height over 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 set back at least 30 feet. Buildings over 20 feet in height shall be set back one additional foot for each two feet of height over 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 set back at least 25 feet. Buildings over 20 feet in height shall be set back one additional foot for each two feet of height over 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:* 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 District shall be not less than 30 feet. Provided, buildings over 20 feet in height shall be set back one additional foot for each two feet of height over 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 the point of sign or its support structure that is closest to the street.
  - (3) Notwithstanding any of the provisions of this section or any other 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 75 feet from the center line of Ogden Avenue. The minimum setback for any vertical portion of a canopy shall be 58 feet from the center line of Ogden Avenue, and the minimum setback for any horizontal portion of a canopy shall be 50 feet from the center line of Ogden Avenue or eight feet from the property line, whichever is greater. Off-street parking, portable or fixed signs, fences, private electric light standards and all similar items shall be set back not less than 50 feet from the center line of Ogden Avenue. Where there is a conflict between this subsection and the provisions of Section 28-1518, this subsection shall control.
- (5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight feet.
- (6) The minimum setback from the north line of Second Street shall be 50 feet between the east line of Fairview Avenue and the west line of Wilcox Avenue.

(i) *B-2 District:*

- (1) Except as otherwise provided below, the minimum setback shall be not less than 25 feet, except that buildings over 20 feet in height shall be set back one additional foot for each two feet of height over 20 feet. The setback requirements shall be observed on each street side of a corner lot.
- (2) The required setback with respect to signs shall be measured from that portion of the sign or its support whichever is closest to the street.
- (3) Notwithstanding any of the foregoing provisions of this section or any provision of Article XII, additional construction on a zoning lot on which a building was erected prior to April 19, 1965, may conform to the actual setback line of such building, if the actual setback line of such building is legally nonconforming and all required transitional yards, if any, are provided and maintained in accordance with the applicable provisions of this Zoning Ordinance.
- (4) The minimum setback on Ogden Avenue shall be as required in the B-1 Business District.
- (5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight feet.
- ~~(6) Property in the Concentrated Business District shall not be required to provide any setback.~~

(j) *B-3 District:* Except as provided below, setback shall be the same as required in the B-2 General Retail Business District. Where a zoning lot fronts Ogden Avenue and also fronts on a street intersecting with Ogden Avenue, the minimum setback for parking or display of motor vehicles along the intersecting street shall be not less than 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 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 100 feet. Buildings that exceed 50 feet in height shall be provided with one additional foot of setback for every foot of height in excess of 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 35 feet. Provided, buildings over 30 feet in height shall be set back one additional foot for each two feet of height over 30 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 60 feet.
- (3) The setback on Ogden Avenue shall be 75 feet from the center line of Ogden Avenue, except that lighting standards shall be set back 50 feet from the center line.
- (4) The setback on Inverness Road, on the north side only, from Belmont Road to Janes, shall be 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 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 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 35 feet. Provided, buildings over 30 feet in height shall be set back one additional foot for each two feet of height over 30 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 60 feet.
- (3) The setback on Ogden Avenue shall be 75 feet from the center line of Ogden Avenue, except that lighting standards shall be set back 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 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 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 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 feet.

(n) *M-2 District:* Except as otherwise provided below, the minimum setback in the M-1 District shall be not less than 35 feet. Provided, buildings over 30 feet in height shall be set back one additional foot for each two feet of height over 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 100 feet. These setback requirements shall be observed on each street side of a corner lot.

**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 feet each plus one foot for each one foot of height over 20 feet. Provided that buildings not containing a built-in garage shall be provided with one side yard of at least 10 feet. Corner lots are subject to the provisions of Section 28-1102.
- (2) For non-residential uses in buildings less than 40 feet in height, the side yard shall be the same as required for single-family dwellings. For non-residential uses in buildings 40 feet or more in height, the side yard shall be increased beyond the requirements for single-family dwellings by two feet for each additional one foot of height over 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:* 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) *DT District:* See Section 28-611

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

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

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

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

**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 20 feet plus one foot for each one foot of height over 20 feet. Provided, in planned developments or other subdivisions containing 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 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 20 feet from the center line of such permanent common open space.

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

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

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

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

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

\* \* \*

**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		
USE	NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED
CBD Re Development Project DB District and DT District	1.4 per dwelling unit with at least 1 parking space designated for each	None required

(Stall Size 9' x 18.5')

	dwelling unit To Be Determined	
Single-family attached and detached, two-family and multi-family dwelling units except in DB District	2 per dwelling unit	None required
Senior citizen housing	.5 per bedroom except in the Downtown Core District, <del>Concentrated Central Area, as defined in Article III herein</del> , .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, motor vehicle sales, 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 <del>Concentrated Business District</del> ) DB 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 <del>Concentrated Business District</del> DB 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, etc.	1.2 parking spaces per bed	1 plus 1 additional for each 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) that 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 purposes (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	1 for each structure over 10,000 sq. ft. of gross floor area

lounge

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

USE	NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND 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 Board as a variation in accordance with this Zoning Ordinance.

(d) When two 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 Board 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 Board, and off-street loading spaces shall be provided in adequate number and size to serve such use as determined by the Board.

(f) The ~~Concentrated Business District~~ DB Downtown Business District is exempt from the provisions of this section. [to be determined]

\* \* \*

**28-1611. Height regulations.**

(a) *Residential planned developments.* No building in a residential planned development shall 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 - 35 feet excluding parapet walls and mechanical penthouses.
- (2) B-2 General Retail Business District - 60 feet excluding parapet walls and mechanical penthouses. Provided, however, that a CBD Redevelopment Project shall not exceed 70 feet, excluding parapet walls and mechanical penthouses.
- (3) B-3 General Services and Highway Business District - 140 feet, excluding parapet walls and mechanical penthouses.
- (4) O-R Office/Research District - 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 - 140 feet, excluding parapet walls and mechanical penthouses.
  - (ii) Property located north of I-88 - 210 feet, excluding parapet walls and mechanical penthouses.
- (2) M-1 Light Manufacturing District - 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. Further, 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.
- (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, upon receipt of a recommendation for an exception and findings of fact from the Plan Commission, shall 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.

**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) 30 percent - 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) 40 percent - 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) 15 percent - B-1 Limited Retail Business District; B-2 General Retail Business District; B-3 General Services and Highway Business District. See Section 28-610 for DB District requirements and Section 28-611 for DT District requirements.
- (4) 20 percent - 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 that district.

SECTION 2 That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Published:

Attest:

\_\_\_\_\_  
Village Clerk

[ch28zon]02-22-05

# 2658146\_v2