



MANAGER'S MEMO ITEM

ITEM: PLAN COMMISSION FILE NO. PC 11-05 – Request for approval of a proposed amendments to Chapter 28, Zoning Ordinance, Downtown Zoning Ordinance Amendment

WORKSHOP DATE: May 24, 2005

PREPARED BY: Keith Sbiral, AICP, Director, Planning & Community Development

PURPOSE: To consider the Plan Commission's recommendation to approve changes to the Village's Downtown Zoning Districts and Ordinance Requirements.

BACKGROUND:

As directed by the Village Council, over the past three years, the Village Staff, the Land Use Review Task Force, as well as both planning and legal consultants, have reviewed the downtown zoning and land use regulations of the Village in an effort to improve the efficiency and effectiveness of the existing regulations and encourage redevelopment. Staff prepared a proposal for updating the Future Land Use Map and Zoning Ordinance and presented this information to the Village Council at their March 22, 2005 Workshop Meeting. The Village Council reviewed the draft proposal and recommended Staff move the project forward for review and Public Hearing in front of the Plan Commission.

At their April 13, 2005 meeting, the Plan Commission held a Public Hearing to consider the modifications to the Zoning Ordinance with respect to the Downtown. The Plan Commission unanimously recommended approval of the Requested Action subject to the modification of the Land Use and Zoning classification of three properties at the northwest corner of Highland and Rogers. These conditions and modifications are delineated in the attached Draft Ordinances.

ATTACHMENTS:

1. Draft Ordinance amending various provisions of the Downers Grove Zoning Ordinance Related to Downtown Classifications and Procedures.
2. Proposed Draft Map Revisions (exhibits for the Draft Ordinance)
3. Staff Report, with attachments, dated April 7, 2005
4. Approved Minutes of Plan Commission Public Hearing dated April 13, 2005

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment to Chapter 28, Zoning Ordinance.

REQUESTED COURSE OF ACTION:

That the Village Council place consideration of the Ordinance approving the proposed Land Use Change, Rezoning and Special Use on the June 7, 2005 Council Meeting agenda.

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 shading/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 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.

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(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.

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.

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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 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 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 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

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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 DB Downtown Business District business as provided for in paragraph (g) of this section on a yearly basis.

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(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 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 DB Downtown Business District at the time of application.

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(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 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.

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(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 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 DB Downtown Business District employees who provide the following: (1) a current pay stub from a DB Downtown Business District employer; and (2) a written letter on letterhead from the DB Downtown Business District employer requesting permission for said employee to obtain an overlay parking permit along with the employee's general work schedule.

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Said overlay parking permit may only be used by a DB Downtown Business District employee during the employee's working hours at the 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.

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(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 ~~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.

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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 ~~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.

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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 ~~DB Downtown Business District~~ as defined in the Comprehensive Zoning Ordinance.

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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. "~~DB Downtown Business District~~" means that area so described in the Downers Grove Zoning Ordinance.

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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 ~~DB Downtown Business District~~ and in a building immediately adjacent to the public area designated in the license application.

Deleted: Concentrated Central Business District

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
- (240) 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.
- (540) 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 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.

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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.
- ! 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 1, 2005, and only on the property as existing on June 1, 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 28.1018).
 - ! 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 or 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.

~~(hn)~~ *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.

~~(np)~~ *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) *DT 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.

(o) *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.

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

(q) *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.

~~(hn)~~ *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.

~~(mq)~~ *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.

~~(hn)~~ *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.

~~(mq)~~ *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.~~

~~(km) 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.

~~(hn) 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.

~~(mq) 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) *DT 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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~~(h)~~ *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.

~~(m)~~ *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.

~~(n)~~ *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.

~~(m)~~ *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.

~~(n)~~ *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.

~~(o)~~ *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.

~~(mp)~~ *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.

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

~~(ln)~~ *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.

~~(mo)~~ *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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(~~ap~~) *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 <u>DB District</u>	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 <u>DB District, .3 per dwelling unit</u>	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 <u>DB District</u>) 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 <u>DB District</u> .	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

Zoning Provisions

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
--	--	------------------------

Zoning Provisions

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 ~~DB Downtown Business District; DT Transition District; and Fairview Concentrated Business District.~~ Deleted: CCA/
- (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 ~~DB Downtown Business District; DT Transition District; or Fairview Concentrated Business District.~~ Deleted: Concentrated Central Area
Deleted: /

Zoning Provisions

- (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 ~~DB Downtown Business District; DT Transition District; or~~ Fairview Concentrated Business District.

Deleted: Concentrated Central Area

Deleted: /

(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 ~~DB Downtown Business District; DT Transition District; or~~ Fairview Concentrated Business District.

Deleted: Concentrated Central Area/

(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 ~~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.

Deleted: Central Concentrated Area/

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

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

Deleted: Concentrated Central Area

In the ~~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.

Deleted: Concentrated Central Area

28.1503.08 Protected Signs

Signs located in the ~~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.

Deleted: Concentrated Central Area

Deleted: /

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

Zoning Provisions

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.

(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.

(2) That the particular physical characteristics, shape, and topographic conditions of the

Deleted: Provided, a CBD Re-Development Project shall not exceed seventy (70) feet, excluding parapet walls and mechanical penthouses.

Zoning Provisions

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

Passed:

Zoning Provisions

Published:

Attest: _____

Village Clerk

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

To: Plan Commission
Prepared By: Keith R. Sbiral, AICP
Date Prepared: April 7, 2005
Meeting Date: April 13, 2005

Project Title: PC 11-05; Village of Downers Grove Downtown Zoning Ordinance Amendment

BACKGROUND INFORMATION:

Petitioner: Village of Downers Grove
Property Address: Downtown Area
Existing Zoning: Commercial, Residential, Manufacturing, CBD, CCA
Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

Requested Action:

1. Approval of an amendment to the Future Land Use Map designations for the greater Downtown area.
2. *Approval of a Zoning Ordinance Text Amendment modifying all sections of the Chapter 28, Zoning Ordinance, that affect the Downtown including the elimination of the Concentrated Business District and the Concentrated Central Area and the creation of two new zoning classifications, DB – Downtown Business District and DT – Downtown Transition District.*
3. Approval of rezoning of the Downtown properties to the newly created DB - Downtown Business District, and DT – Downtown Transition District.

BACKGROUND

As Directed by the Village council, over the past three years, the Village Staff, the Land Use Review Task Force, as well as both planning and legal consultants, have reviewed the downtown zoning and land use regulations of the Village in an effort to improve the efficiency and effectiveness of the existing regulations and encourage redevelopment. Staff prepared a proposal for updating the Future Land Use Map and Zoning Ordinance and presented this information to the Village Council at their March 22, 2005 Workshop Meeting. The Village Council reviewed the draft proposal and recommended Staff move the project forward for review and Public Hearing in front of the Plan Commission.

The downtown area is currently comprised of M-1, *Light Manufacturing*, B-2, *General Retail Business*, R-4, *Single Family Residence*, R-5, *Two Family Residence*, R-5A, *Townhouse Residence*, and the R-6, *Multiple Family Residence* zoning districts. The Zoning Ordinance also establishes two downtown areas (overlay zones); 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 immediately surrounding residential area.

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. Not all allowances within the CBD are permitted by right, some require Special Use or Planned Development approval. The Concentrated Central Area surrounds the CBD, and the only additional benefit provided is properties zoned either multi-family or commercial may be considered for an increase in residential density beyond that permitted in the underlying zoning district either by way of Special Use or Planned Development approval.

To make the zoning ordinance both more efficient and easier for property owners, architects, and developers to

understand, the proposed zoning changes eliminate the overlay zoning districts and create two new base zoning districts. The DB, *Downtown Business District* and DT, *Downtown Transition District* will replace the overlay districts as well as the underlying zoning classifications. The intent of this amendment is to clarify existing Code language, allow increased density in downtown development either by right or with Special Use approval, permit increased commercial development by right, and modify existing use lists provided in the Zoning Ordinance.

ANALYSIS

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 uses within each zoning district, which are then categorized as either Permitted Uses or 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.

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 limited to no on-site parking. Staff has reviewed the applicable requirements, and has recommended certain changes which are intended to encourage redevelopment consistent with traditional downtown development patterns 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 proposing to concentrate all applicable provisions for these two areas within one 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 Downtown Zoning Districts

The boundaries of both the CBD and the CCA have been reviewed to ensure planning goals for the downtown can be accomplished over time. A review of previous developments and redevelopments in the downtown area was conducted. Staff also considered where additional redevelopment opportunities exist. When considering the boundary changes, Staff considered the Future Land Use Map, existing underlying zoning, existing uses, proximity to the downtown area including the parking deck and other factors which may influence redevelopment opportunities, as well as land use compatibility. In certain areas, Staff recommends expanding the boundaries, while in other areas, especially longstanding and flourishing single family residential areas, Staff recommends contracting the boundaries.

The CBD, currently the most concentrated area of commercial development in the downtown, will be slightly expanded and will become the DB, *Downtown Business District*. The CCA will be contracted in some places and expanded in others. The CCA will allow increased residential density and will become the DT, *Downtown Transition District*. It is important to note that Staff has walked the downtown and considered each property to minimize the amount of nonconformity which either exists today or would be caused by the proposed changes. Additionally, the Future Land Use Map for the Village was reviewed. In most cases the Future Land Use is consistent with the proposed changes. In a few locations, Staff is proposing amending the Future Land Use Map to be in line with the goals of planning discussions over the past several years.

APRIL 13, 2005 PLAN COMMISSION PUBLIC HEARING

Attached to this Staff Report are maps indicating proposed Land Use and Zoning modifications. Additionally, the proposed ordinance amendments are provided in Draft Ordinance form. Staff will present the proposed ordinance language revisions as well as the specific proposed map amendments and then take questions from the Plan Commission and questions and comments from the public.

Seven maps have been attached to this packet. The maps show existing land use and zoning conditions, the proposed modifications to land use and zoning conditions and the land use and zoning maps in final form if the proposed changes are adopted. Additionally, an aerial photo with the new downtown districts depicted is attached for your reference. Questions specific to these maps will be addressed at the Public Hearing.

Following this hearing, additional meetings with the Downtown Management Corporation will be held to provide further opportunities for downtown property owners to learn and understand the proposed Code modifications prior to a Village Council Workshop meeting.

RECOMMENDATION:

Staff believes the proposed FLUM designation modifications, Zoning Ordinance Text Amendment, and Zoning Ordinance Map Amendment are consistent with Village Planning Documents, Strategic Planning Discussions, and overall downtown development goals. Staff recommends the Plan Commission forward a favorable recommendation and Finding of Fact to the Village Council with respect to the Requested Action

Attachments:

- Proposed Zoning Ordinance Text Amendment
- Existing Downtown Future Land Use Map
- Proposed Downtown Future Land Use Map – Changes
- Proposed Downtown Future Land Use Map - Final
- Existing Downtown Zoning Map
- Proposed Downtown Districts Change Overview
- Proposed Downtown Zoning Map
- Proposed Downtown Districts Overview Map

APPROVED

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION
SPECIAL MEETING, APRIL 13, 2005, 7:30 P.M.

Chairman Jirik called the April 13, 2005 special meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

PRESENT: Chairman Jirik; Messrs. Griesbaum, Nicholaou, Quandt, Waechtler

ABSENT: Messrs. Matejczyk, McCormick, Stark, Mrs. Rabatah

STAFF: Keith Sbiral, Planner; Enza Petrarca, Village Attorney; Mark Burkland, Special Counsel; and Alice Dornan, Recording Secretary

Chairman Jirik reminded the Commissioners and the public that the purpose of the meeting was to discuss fact finding and to hear comments and information regarding the Zoning Ordinance amendment for information and make a recommendation to the Mayor and Village Council. Tonight's meeting will focus on the Village's Future Land Use Map, Zoning Text Amendment and consideration for approval of a Zoning Map Amendment for the Rezoning of the downtown.

The Chairman reviewed the procedures for the Plan Commission Public Hearing and read the oath to those individuals who would be speaking on behalf of File No. PC-11-05.

FILE NO. PC-11-05 Amendments to Chapter 28, Zoning Ordinance of the Municipal Code relating to Sections of the Zoning Ordinance Regulating the Downers Grove Downtown Business District. Petitioner: Village of Downers Grove.

Directing attention to the overhead projected on the screen, Mr. Sbiral discussed the current makeup of the zoning found in the downtown districts, in addition to the two overlay districts: the Concentrated Business District ("CBD") and the Concentrated Central Area ("CCA"). The purpose of the proposal is to simplify the regulations and make the development process less complex so that property owners can understand what can be done with their property.

In the proposal, two new districts would be created: the Downtown Business District and the Downtown Transition District. Regulations from the CBD would be similarly applied to the Downtown Business District while the regulations from the CCA would be similarly applied to the Downtown Transition District with the only difference being that the various redevelopment projects would be removed and incorporated into the new districts. Multi-family residential would be maintained as a Special Use but the rules a developer will build under will be more common across the board in the new districts. Other revisions include the revision of the Use list while minimizing the creation of non-conforming properties as much as possible.

Mr. Burkland addressed the Commission explaining that while he was delighted to work on the Village's Ordinance in general, he was initially surprised by its complexity, which was not a useful tool in certain respects. Much of the time spent on revising the Ordinance was due to working with what the Village already had rather than creating a radical change. Further discussion followed on how the concept came about to really simplify the Ordinance with the goal to have a thriving Central Business District while protecting the outerlying areas near the business district; i.e., the area of transition. Both districts take a different approach as they relate to the future. Mr. Burkland

APPROVED

reiterated that the revision was not a radical change but instead was a more a radical change as to how many different zoning overlays were removed. The format was more efficient and effective as a tool.

Chairman Jirik asked if the Commissioners had questions regarding the three aspects of the discussion; none were voiced. Chairman Jirik opened the meeting to public comment and read the oath to those individuals who would be speaking on behalf of File No. PC-11-05.

Mr. Vincent Barrett, 4921 Highland Avenue, Downers Grove, asked about the status of some parcels on the 4900 block of Highland Avenue and the next steps following this meeting. Mr. Sbiral explained currently the properties discussed are zoned R-6, Multiple Family Residential and are not in the Concentrated Central Area. From a zoning perspective, nothing would change. The Future Land Use Map classifies the parcels as Commercial; Staff is proposing to change the parcels to residential, which is compatible with the existing area. Mr. Sbiral further explained while the Future Land Use classification would move from Commercial to Residential, it will not have the permitted density that the downtown zoning has.

Chairman Jirik reminded the residents that the changes being discussed were not final and residents could come forward and seek changes. He proceeded to explain the steps that followed this Public Hearing for Mr. Barrett.

Mr. Barrett further asked the age of the current Land Use Map and asked whether a parcel on the west side of Highland (3rd from corner) was a recent Commercial (red color) addition to the Map. Staff noted there had not been any recent changes in the downtown area with respect to the land use.

Discussion followed regarding the parcels on the northwest corner of Rogers and Highland which are currently zoned R-5, Two Family Residential, and under the proposed Ordinance modifications would remain R-5.

Mr. Sbiral clarified that the parcel Mr. Barrett was discussing had a land use designation of Commercial and would remain as a Commercial land use designation. Switching to the zoning plan, the site currently has R-5, Two Family Residential zoning and is located in the CCA, which allows for greater density. Under the new proposal, it would come out of the CCA area and would not be part of the transition area but remain as R-5, Two Family Residential zoning. The corner would change to the new Downtown Business District zone.

Mr. Barrett asked who determines the change of residential homes to commercial on the Future Land Use Map, wherein the Chairman conveyed that no decision has been made, which is the purpose of the fact-finding portion of this meeting.

Regarding the parcel coming out of the CCA and moving it into straight R-5, Two Family Residential zoning, Chairman Jirik asked whether the Commission would be creating any inconsistency by having Future Land Use as well as residential, wherein Mr. Burkland explained the inconsistency already existed, and it would make sense for this Commission to consider making the parcel residential.

Mr. Barrett indicated his preference for the parcel to remain as Residential zoning with Residential Land Use. Regarding the two corner parcels at Rogers and Highland, he asked how the zoning was changed from R-5, Two Family Residential to Commercial, wherein Chairman Jirik explained, in general, the goal of the Downtown Land Use Map was to be used as a guide for future development

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and growth in the Village in an orderly fashion. However, the Commission holds public hearings, updates, and revisions to the map. The zoning map, however, relates to the Ordinance that contains specific definition regarding development, density and kinds of uses that can occur. A general relationship existed between the Zoning Map and the Future Land Use Map. Examples followed. Mr. Barrett indicated because the maps were published and available to the residents and public to view, the zoning clearly represented what could occur in the neighborhood. He resided in an area of residential homes and expressed concern about future developers coming in. Again, he asked how the two parcels became Commercial, wherein the Chairman explained that the map had been adjusted by Staff. Mr. Barrett requested that the two parcels be colored as brown, zoned R-5.

Mr. Waechtler recalled during the joint discussions with the Economic Development Commission and the Plan Commission, that issue was raised because a petitioner came in to construct a commercial building on the northwest corner of Highland and Rogers. Residents voiced their concerns at that time, and the petitioner withdrew the request to go commercial at the corner. During the hearings, it was conveyed to the residents that if they wanted the parcels to remain residential at that time, they should approach the Village stating their request to keep it residential and file a petition. Mr. Waechtler believed the issue was already discussed, and it was pertinent to this discussion. His understanding was that Mr. Barrett was requesting that on the Zoning Map and the Future Land Use Map that the two parcels remain R-5 zoning and land use R-5, noting the new condominiums at Station Crossing look down on the residential property.

Mr. Bill Cawthon, 5211 Washington Street, Downers Grove, directed attention to the area of Washington and Maple and explained the person north of him at 5205 Washington was expected to close on his property soon and had expressed concerns about providing off-street parking. Mr. Cawthon's home was also purchased and used for office use, which was acceptable to him. However, his concern was whether he could remain in his home since it would be zoned commercial. He believed the Office use in the homes was a nice transition into the residential area. He asked if he would be considered a non-conforming business.

Mr. Burkland conveyed he was not sure the residence would be considered non-conforming and that the use may be accommodated in the Downtown Business District. The Office use would most likely be a continued permitted use, but not the residence.

Mr. Cawthon inquired about creating some extra storage space on his property and asked about the status of his side of the street becoming Concentrated Business at the request of the owner next door. He conveyed his neighbor's discussions with the Planning Commission as it related to off-street parking. Chairman Jirik explained to Mr. Cawthon that the changes today did not compel any specific action. It would only affect the future activities of development or a developer.

Ms. Lea Wayne, 4943 Highland Avenue, Downers Grove, was sworn in by the Chairman. Ms. Wayne pointed out her home on the map and noted the inconsistencies on her block: one side of the block was zoned Residential and the two corner lots were zoned Commercial. She strongly preferred that the two parcels be changed to Residential on the Future Land Use Map. Speaking for her neighbor, her neighbor also wanted the same change.

Mr. Ed Novak, 23W581 Royal Oak, Naperville, confirmed that three to four years ago, the two parcels being discussed were requested to be rezoned. The Commercial National Bank wanted Commercial zoning. He noted he and another individual were the ones who created the Downers Grove Management Special Service Tax because he wanted a vibrant Downers Grove downtown. After reviewing the proposed map, he was surprised to see the change because he did not ask for the

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change. He further noted that a house located on one of the lots would be torn down in 30 to 60 days. Mr. Novak expressed his opinion that the zoning proposal made sense. He discussed the fact that downtown Downers Grove needed office space in order to bring more customers to the restaurants. The second house belonged to the family of Roger's Farm, built around 1865. He discussed the fact that the Curtiss block development will change the area. Mr. Novak also discussed how he would like to purchase State property to the north.

Mr. Stephen Jagielo, 4908 Highland, Downers Grove, owns property at 4913 Main Street and noted one of the things that he found and agreed with while shuffling through the maps was the rezoning of the two parcels under discussion. He discussed the consistency of the commercial parcels across the street and the inconsistency of the two parcels zoned commercial when existing in a residential area. He emphasized time and again he has heard the Village claim that it needs to "build density in the downtown area" -- meaning human being density, population, and people to use the services, restaurants, etc. that exist. To him, it was inconsistent to be removing residential property to rezone it commercial and to slowly gnaw away at a neighborhood. He questioned where the practice would stop. Mr. Jagielo indicated the Village could either change the land use to be consistent with the zoning or change the zoning to be consistent with the land use. To be consistent, he suggested changing the land use to reflect Residential zoning to be consistent with the block. He reiterated that the Plan Commission should consider the neighborhood's sensitivity to those two parcels and should listen to someone who lives in Downers Grove and who has invested in the Village with a business and a residence and should be consistent. The residents made an investment into the neighborhood and were not leaving.

Mr. Vincent Barrett, 4921 Highland Avenue, Downers Grove, emphasized the tremendous outpouring of petitioners against the two properties under discussion owned by Mr. Novak because they were a neighborhood of residents, and the area was supported by the people who lived in the community and not by investors who lived in another community. Mr. Barrett explained that builders wanted to build everywhere and Gammonley was in the business of high- resident, high-occupancy residential skyscrapers in communities along the BNSF tracks. He noted the neighbors were residents who sustained the tax base and put their children in schools in this community and were the fabric of the community and would fight to keep the neighborhood. Mr. Barrett stated he saw his own father fight for this same exact neighborhood on the same issue in 1958 when he went door-to-door to get petitions and brought residents into the Village Council to state their position. He further emphasized the integrity of the neighborhood is at stake. More development would result in a domino effect, and the same discussions would occur with the residents of the 4800 block or 4600 block. Again, he respectfully asked that the Plan Commission change the color to green (brown) and to fight as a community to keep the neighborhood intact.

Hearing no further comments, Chairman Jirik closed the public comments portion of the meeting. The Chairman recessed the meeting at 8:50 p.m. and reconvened at 8:55 p.m.

Chairman Jirik asked for comments from the Commission.

Mr. Nicholaou explained his knowledge of the area under discussion. From a historical basis, he stated the Commission views projects as to whether they are consistent to what is occurring in the neighborhood. When the parcels under discussion were created as R-5, it was the true designation and use of the neighborhood -- a multi-family area. Mr. Nicholaou explained currently the neighborhood is not an R-5 zoning, but rather has been reclaimed as an R-4 area. Mr. Nicholaou proceeded to point out the current market values of the homes in the area -- \$850,000, \$895,000, over \$1,000,000, etc. and the neighborhood fervor was raised regarding the Rogers Street extension many

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years ago. At that time, there was an assurance that a dividing line existed between the residential and the commercial area. Commenting on some other details of the area, Mr. Nicholaou emphasized the block was clearly R-4. Due to the minimum turnover on Highland Avenue, realtors knew it as the Village's "best kept secret" due to its proximity and what has or has not occurred to the area in the past ten years.

Mr. Nicholaou supported revising the parcels to the R-4 zoning since that was what the neighborhood was demonstrating.

In reviewing the downtown's proposed district map and looking at Rogers Street near Douglas Road, Mr. Waechtler pointed out the consistency of residential which was a good argument for the parcels under discussion. He agreed with the comments of Mr. Nicholaou and the neighbors that the parcels should remain Residential and R-5.

Mr. Burkland suggested that it remain R-5 for now since the initiative to move it to R-4 was beyond the scope of this Public Hearing. It could return to the Plan Commission at a later time if residents choose to bring forth a petition.

Mr. Nicholaou stated he would vote for an R-5 zoning change for that section. However, he requested that it be returned to Staff and the proper steps be taken to bring it back to this Commission with an R-4 designation.

Discussion followed on the differences between R-4 and R-5 zoning, with Mr. Nicholaou stating that the community reclaimed it and has demonstrated it is not an R-5 district. Much money was spent to show it. New construction was pushing the dollar figures as well.

Mr. Sbiral pointed out by moving the current lots to R-4 zoning without looking at the setbacks, etc.; the Village could be creating non-conforming homes, which could be detrimental to the owners. Should the R-5 recommendation continue forward, Mr. Nicholaou asked whether a commercial entity could come in and ask for a Use Exception or Special Use, wherein Staff conveyed that the permitted uses for R-5 were single-family dwellings or two-family dwellings.

Mr. Waechtler indicated he received a call from a resident who could not attend the meeting. At Maple and Main, Mr. Waechtler confirmed with Staff that there was no detrimental impact to the Morningside complex based on the changes Staff and Mr. Burkland recommended.

Mr. Griesbaum asked for clarification on the existing Downtown Zoning District regarding the area south of Grove, west of Main Street, and north of Maple (shaded brown), and the fact that currently both R-4, Single Family Residential and R-5, Two Family Residential zoning existed there. On the Proposed Land Use Map, the same area was proposed as all residential, 0 to 6 dwelling units. He asked as a proposed downtown transition district, what implication would there be on that area. Mr. Sbiral indicated the implications of the properties, specifically the churches in the area, were in a Multi-family Residential or a Single-family Residential category and were put into the downtown transition for consistency purposes. They are all special uses in residential districts. Some of the R-4, Single Family Residential properties were removed from the CCA because they were single family residences that would probably not develop into a multi-family area. The area to the north was remaining DT because it was currently R-6, Multiple Family zoning and was more consistent with the area.

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Referring to the Ordinance drafted April 7, 2005, Page Seven, Section 28-610(b), Chairman Jirik asked Staff about the reference to the June 1, 2005 date, wherein Mr. Burkland explained the mapping restriction was not only a declaration of policy as it was a legal restriction. Staff felt it was appropriate in creating the new business district to establish it in a place and to state as a declaration of policy that this was the place for it, as determined at this point in time. Therefore, if it was necessary to expand the district, Staff wanted to set standards for it. As an example, Mr. Burkland explained one of the standards allows a contiguous property to be reclassified, but how does one define "contiguous?" Therefore, "contiguous" as of a particular date would prevent sprawl of the downtown business district and would cause a deeper level of consideration before taking the important step of determining to expand the business district.

In reviewing Page Six of the Ordinance drafted April 7, 2005, Mr. Waechtler asked about "aircraft landing areas" under Section 28-606(a), wherein the Village Attorney indicated it was for helicopter landings which was possible in B-2 zoning. Mr. Burkland indicated it could be revised to state, "Aircraft landing areas, but only associated with medical facilities." Mr. Waechtler concurred. Mr. Quandt also agreed with Mr. Waechtler and Mr. Nicholaou's comments about the two commercial parcels being inconsistent and should remain residential.

Chairman Jirik indicated he would not poll the Commissioners after each of the three motions but would poll them at the end of all the motions.

MOTION: WITH RESPECT TO FILE NO. PC-11-05, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATIONS FOR THE GREATER DOWNTOWN AREA WITH REFINEMENT TO THE THREE PARCELS ON THE NORTHWEST CORNER OF HIGHLAND AND ROGERS TO BE CONSISTENT WITH THE R-6 TO 11 DU/AC, CONSISTENT WITH THE PARCELS IMMEDIATELY ADJOINING TO THE NORTH. SECONDED BY MR. GRIESBAUM.

ROLL CALL:

AYES: MESSRS. NICHOLAOU, GRIESBAUM, QUANDT, WAECHTLER, CHAIRMAN JIRIK

NAYS: NONE

MOTION PASSED. VOTE: 5-0

Regarding the text amendment changes in the Ordinance beginning on Page 14 and beyond, Mr. Waechtler confirmed there have not been any changes in the Ordinance as it relates to lot area and height. Mr. Burkland indicated most of the items related to the Concentrated Business District were removed but cross-references were added in for consistency purposes. Lastly, Mr. Burkland added the hospital was not zoned B-2, and the "aircraft landing area" reference would need to be corrected when making the motion. As to the reference regarding the recycling collection facilities, Mr. Burkland stated he and Staff tried to reconcile the myriad of pre-existing districts and overlays and consolidate them into current Ordinances but an analysis on each use was not done.

MOTION: WITH RESPECT TO FILE NO. PC-11-05, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE

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VILLAGE COUNCIL FOR APPROVAL OF THE ZONING ORDINANCE TEXT AMENDMENT MODIFYING ALL SECTIONS OF THE CHAPTER 28 ZONING ORDINANCE AND WITH THE RECOGNITION THAT STAFF WILL CORRECT THE ASSOCIATED AREAS ON PAGE 6, SEC. 28-606 "SPECIAL USES", REFERRING TO THE "AIRCRAFT LANDING AREAS." SECONDED BY MR. QUANDT.

ROLL CALL:

AYES: MESSRS. NICHOLAOU, GRIESBAUM, QUANDT, WAECHTLER, CHAIRMAN JIRIK

NAYS: NONE

MOTION PASSED. VOTE: 5-0

MOTION: WITH RESPECT TO FILE NO. PC-11-05, MR. WAECHTLER MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF THE REZONING OF THE DOWNTOWN PROPERTIES TO THE NEWLY CREATED DB - DOWNTOWN BUSINESS DISTRICT AND DT-DOWNTOWN TRANSITION DISTRICT, WITH THE EXCEPTION OF THE TWO PROPERTIES AT THE NORTHWEST CORNER OF ROGERS AND HIGHLAND, WHICH ARE TO BE ZONED R-5. SECONDED BY MR. NICHOLAOU.

ROLL CALL:

AYES: MESSRS. NICHOLAOU, GRIESBAUM, QUANDT, WAECHTLER, CHAIRMAN JIRIK

NAYS: NONE

MOTION PASSED. VOTE: 5-0

Chairman Jirik asked the Plan Commission members to give a brief statement outlining the reasons for their votes for inclusion in the minutes.

Mr. Quandt thanked the residents for giving their opinions. He voted in support of the motions because they provided a less complex code, provided greater clarity to residents, potential residents and businesses and developers, and provided greater efficiencies for Staff and the Village.

Mr. Griesbaum concurred with the above comments and complimented Staff and council and everyone involved. The changes helped simplify a number of items across the board. Hopefully, the changes make it easier to do business in Downers Grove. He thought there was good collaboration and support among the neighbors.

Mr. Nicholaou also agreed with the above comments. He stated Staff did a great job and it was consistent with what everyone was trying to accomplish as a community, i.e., to facilitate the various Ordinances in the community to make it easier for residents and Staff as well. Tonight was an example of the Plan Commission listening to the public and acting appropriately.

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Mr. Waechtler echoed other comments but added Mr. Burkland provided a good contribution to the materials as well as Staff and the Village Attorney. He agreed the audience participation was very helpful and it was proven again tonight. The changes will allow people to do easier business in Downers Grove and the residents can understand the zoning better.

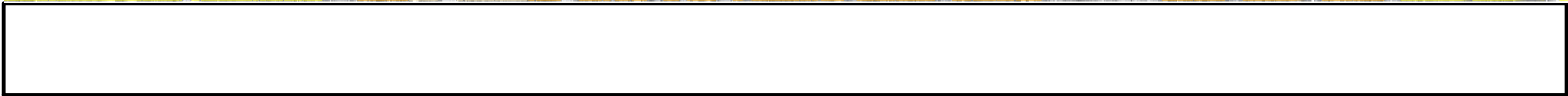
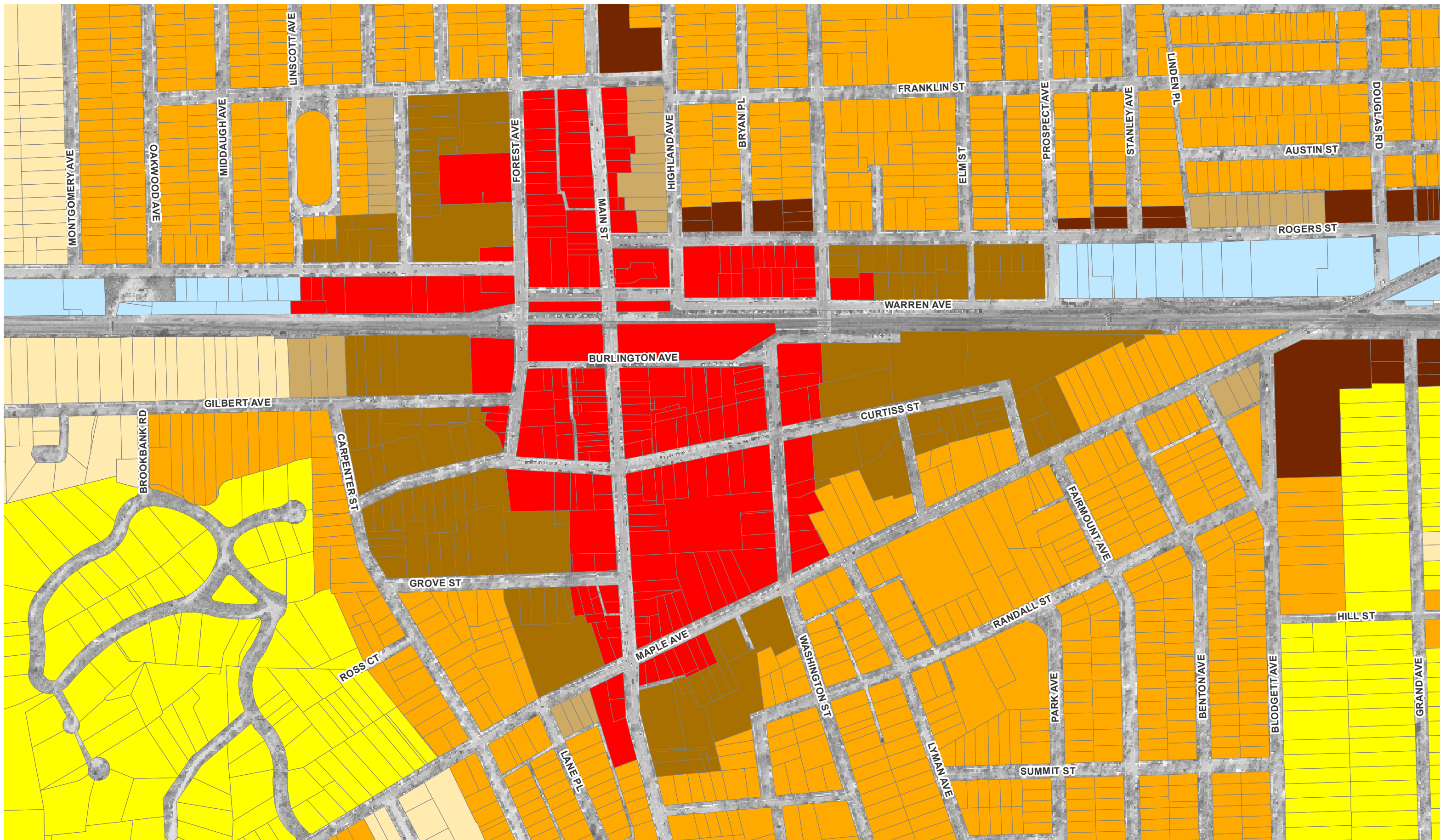
Chairman Jirik concurred with the Commissioners and echoed their comments.

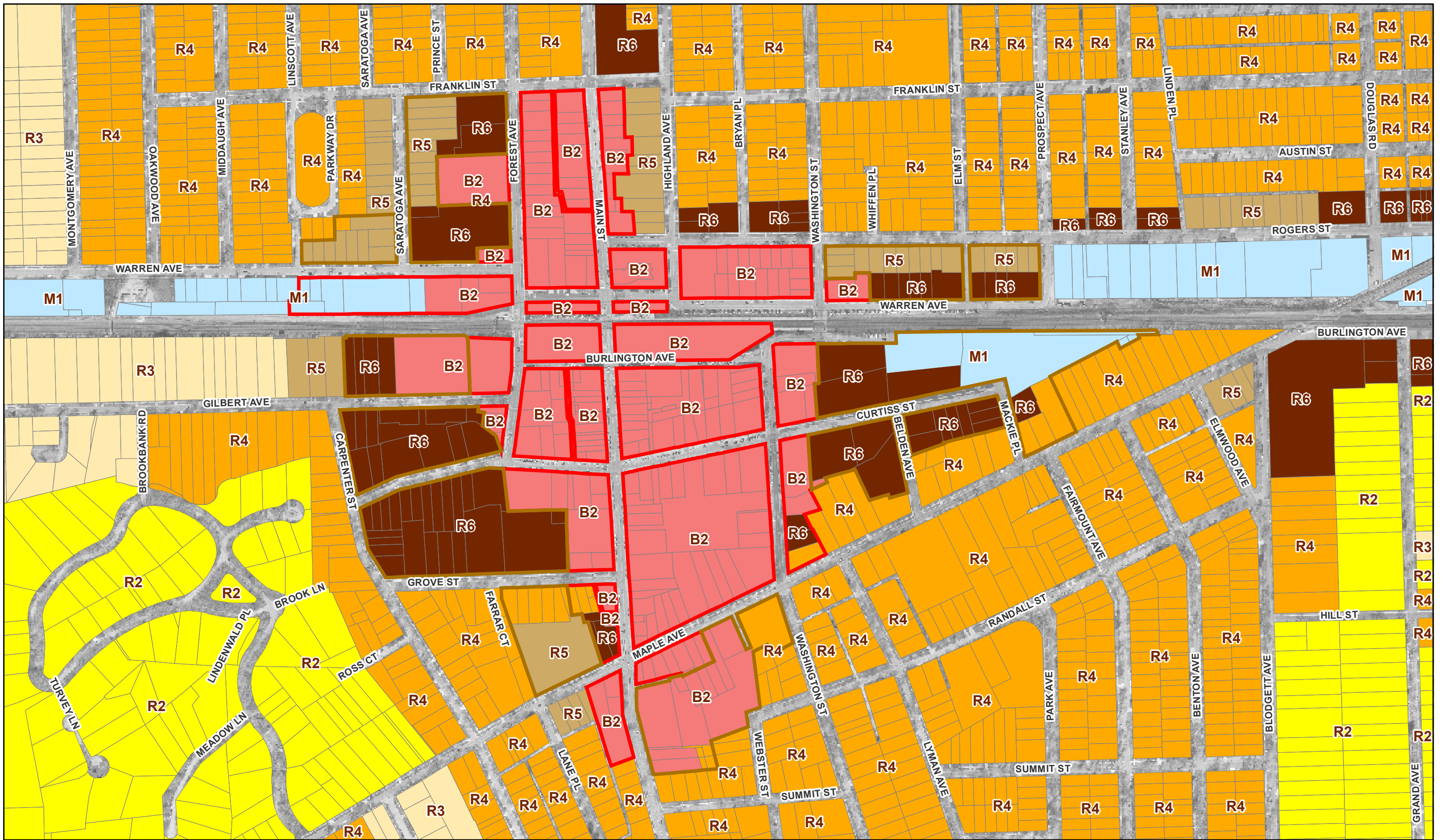
Recording Secretary Dornan announced the next meeting was scheduled for May 2, 2005 but that the Commission will have to determine dates for the months of July and September, 2005. Chairman Jirik asked that Commissioners review their calendars and for Staff to see what dates the Council Chamber is available for those months.

**MR. WAECHTLER MOVED TO ADJOURN THE MEETING; MR. NICHOLAOU
SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**






The meeting adjourned at 9:35 p.m.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by tape)





Legend

	R1		R4
	R2		R5
	R3		

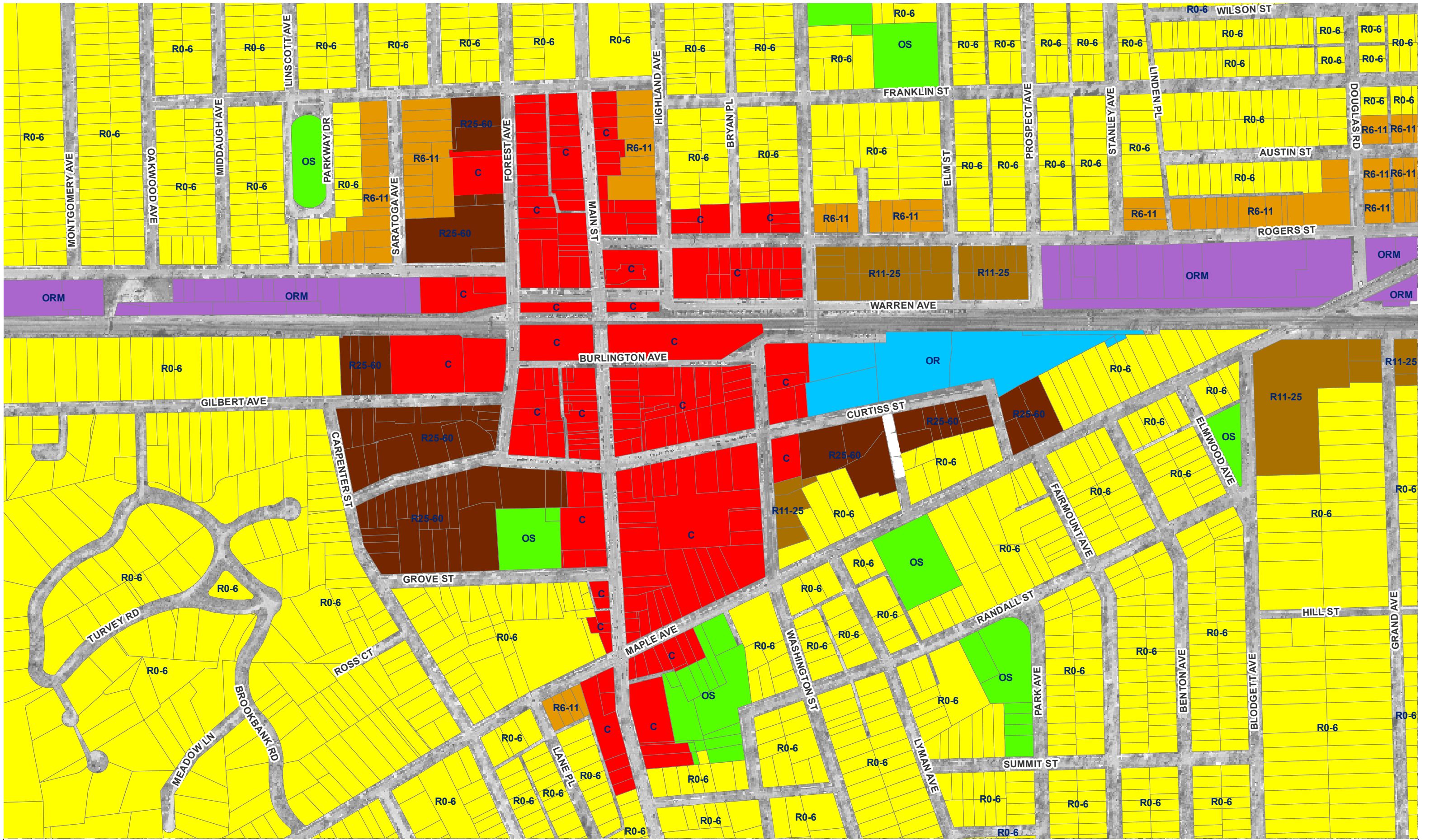
Proposed Downtown Districts Change Overview

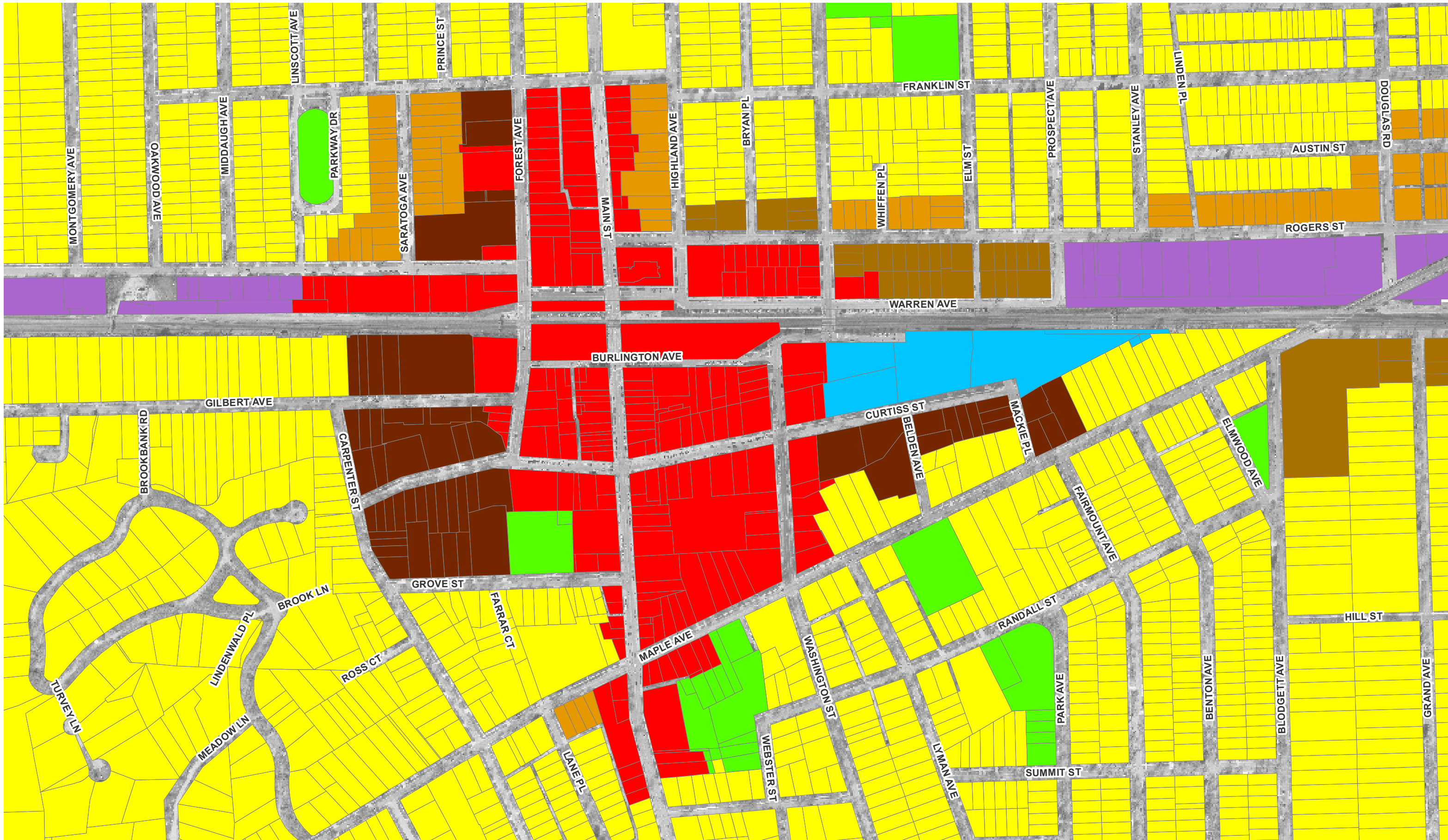
Planning and Community Development



2002/03 Aerials

1 inch equals 400 feet





MONTGOMERY AVE

OAKWOOD AVE

MIDDAUGH AVE

LINSCOTT AVE

PARKWAY DR

SARATOGA AVE

PRINCE ST

FOREST AVE

MAIN ST

HIGHLAND AVE

BRYAN PL

WHIFFEN PL

ELM ST

FRANKLIN ST

PROSPECT AVE

STANLEY AVE

LINDEN PL

AUSTIN ST

DOUGLAS RD

ROGERS ST

WARREN AVE

BURLINGTON AVE

GILBERT AVE

BROOKBANK RD

CARPENTER ST

CURTISS ST

BELDEN AVE

MACKIE PL

ELMWOOD AVE

FARMOUNT AVE

GROVE ST

FARRAR CT

MAPLE AVE

WASHINGTON ST

RANDALL ST

PARK AVE

HILL ST

TURVEY LN

LINDENWALD PL

BROOK LN

ROSS CT

LANE PL

WEBSTER ST

LYMAN AVE

SUMMIT ST

BENTON AVE

BLODGETT AVE

GRAND AVE

