

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 16, 2006 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Text Amendment: Residential Regulations	✓ Resolution Ordinance Motion Discussion Only	Don Rosenthal Dir. of Community Development

SYNOPSIS

An ordinance has been prepared based on the Plan Commission’s recommendation for an amendment to the Zoning Ordinance relating to the residential regulations.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the May 9, 2006 Village Council Workshop. Approval is recommended on the May 16, 2006 Active Agenda.

The following modifications have been made to the ordinance per the Council’s direction at the May 9, 2006 Workshop:

1. Height: Section 28.1105 – a maximum eave height has been added to the R-1, R-2, R-3, R-4, R-5 and R-5A districts. Additionally, the language in this section has been modified to exempt ornamental and architectural features.
2. Side Yard Setbacks: Section 28.1111 – this section has been modified to place the R-4 side yard setbacks at five (5) feet. Staff is recommending that the side yard setbacks be adopted as recommended by the Plan Commission for the other zoning districts.
3. Accessory Structure Setbacks: Section 28.1300 – accessory structure setbacks have been changed to five (5) feet for the R-4 zoning districts.

BACKGROUND

At the April 11, 2006 Workshop meeting, the Village Council raised the following issues for further research and consideration:

1. Impact of the proposed regulations on 50-foot wide lots including the impact on the floor plans of the houses
2. Further explanation of the permitted encroachments in the side yards
3. Impact of the six (6) foot setbacks for accessory structures
4. Further explanation of the side yard drainage issues
5. Fire Department review of the proposed side yard setbacks.
6. Impact of a maximum eave height regulation

Attached is a memorandum dated April 28, 2006, from the Community Development Director addressing the issues outlined above. In addition, staff amended the recommended ordinance to revise the standards for a rezoning and to clarify that the accessory structure regulations apply to freestanding flag poles. Staff

recommends that the Village Council approve the ordinance and review the ordinance six months after its effective date to ensure that the amended regulations are having the intended impact on new residential development. Staff does not recommend any additional modifications to the ordinance at this time.

The primary goals of the amendments to the residential regulations are to:

1. Simplify the zoning regulations and reduce the potential for inconsistent interpretations.
2. Reduce the potential for negative aesthetic and drainage impacts of larger new homes and additions built in established neighborhoods.

Current and Proposed Ordinance Requirements:

Setbacks: The current setback requirements of 5 feet provide minimal space for proper drainage along the side property lines. Additionally, the current code requirements tying the setbacks to the height of the building make understanding and administering the provision difficult.

The proposed regulation would increase the side yard setback requirement to provide additional space for stormwater drainage, increase the distance between houses, and be easier for the general public to understand.

Table 1 - Current Setback Regulations

District	Front Yard*	Side Yard**	Rear Yard**
R-1	40 feet	5 feet	20 feet
R-2	35 feet	5 feet	20 feet
R-3	30 feet	5 feet	20 feet
R-4	25 feet	5 feet	20 feet

* - Plus 1 foot for every 2 feet of height in excess of 20 feet.

** - Plus 1 foot for every 1 foot of height in excess of 20 feet.

Table 2 - Proposed Setback Regulations

District	Front Yard	Side Yard*	Rear Yard
R-1	40 feet	10 feet**	20 feet
R-2	35 feet	7 feet	20 feet
R-3	30 feet	6 feet	20 feet
R-4	25 feet	6 feet	20 feet

* - or 10% of lot width, which ever is greater.

** - or 10% of lot width, which ever is less, but not less than 7 feet

Height: The current maximum permitted height in all single family zoning districts is thirty-five (35) feet as measured from average grade to the mid-point of a sloped roof. This requirement can be interpreted differently based on the design of the roof and the number of different roof masses contained within a building. The proposed maximum building height would be as follows:

- o Thirty-five (35) feet to the peak of the roof in the R-1 and R-2 zoning districts.
- o Thirty-three (33) feet to the peak of the roof in the R-3 and R-4 zoning districts.

The proposed regulation would reduce the maximum permitted height and would be easier to understand for the general public and easier for the Village to interpret.

Lot Coverage: Currently there are no lot coverage restrictions for the single family zoning districts. The lack of maximum lot coverage allows for properties to be covered entirely by buildings (exclusive

of the setbacks). The proposed regulations would restrict the footprint of all buildings on a property to thirty-two (32) percent of the total lot area. Lots that are less than sixty (60) feet in width would be eligible for a 500 square foot bonus for rear-loading attached garages or detached garages. The new regulation should increase open space and limit the amount of the property that could be improved with structures.

Accessory Structures: The proposed regulations, summarized in Table 3 below, would allow for additional space for stormwater drainage, limit the number of structures that could be constructed on each lot, limit the size of the accessory structures and modify the maximum permitted height measurement to be consistent with the height measurement for principal structures.

Table 3 – Current and Proposed Accessory Structure Regulations

	Current Regulations	Proposed Regulations
Minimum Required Setbacks	5 feet	6 feet
Maximum Permitted Height	20 feet to roof midpoint	23 feet to roof peak
Maximum Number of Structure	No regulation	3 per lot
Maximum Permitted Size	No regulation	1,000 s.f. or gross floor area of principal structure, whichever is less

Additional Accessory Structures regulations are summarized below:

- *28.1302 Sheds.* New limitations on the size, height and number of sheds will be added.
- *28.1303 Swimming pools.* Increased setback regulations will be required for new swimming pools.
- *28.1304 Air Conditioning Units.* Increased setback regulations will be added for air conditioners and generators.
- *28.1305 Flag Poles.* New regulations will be added for flag poles and flags.

Nonconforming structures, lots and uses: Currently, there is some confusion in the sections of the Zoning Ordinance dealing with non-conformities. This confusion has led to inconsistencies in the implementation of the code. The proposed amendments to the nonconformity sections (28.1200 – 28.1206) would clarify what modifications can be made to legal nonconforming buildings and lots and would make the sections easier to understand by the general public.

The language in these sections has been clarified by eliminating the word “reconstruction” and better defining the parameters for the continuation and modifications of nonconforming buildings, lots and structures.

A new section would be added to allow for second story additions on existing homes that do not conform to the setback regulations provided that the building’s height is no more than twenty-two (22) feet as measured to the bottom of the eaves.

Lots of Record: Current code allows property owners to buy and sell portions of platted lots without obtaining any Village approval. This often results in the creation of non-conforming lots and structures (lots not meeting minimum widths and areas, structures encroaching upon side and rear yard setbacks). In addition, the current code allows for building permits to be issued for construction on parcels that are not platted lots. The proposed amendments would require the creation of a Lot of Record prior to the alteration of a parcel or the issuance of a building permit for a parcel that is not a platted lot. The creation of a Lot of Record would be an administrative subdivision process handled at the staff level.

This process would ensure that parcels and structures adhere to Village Code. The proposed provision would also enhance the definition of a lot of record in Section 28.1000.

Zoning Ordinance Text and Map Amendments: The changes to Section 28.1700 would add standards for approval of map and text amendments. Currently, these standards do not exist in the Village's Zoning Ordinance, and would help the Village to avoid arbitrary and capricious zoning actions.

Miscellaneous and definitions: The modifications listed above created a number of inconsistencies with current definitions and other miscellaneous provisions. There are other various definitions and regulations in the residential sections of the Zoning Ordinance that have needed minor improvements.

The following proposed amendments are designed to reduce the complexity and inconsistencies of the Ordinance. The following modifications are proposed:

- *Definitions.* The definition of a buildable area will be clarified.
- *Definitions.* The definition of lot width will be clarified to state where the measurement will be taken. The "required" front yard setback will be used instead of the "established" front yard setback.
- *Definitions.* The definition of lot depth will be modified to accurately reflect the manner in which lot depths are calculated by the Village.
- *28.1100 Yards and open spaces – miscellaneous requirements.* New regulations will be added to reduce the number of encroachments into required yards which are allowed for new construction. Existing construction will continue to follow the existing Zoning Ordinance.
- *28.1102 Corner lots.* This section will be clarified to include other "multi-front" properties (e.g. through-lots).
- *28.1102 Corner lots.* The language regarding "street" frontage will be clarified to "rights-of-way with widths greater than twenty (25) feet" in order to distinguish streets from alleys.
- *28.1102 Corner lots.* The calculation of height on corner lots is also clarified so that the elevation yielding the greatest height is used for the overall building height.

Summary of Public Meetings and Plan Commission Hearings:

As directed by the Village Council, staff has reviewed the residential zoning regulations of the Village in an effort to improve the efficiency and effectiveness of the existing regulations and encourage more neighborhood sensitive redevelopment. Community Dialogues were held on September 18, 2004; March 23, 2005; and June 29, 2005 to discuss the Village's goals and potential impacts (both positive and negative) of modifying the regulations. Additionally, staff has met with members of the development community to discuss the proposed modifications.

The Plan Commission held public hearings on September 26, 2005, February 13, 2006, and February 27, 2006. At those hearings, staff formally presented the proposed changes to the residential zoning regulations. Per the Plan Commission's direction, staff drafted an ordinance reflecting the proposed modifications as well as some of the alternative provisions that were discussed. Specifically, staff included several alternative provisions for the Commission to discuss.

At the February 27, 2006 hearing, the Plan Commission discussed the draft ordinance in detail and determined all of the alternative provisions should be excluded from their recommendations except for the front porch encroachment/bonus. The Plan Commission adopted a motion to recommend approval of the draft ordinance amending the Zoning Ordinance's text with a unanimous vote. The attached ordinance is consistent with the Plan Commission's recommendation.

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING VARIOUS PROVISIONS
OF THE DOWNERS GROVE ZONING ORDINANCE**

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 residential regulations; and

WHEREAS, the system of regulation for residential zoning classifications, text and map amendments, and nonconforming structures and uses has been unnecessarily confusing and has not provided existing property owners and potential owners, with a clear understanding of what development and maintenance of property is permissible within the residential and commercial zoning districts; 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 hearings on September 26, 2005; February 13, 2006; and February 27, 2006 pursuant to notice thereof duly published on September 9, 2005, and January 27, 2006, 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 ordinance be adopted; and

WHEREAS, the Council has reviewed and considered the findings and recommendations of the Plan Commission, has considered all of the facts and circumstances related to the proposed amendments, and has determined that the proposed amendments, in the form included in this Ordinance, satisfy the standards set forth in Section 28.1700 of the Zoning Ordinance applicable to amendments to the text of the Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the 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 28.201 is hereby amended to read as follows:

28.201 Definitions.

For the purposes of this Zoning Ordinance, wherever any term is used in this Chapter, it shall have the same meaning as defined in Chapter 1 of the Downers Grove Municipal Code, unless otherwise defined in this Chapter. The following words and phrases shall have the meanings respectively ascribed to them as follows:

Abandoned/Obsolete Sign. A sign which no longer identifies or advertises a bona fide person, business, lessee, owner, product, activity, place, idea, institution or service, and/or for which no legal

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owner can be found.

Adult Entertainment Establishment or Adult Establishment. Any of the following Commercial Establishments, as defined herein:

1. Adult Cabaret. Any Commercial Establishment including, but not limited to a lounge, theater, concert hall, men's or women's club, auditorium, or similar commercial establishment, regardless of its seating capacity that as a substantial or significant portion of its business features or provides any of the following:

- (i) Persons who appear Nude or Semi-Nude.
- (ii) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
- (iii) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (iv) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
- (v) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (vi) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
- (vii) A role playing interaction.

2. Adult Store. Any Commercial Establishment (i) that contains one or more Adult Booths or; (ii) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials.

3. Adult Theater. Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

Advertising Off Premises Sign. A sign that directs attention to a business, product or activity available or conducted at a location other than the zoning lot upon which such sign is located. Village sponsored banners located in an established business district and advertising affixed to Village-owned vehicles shall not be considered advertising off premises signs.

Aircraft landing area. Any premises which are used or made available for the landing or takeoff of aircraft, including premises which are classified as a restricted landing area as contemplated by the rules and regulations promulgated by the Illinois Department of Transportation Division of Aeronautics, and including any appurtenant areas which are used or suitable for use for structures or facilities incidental to aircraft services.

Aisle (parking). That portion of a parking facility which acts as a maneuvering area to gain access to a parking stall or to a parking structure.

Alternative Telecommunications Tower. A man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that render the facility aesthetically consistent with the character of the surrounding area and otherwise camouflage or conceal the presence of antennas or telecommunications towers.

Amateur Radio Station Operators/Receive Only Antennas. A telecommunications tower, or an antenna, that is under seventy (70) feet in telecommunications tower height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

Amortization. The process established under the ordinance by which an owner of a nonconforming sign is given a specified period of time to continue use of the nonconforming sign before it is terminated pursuant to the Village's police power.

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Animal Surgical Office. An office for veterinary services permitting surgical procedures, consultations, patient visits, and boarding, which shall be limited to pre-surgical and/or post-surgical care, and to the care of infirmed animals.

Antenna. An exterior transmitting or receiving device, including any supporting post not more than twelve (12) feet in length, mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Attention getting device. A device such as a pennant, flag, valance, banner, propeller, spinner, streamer, search light, strobe light, flashing lights, balloon, inflatable shapes, or similar device used to draw attention to a particular place including but not limited to the outlining of structures or premises by the use of internal or external lighting techniques.

Automobile Dealership. A retail establishment that sells, leases, or rents new or used automobiles, trucks, vans, recreational vehicles, trailers, boats, or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease on-site. Accessory uses may also exist upon the same site, such as maintenance, repair, and service areas, indoor parts storage areas, and financial services areas.

Automobile Laundry. An "automobile laundry" is a building, or any portion thereof, which either (i) contains facilities for washing of one or more automobiles primarily by means of steam cleaning, or high pressure water devices, or other mechanical devices, or (ii) provides space, water, equipment or soap for the complete or partial handwashing of more than 2 automobiles at any one time, whether by operator or customer.

Automobile Repair. Incidental repairs, replacement of parts and motor service, minor painting and upholstering of automobiles, engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and painting of vehicles; not including automobile sales.

Automobile Service Station. Any building or portion thereof, or any premises, used for dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered by an automobile service station may include the installation of tires, batteries, and minor accessories; minor automobile repairs; and greasing or handwashing of not more than 2 automobiles at any one time, but not by means of steam cleaning, high pressure water devices, or other mechanical devices. If such sales, services and repairs are offered incidentally to the operation of a public garage, the building and premises shall be classified as a public garage.

Automobile Service Station Reader Board. A changeable copy sign indicating fuel prices.

Automobile Wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

Awning. An overhang made of cloth or similar materials attached to a structure for decoration or cover from weather. (Figure 1)

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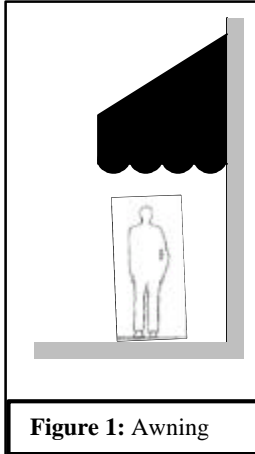


Figure 1: Awning

Banner. A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted to a permanent structure.

Backhaul network. The lines that connect a provider's telecommunications towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Bare Bulb Illumination. Exposed or uncovered lighting elements found on a sign.

Basement. A story having part but not more than half of its height below grade. (Also see "cellar")

Block. That property abutting on one side of a street between two (2) nearest intersecting streets, railroad right-of-ways, or other natural barriers. Provided that where a street curves so that any two (2) chords thereof form an angle of one hundred twenty (120) degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

Boarding house. A building or premises where meals are regularly served by pre-arrangement for definite periods for compensation for three (3) or more persons, but not exceeding twelve (12) persons, not open to transient guests, in contradistinction to hotels or restaurants open to transients.

Box Sign. A sign that principally consists of a metal or other type of enclosure, typically rectangular or regular in geometric form, that houses internal sign illumination and provides a supporting structure for an interchangeable sign face on one or both sides of the sign that is painted, screen printed, or otherwise applied on a Plexiglass or other transparent or translucent material.

Buildable area. ~~The space remaining on a zoning lot after~~ portion of a lot of record exclusive of the minimum yard, lot coverage and open space requirements of this Zoning Ordinance have been met within which a structure may be constructed.

Building. Any structure with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Frontage. The linear length of the outside building wall facing the public right-of-way or the linear length of the outside building wall facing a parking area which serves as the primary access for the subject use.

Bulk. The term used to indicate the size and setbacks of structures and location of same with respect to one another and includes the following:

- (a) Size and height of structures;
- (b) Location of exterior walls at all levels in relation to lot lines, streets, or to other structures;
- (c) Floor area ratio of buildings;
- (d) All yards and open spaces allocated to structures; and
- (e) Amount of lot area per dwelling unit.

Business. The engaging in the purchase, sale, barter, or exchange of goods, areas, or

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merchandise, or the maintenance or operation of offices or recreational or amusement enterprises or the furnishing of services.

Canopy. A permanent structure which consists of an overhanging shelter connected to a building and constructed of materials such as wood or steel studs covered with wood or other material and which may or may not be supported by vertical columns. (Figure 2).

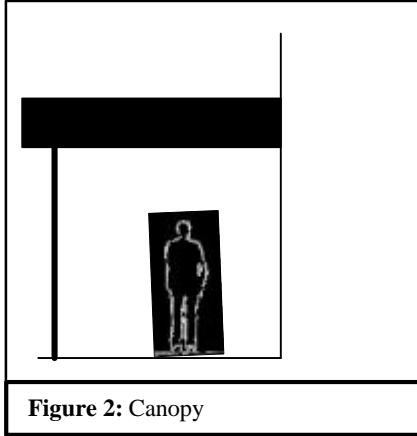


Figure 2: Canopy

Cellar. A story having more than half of its height below the curb level or below the highest level of the adjoining ground. (Also see "basement")

Certificate of Occupancy. A certification issued by the Director as provided and required herein authorizing property or a structure to be occupied or used, in whole or in part, in conformance with this Zoning Ordinance.

Changeable Copy/Message Board. A sign on which copy is changed manually to provide a message.

Church. Wherever the term "church" is used, it shall include any church, synagogue, temple or other structure designed, intended and used primarily for religious worship or religious ceremony by an assembled group.

Church School. A school affiliated with and conducted on the same zoning lot or contiguous zoning lots as the Church to which it is affiliated.

Commercial Sign. A sign which identifies, advertises, or directs attention to a commercial business, or is intended to induce the purchase of goods, property, or service; including, without limitation, a sign naming a brand of goods or service.

Community center. A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or eleemosynary organization. The authorization for the establishment of a municipal community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.

Contractor Sign. A sign placed by a contractor engaged in construction activities for a limited period of time on a certain zoning lot or lots for the purpose of identifying the work of the contractor.

Copy. Written material, printed text, numbers, logos, symbols or pictures located on the copy surface for the purpose of delivering a message.

Copy Surface. The face area of any sign intended or used to display copy.

Curb Level. The level of the established curb in front of the structure measured at the center of such front. Where a structure faces on more than one (1) street, the curb level shall be the average of the

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levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the Village Engineer shall establish such curb levels.

Day care centers. The term "day care centers" shall have the same meaning as contained in the Illinois Child Care Act as now or hereafter amended.

Decibel. A unit of measurement of the intensity of sound level.

Director. The Director of ~~Planning Services~~ the Department of Community Development of the Village of Downers Grove, or such person's designee.

Directly Illuminated Sign. A sign having its characters, letters, figures, designs, or outlines illuminated by any source of artificial lighting that is located on or within the perimeter of such sign.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", "drive-thru", and "exit", but does not identify the establishment itself or other goods or services available at the establishment and does not contain other advertising messages.

Displacement (vibration). The amount of motion involved in a vibration.

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 by ordinance or resolution and as may be amended from time to time.

Drive-in; drive-through; or drive-up use. An establishment which, by design, physical facilities, service or packaging procedures permits or encourages customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Driveway. A minor private way constructed of a hard, dust-free surface used by vehicles and pedestrians, limited to persons residing, employed or otherwise using or visiting the property, for common access to a lot of record.

Dwelling. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family, two-family, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling unit. One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, attached single-family. (Group, Row, Townhouse) A building originally designed and constructed to accommodate three (3) or more dwelling units, with dwelling units joined together by party wall or walls. Each unit shall have its own ground floor entrance and living space.

Dwelling, detached. A single-family dwelling entirely surrounded by open space.

Dwelling, multiple-family. A dwelling containing three (3) or more dwelling units, with one or both of the following:

- (a) More than one (1) dwelling unit connecting to a common corridor or entranceway; or,
- (b) Dwelling unit vertically connected to neighboring dwelling units through shared floors and ceilings.

Dwelling, single-family. A detached dwelling containing accommodations for and occupied by one (1) family only.

Dwelling, two-family. A dwelling containing two (2) dwelling units with each unit having its own ground floor entrance and living space.

Eave. The lower edge of a sloping roof surface; the top edge of a parapet or flat roof. In residentially zoned districts, the maximum eave height shall not apply to dormer(s) no greater than four feet six inches wide and the combined dormer width shall not exceed 25% of the length of the building side from which the dormers project, provided the dormers are separated by a minimum of 5 clear.

Educational institution. Public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Efficiency unit. A dwelling unit consisting of one (1) room containing a minimum area of four hundred (400) square feet, exclusive of bathroom, kitchen, hallway or closets directly off the principal

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room.

Electronic Changeable Copy/Message Board. A sign which allows letters or characters to be placed as copy electronically in order to provide a message.

Established Grade. The elevation established for the purpose of regulating the number of stories and measuring the height of buildings. Grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of a building, excluding man-made berms, retaining walls, and the like.

Exempt Telecommunications Facilities. The following:

a. Amateur radio station operators/receive only antennas.

b. Receive only television, direct broadcast satellite and wireless cable antennas not more than one (1) meter in diameter which may be located on posts not more than twelve (12) feet in length.

Exercise of religion. Exercise of religion means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

Extended family accessory housing. A single-family dwelling which has been constructed or converted as two separate dwelling units to provide for joint occupancy of the dwelling in the separate dwelling units by persons related to one another by blood, marriage, or adoption with at least one of the units being occupied by a person sixty-two (62) years of age or older or by a person with a proven physical or mental condition, excluding drug addiction, alcoholism, or similar chemical dependency or substance abuse condition, which renders such joint occupancy of the single-family dwelling medically necessary, beneficial or desirable. The two (2) separate dwelling units shall be designated as follows:

(a) A primary unit, which shall be that portion of the extended family accessory housing dwelling which is the primary housing dwelling, and which is not part of the accessory unit; and

(b) An accessory unit, which shall be that portion of the extended family accessory housing dwelling which is in addition to and separate from the primary unit, and which is a dwelling unit composed of one or more rooms including complete, permanently installed kitchen and bath facilities.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Fairview Concentrated Business District. Frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.

Family. An individual, or two (2) or more persons related by blood, marriage, or adoption and/or a group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

Farm, crop. An area on more than one (1) acre which is used for the growing of the usual farm crops such as vegetables, fruit trees, and grain, and for the packing and storage of the products produced on the premises, but not including the raising of farm animals or laboratory animals such as mice, rats, rabbits, etc.

Fence, open design. Fences which (i) are of split-rail, post and board, or similar designs which do not create a hazard by obstructing or distorting vision, except that chain link and woven mesh fences are not included as such similar designs; and (ii) have no vertical members with a width in excess of six (6) inches; and (iii) have a ratio of open area to closed area of at least 1:2, with the open area distributed uniformly over the entire fence surface.

Festoon Lighting. A group of two or more bulbs hung or strung overhead on a building or structure which are not shaded or hooded to prevent the direct rays of light from being visible at the property line.

Flashing Sign. A directly or indirectly illuminated sign with a source of artificial light that is not stationary or constant in intensity or color at all times when such sign is illuminated.

Floor area, gross. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include basement and cellar floor areas; elevator shafts and

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stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouse; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area.

Floor area, livable. Livable floor area shall be the same as "gross floor area" defined above, excluding all areas occupied by cellars, garages, porches, attics, stairways, and storage, utility and heating rooms.

Floor area ratio. The floor area of the building or buildings on a zoning lot divided by the area of such zoning lot, or in the case of planned developments, the floor area divided by the net site area.

Foot candle. A unit of illumination intensity.

Frequency. The number of oscillations per second in a sound wave - an index of the pitch of the resulting sound.

Freestanding Sign. A sign with at least two support structures of less than two (2') feet in width, which is not attached to the principal building on the property, and is anchored in or upon the ground.

Frontage. All the property fronting on one side of a street between the nearest intersecting streets, or between a street and right-of-way, waterway, or other similar barrier.

Garage, Private. A detached accessory building or portion of the main building designed, arranged, used or intended to be used by the occupants of the premises for the storage of passenger automobiles and commercial vehicles not exceeding 1 1/2 tons capacity.

Garage, Public. A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding 1 1/2 tons capacity.

Garage, Truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding 1 1/2 tons capacity.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental function.

Group home. A single-family dwelling owned and operated by a governmental, religious or other not-for-profit agency and occupied by persons who do not constitute a family as defined herein, but who will have a cooperative living arrangement. Group homes shall include, but not be limited to residential-care homes as defined herein, but shall not include living quarters which serve persons as an alternative to incarceration for a criminal offense.

Height. The vertical distance from the established ~~average~~ grade at the front of a structure to the highest point of the structure. In the case of a commercial building in a non-residential zoning district, this shall be the vertical distance from the established ~~average~~ grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge of the principal roof structure for hip, gabled, and gambrel roofs. In the case of attached and/or detached single-family structures, two-family structures, and commercial buildings in residential zoning districts height shall be the vertical distance from the established grade at the front of the building to the highest point of any roof structure. For the purposes of this Ordinance, the height for all multiple-family buildings shall be measured in the same manner as commercial buildings in non-residential zoning districts.

Home occupation. An occupation carried on in a dwelling by a resident thereof which is incidental to the principal use as a residence.

Hospital. An institution consisting of one or more buildings or structures primarily devoted to the diagnosis, prevention or treatment of illness, disease, injury, deformity or other abnormal physical or mental conditions. The term "hospital" may include such services, equipment and activities as may from time to time be customarily included at such institutions for outpatient and inpatient care. This may include, but is not limited to the following as accessory uses: general medical, surgical care; cardiovascular care; perinatal, neonatal or obstetrics care; skilled nursing care; diagnostic, interventional,

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therapeutic, rehabilitative services or geriatric care; oncology services; diagnostic imaging centers; medically oriented health, fitness or wellness centers; surgical centers; emergency and trauma centers; heliports; medical offices; community health programs; sports medicine services; and health, wellness libraries and worksite health promotions. The term "hospital" shall not include convalescent or nursing homes, sheltered care facilities or boarding houses.

Hotel. A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradiction to a boarding house, a lodging house, or an apartment hotel.

Hotel, apartment. A hotel in which at least ninety percent (90%) of the accommodations are occupied or intended for occupancy by permanent guests.

Improvement Location Permit. A permit issued by the Director as provided and required herein authorizing the erection, reconstruction, or structural alteration of a structure.

Indirectly Illuminated Sign. A sign having its characters, letters, figures, designs, or outlines illuminated entirely by its own source of artificial light located outside the perimeter of such sign.

Individual Letter Sign. A wall sign made of individual letters that are separately affixed to the face of a building and which does not project above the top of the parapet wall or above any portion of the roofline.

Inner court. All open, unoccupied spaces surrounded on all sides by walls or by walls and a lot line or lines.

Institution. A structure occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk yard. The use of more than two hundred (200) square feet of any lot where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including vehicle and structure wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Junker. An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable, or such a vehicle which does not comply with State or Village vehicle laws or ordinances.

Kennel. Any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

Laboratory. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.

Landscaped green space. An area of land on which has been located grass, living groundcover, shrubs, trees, flowering plants, annuals, perennials, and water areas, but not including synthetic plants or surface materials, walks, open terraces or patios, decorative walls, fences or other similar features.

Loading space, off-street. An open, hard-surfaced area of land, other than a street or alley, the principal use of which is for the standing, loading, and unloading of motor vehicles, to avoid undue interference with the public use of streets and alleys.

Lodging house. A building where sleeping and living quarters, without cooking facilities, and with or without an individual bathroom, are rented on a weekly or monthly basis. Each room in a lodging house which provides sleeping accommodations shall be considered a dwelling unit for the purposes of lot area requirements, and a lodging unit for the purposes of off-street parking requirements.

Logo. A design used by an organization on its letterhead, advertising material and signs as an emblem by which the organization can be easily recognized.

Lot coverage. Area of zoning lot occupied by the principal and accessory structure or structures.

Lot depth. ~~The mean horizontal distance between the front and rear lot lines.~~ The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

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Lot of record. A lot which is part of a real estate subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois, pursuant to statute.

Lot width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the ~~established~~required front setback line.

Lot, corner. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street two (2) chords of which form an angle of one hundred twenty (120) degrees or less measured on the lot side. For the purposes of determining setbacks, height and/or other regulations as defined by this Ordinance, a street shall be classified as any right-of-way owned by the Village, County, State, and/or Federal Government that is greater than twenty-five (25) feet in width.

Lot, double frontage. A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, multi-frontage. See definition for Lot, corner and/or Lot, double frontage.

Lot, zoning lot or parcel. ~~A lot of record, an unsubdivided parcel of land, or a combination of contiguous parcels or lots under common ownership or control, used or intended to be used for a single principal use~~See definition for Lot of record.

Lot line, front. The boundary of a lot abutting on a street. On a corner lot, the shortest street lot line shall be the front lot line; provided, however, that if the length of the longer street lot line of a corner lot is not more than ten percent (10%) greater than the length of the shorter street lot line on such lot, the Director, shall, upon written request of the owner, designate the longer of such street lot lines as the front lot line for all purposes of this Zoning Ordinance.

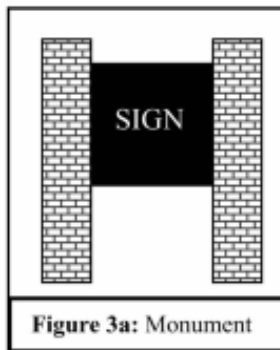
Lot line, rear. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot line, side. Lot lines other than front or rear lot lines are side lot lines.

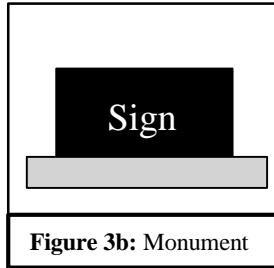
Lounge. An area within a restaurant which is licensed by the Village for the sale of alcoholic liquor which is accessory to the restaurant use, includes a bar and the open area immediately adjacent thereto, and may include stools, seats and tables with a diameter of less than two (2) feet or an area of less than four (4) square feet.

Marquee Sign. A permanent roof-like structure made of durable, rigid material extending from the entrance of a building over a pedestrian or vehicular thoroughfare. A marquee is supported by the exterior wall of the building and contains a sign board or changeable copy sign.

Monument Sign. A sign anchored in or upon the ground, which is completely or principally supported by a structure of no less than two (2') feet wide. (Figures 3a and 3b)



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Motels. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking spaces conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses.

Moving Sign. Any sign that rotates or moves or that gives the visual impression of rotating or moving.

Noncommercial Sign. A sign not directed at promoting commercial activity and includes, but is not limited to, home occupation and ornamental gate signs.

Nonconforming structure. A structure or portion thereof which, as currently existing, is not in conformance with the provisions of this Zoning Ordinance. A structure which was lawfully established or existing, but which was rendered non-conforming as a result of an amendment to this Zoning Ordinance shall be considered a lawful nonconforming structure until such time as such lawful nonconforming status is terminated as provided in this Zoning Ordinance.

Nonconforming use. A use which, as currently conducted, is not in conformance with the provisions of this Zoning Ordinance. A use which was lawfully established or existing, but which was rendered non-conforming as a result of any amendment to this Zoning Ordinance shall be considered a lawful nonconforming use until such time as such lawful nonconforming status is terminated as provided in this Zoning Ordinance.

Odorous matter. Material which is gas, liquid or solid that causes an odor sensation to a human being.

Ornamental Entry Gate Sign. A freestanding, non-illuminated or indirectly illuminated sign that sets forth the name of a subdivision or planned development.

Outdoor café. An outdoor seating area in which food and beverages are served and consumed.

Owner. The fee title holders of property, including such persons designees and agents.

Parking Space, Automobile, Exterior. Space within a public or private parking area of not less than 166.5 square feet (9 feet by 18.5 feet) for Class A parking as provided in section 28-1410, and 157.25 square feet (8.5 feet by 18.5 feet) for Class B parking as provided in section 28-1410, exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity. Such space shall have a vertical clearance of at least 7 feet.

Parking Space, Automobile, Interior. Space within a public or private underground, covered or decked parking area of not less than the length and width requirements set forth in Section 28-1405, exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity.

Particulate matter. Finely divided solid or liquid matter other than water which is released into the atmosphere.

Permanent common open space. Property under common ownership used for parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas in public ownership or common ownership and subject to the provisions of restrictive covenants, if any, required or approved by the Village Council, but shall not include space devoted to structures, public rights-of-way or areas improved for use as private drives or parking facilities.

Plan Commission. The Downers Grove Plan Commission.

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Planned development. A tract of land which is developed as a unit under single or multiple ownership or control, containing one (1) or more principal structures, and containing minimum acreage as specified in the provisions relating to the several zoning districts.

Planned development plan. The plans and other documents setting forth the land uses and restrictions of a planned development. This may include, but is not limited to, documents commonly referred to as the site plan, elevation drawings, landscape plan, and engineering plans.

Political Sign. Signs announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

Portable Sign. A sign which is intended to be moved from place to place including but not limited to tent signs, signs on wheels, signs with trailer hitches, and portable signs with internally illuminated message boards.

Preexisting Telecommunications Towers and Preexisting Antennas. Any telecommunications tower or antenna for which a building permit or conditional use has been properly issued prior to August 1, 1997, including permitted telecommunications towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Projecting Sign. Any sign that is attached to a wall in a perpendicular manner. (Figure 4)

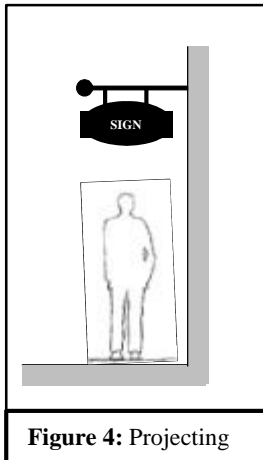


Figure 4: Projecting

Public Hearing Notice Sign. A sign posted by the Village which is intended to provide legal notice of a public hearing or meeting concerning the property on which the sign is posted.

Public Service Sign. A sign posted on public property the function of which is to promote items of general interest to the community.

Pump island. A concrete structure in the immediate vicinity of and designed to support and protect gasoline pumps.

Real Estate Sign. A sign used or intended for use for purposes of advertising a parcel of land or a building that is or will be available for sale or lease.

Recreational equipment. Any snowmobile or all-terrain vehicle (as that term is defined in the Illinois Motor Vehicle Code), and any watercraft including personal watercraft and specialty prop-craft (as those terms are defined in the Illinois Boat Registration and Safety Act), and the trailers used to transport or store such recreational equipment.

Recreational vehicle. Any camping trailer, motor home, mini-motor home, travel trailer, truck camper and van camper as those terms are defined in the Illinois Motor Vehicle Code, or any other habitable vehicle used primarily for recreational purposes.

Recycling collection facility. A facility, limited to a building, trailer, vehicle or completely closed containers of wood, metal or masonry, designed for the purpose of receiving articles or materials which are to be transported to another location for distribution or processing, which may or may not be

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the principal use on the zoning lot where located. Provided, the term "recycling collection facility" as used in this Zoning Ordinance shall not include facilities located within a structure principally devoted to another use, facilities temporarily located on a zoning lot under authority of a temporary uses, and facilities for collecting used motor oil which are necessary to an automobile service station.

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

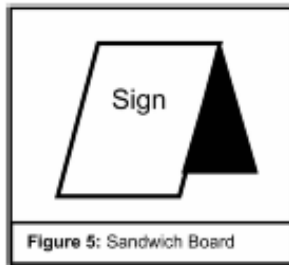
Rest home or nursing home. A rest home or nursing home is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for treatment of disease or injury.

Ringelmann chart. A chart described by the U.S. Bureau of Mines Information Circular 6888 and upon which are illustrated graduated shades of gray for use in estimating the light obscuration of smoke.

Ringelmann number. The next lowest shade number on the Ringelmann Chart which most nearly corresponds to the light obscuration of the smoke being measured. For example, smoke capacity lying between No. 1 and No. 2 shades of gray on the Ringelmann Chart shall be measured as Ringelmann No. 1 smoke.

Roof Sign. A sign that is permanently attached to the roof of a structure, excluding the face of a mansard roof.

Sandwich Board Sign. A two-sided movable sign of six (6) feet or less in area per side which opens at the bottom and is joined at the top and which is intended to be placed on the ground. (Figure 5)



School. An institution which offers instruction in any of the branches of learning and study as taught in the public schools under the Illinois School Code, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business or commercial schools.

Senior citizen housing. A multiple-family dwelling designed for occupancy by the elderly which means a dwelling:

- (a) Intended for, and solely occupied by persons sixty-two (62) years of age or older; or
- (b) Provided under any state or federal housing subsidy program for elderly persons (as defined in any such program); or
- (c) Intended for and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit, provided such senior citizen housing facility shall:

- (1) Provide significant facilities and services specifically designed to meet the physical or social needs of elderly persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

- (2) Have at least eighty percent (80%) of its units occupied by at least one person fifty-five (55) years of age or older per unit, or if less than eighty percent (80%) of such units are so occupied, not less than eighty percent (80%) of such units shall be reserved for occupancy by persons fifty-five (55) years of age or older; and

- (3) Publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

- (d) Senior Citizen Housing shall be processed and require approval as a residential planned

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development.

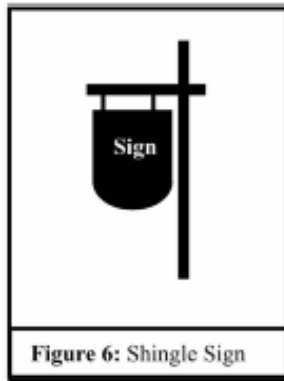
Service bay. An area situated entirely within a building which is required to store and service one automobile.

Setback. A minimum required front yard, as specified for the respective zoning districts, within which no structure or parts of structures shall be erected, altered or maintained except as authorized herein.

Shed. An accessory building storage to be utilized for the comfort, convenience or necessity of the occupants of the principal structure on the lot upon which the shed is located.

Sheltered care facility. A private home which provides personal assistance, meal preparation, supervision, oversight, and a suitable activity program for the care of the aged or infirm who need such assistance in daily living, but do not need full-time nursing care.

Shingle Sign. A sign that is suspended from a horizontal arm of a freestanding pole. (Figure 6)



Shopping Center. A series of at least three retail establishments or professional offices with individual entrances, sharing a common wall and common off-street parking.

Sign. Any object, device, display or structure, or part thereof, excluding patio umbrellas, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination whether affixed to a building or separate from any building.

Sign Height. The vertical distance from the established average grade at the base of a sign to the highest point of the sign.

Sign Setback. A minimum required front yard within which no structure or parts of structures shall be erected, altered or maintained except as authorized herein. The required setback with respect to signs shall be measured from the portion of the sign or its support, whichever is closest to the property line.

Smoke. A visible discharge from a chimney, stack, vent, exhaust or combustion process which is made up of particulate matter.

Stormwater Control Ordinance. Chapter 26 of the Downers Grove Municipal Code entitled "Stormwater and Flood Plain Ordinance", as now or hereafter amended.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. This includes but is not limited to, buildings, freestanding signs, back stops for tennis courts, canopies and awnings, pump islands, at- or above- grade walkways, swimming pools, antennae, and pergolas.

Structure, accessory. A structure which:

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- (a) is subordinate to and serves a principal structure; and,
- (b) is subordinate in area, extent, and purpose to the principal structure; and,
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal

structure.

Structural alterations. Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the structure.

Structure, principal. A structure, other than an accessory structure, in which is conducted a principal use of the zoning lot on which it is located.

Subdivision Ordinance. Chapter 20 of the Downers Grove Municipal Code entitled "Subdivisions", as now or hereafter amended.

Surface Area. The entire area of a monument or freestanding sign within a single continuous rectangular perimeter enclosing the extreme limits of a sign, exclusive of any structure or framing elements. Only one display face shall be measured in computing the surface area. For wall and window signs, the surface area of the sign shall be determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on the sign face excluding the support and architectural features. In the case of a wall or window sign with more than one exterior surface containing items of information, the area shall be the sum total of the display surface as determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on each sign face excluding the support structure and architectural features.

Telecommunications Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Telecommunications Tower Height. The distance measured from the finished grade of the parcel to the highest point on the telecommunications tower or other structure supporting an antenna, including the base pad and any antenna.

Temporary use. An activity permitted on a limited basis pursuant to Chapter 8 of the Downers Grove Municipal Code.

Temporary Sign. A sign designed and intended for a temporary period of posting; typically constructed from nondurable materials such as paper, cardboard, cloth, plastic and/or wallboard; and which does not constitute a structure subject to the Village's building or zoning codes.

Tenant Frontage. The width of a tenant space measured from one (1) side wall to the other along the front exterior wall or other drivable accessible routes.

Terrace, open; patio. A level plane or platform which, for the purpose of this Zoning Ordinance, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four (4) feet in height above grade.

Three-component measuring system. An instrument or complement of instruments which records earthborn vibrations simultaneously in three (3) mutually perpendicular directions. Such systems shall be subject to the approval of the Director.

Toxic or noxious matter. Materials which may be gas, liquid or solid which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Trailer. A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Village Building Code.

Trailer House or Mobile Home. Any trailer as defined herein used for residential purposes, but excluding travel trailers.

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Travel Trailer. A trailer designed to be used only as a temporary dwelling for travel, recreational and vacation use, and not exceeding 8 feet in width.

Under Canopy Sign. A sign suspended beneath a canopy or marquee.

Use, accessory. A use which is subordinate in its scope, intensity and purpose to a principal use.

Use, principal. The purpose for which land or a structure thereon is designed, arranged, or intended, or for which it is occupied, maintained or leased.

Use, exceptional. A use which, although not designated as a permitted use or a special use in a particular district, may be established and maintained as authorized by the Village Council as part of a planned development in conformance with the regulations of this Zoning Ordinance.

Use, permitted. A use which is designated as a permitted use and may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and use restrictions, if any.

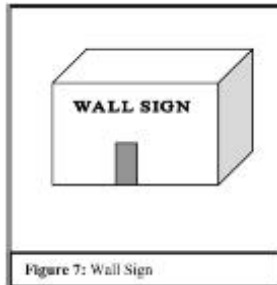
Use, special. A use which is designated as special use and may be lawfully established in a particular district in conformance with the regulations of this Zoning Ordinance governing special uses, provided it conforms with all requirements, regulations, and use restrictions, if any.

Vehicle Sign. A sign attached to a vehicle excluding advertising posters on buses or taxicabs.

Village Public Service Sign. A sign posted or erected by the Village, the function of which is to promote items of general public interest to the community.

Vibration. A periodic displacement of the earth measured in inches.

Wall Sign. A sign attached or erected against a wall of a building or structure with the exposed face of the sign or plane parallel to the plane of the wall. (Figure 7)



Walkways, At- or Above-grade Covered. Covered structures for pedestrian access, connecting structures on two (2) adjacent lots.

Window Sign. An interior sign, located within two feet of a window that is installed inside, painted upon or placed against a window for purposes of viewing from outside the premises, not including merchandise located in a window display.

Yard. An open space on the same zoning lot with a principal structure or group of structures which is unoccupied and unobstructed from its lowest level upward except as otherwise permitted in this Zoning Ordinance and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, front. A yard extending across the full width of the zoning lot and lying between the front lot line and the front line of the structure located on the lot.

Yard, rear. A yard extending across the full width of the zoning lot and lying between the rear line of the structure located on the lot and the rear lot line.

Yard, side. A yard extending along the side lot line between the front and rear yard.

Yard, transitional. A yard which is required to be provided on certain zoning lots in business or manufacturing districts by reason of the fact that such lots are abutting or adjacent to residential districts.

Zoning Board of Appeals. The Downers Grove Zoning Board of Appeals.

~~**Zoning Lot or Parcel.** A lot of record, an unsubdivided parcel of land, or a combination of contiguous parcels or lots under common ownership or control, used or intended to be used for a single principal use.~~

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Zoning map. The map designating the zoning districts in Downers Grove and adopted by reference in this Zoning Ordinance.

Section 2. That Section 28.1000SEC. is hereby amended to read as follows:

28.1000SEC. General Provisions.

(a) All structures, permitted and special uses within district shall be conducted in conformance with, all applicable provisions of this Zoning Ordinance.

(b) Permitted and special uses of structures or parcels of land shall be allowed in the zoning districts indicated under the conditions specified. No structures or parcels of land shall be devoted to any use except as follows:

(1) The activity is a permitted use within the district in which it is located and is conducted in conformance with the Zoning Ordinance.

(2) The activity is a special use within the district in which it is located and which has been approved and is conducted in conformance with the Zoning Ordinance.

(3) The activity is a lawful non-conforming use within the district in which it is located and is conducted in conformance with the Zoning Ordinance.

(b) Without limitation to the foregoing, the following are expressly prohibited within the Village and shall not be permitted or conducted as part of any permitted or special use:

(1) Vehicle wrecking.

(2) Junk yards.

(3) Junk vehicles.

(d) Development on Lots of Record. The following construction activity shall only occur on a Lot of Record:

(1) The construction of a principal structure.

(2) The construction of an addition to a principal structure which includes a foundation, footers or piers, except where:

(i) The foundation, footers or piers are replacing an existing foundation or existing footers or piers; and

(ii) The addition does not exceed three hundred fifty (350) square feet.

(3) The construction of an accessory structure greater than eight hundred (800) square feet.

Section 3. That Section 28.1100SEC. is hereby amended to read as follows:

28.1100SEC. Yards and open spaces - miscellaneous requirements.

(a) The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or property on which it is located, as long as the building is in existence. All yards, courts and other open spaces required for a structure shall be located on the same zoning lot as such structure. Furthermore, no legally required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot requirements for any other building.

(b) Except as provided below every part of a required yard or court shall be open from its lowest point to the sky.

(c) The following shall not be considered to be obstructions when located in any required yard or court:

~~(1) Ordinary projection of window wells above the bottom of such yard or court.~~

~~(2)~~⁽¹⁾ The projection of sills, belt courses, cornices and ornamental features not to exceed eighteen (18) inches

~~(3)~~⁽²⁾ Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than two (2) feet or into a court not more than three and a

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half (3 ½) feet are permitted where the same are to be so placed as not to obstruct light and ventilation.

- ~~(4) Awnings and canopies projecting not more than thirty (30) inches into the yard.~~
- ~~(5) Steps not more than four (4) feet above grade for the purpose of access to a permitted structure or for the purpose of access to a lot from a street or alley.~~
- ~~(6) Chimneys projecting not more than twenty-four (24) inches into the yard.~~
- ~~(7) Arbor or trellises; flag poles; fences, walls and signs complying with the applicable provisions of this Zoning Ordinance.~~

(d) The following shall not be considered to be obstructions when located in any required front yard:

- (1) One-story bay windows projecting ~~three (3) feet~~ eighteen (18) inches or less into the yard.
- (2) Overhanging eaves and gutters projecting two and a half (2 ½) feet or less into the yard.
- (3) In business, office, and manufacturing districts, a building which does not meet the minimum front yard setback for the district may have an awning or canopy which projects no more than 30 inches from the front exterior wall of the building or a wall sign which projects no more than 12 inches from the front exterior wall.

(e) The following shall not be considered to be obstructions when located in any required rear yard:

- (1) Enclosed, open, attached or detached off-street parking spaces provided that such parking spaces in a residential zoning district shall not occupy more than forty percent (40%) of the required rear yard.

- (2) Accessory structures.
- (3) Balconies; breeze ways and open porches.
- (4) One-story bay windows projecting two and a half (2 ½) feet or less into the yard.
- (5) Over-hanging eaves and gutters projecting two and a half (2 ½) feet or less into the yard.
- (6) Recreational equipment.
- (7) Clotheslines.
- (8) In the business, O-R, O-R-M zoning districts, at- or above-grade covered walkways.

(f) The following shall not be considered to be obstructions when located in any required side yard:

- (1) Overhanging eaves and gutters projecting into the yard for a distance of two (2) feet.
- (2) Chimneys, one-story bay windows and other ordinary projections of eighteen (18) inches or less into a required side yard.
- (3) Chimneys, one-story bay windows and other ordinary projections greater than eighteen (18) inches and less than or equal to twenty-four (24) inches. Provided the side yard setback for the encroachment is not less than five (5) feet.

~~(2) In business, O-R, O-R-M and manufacturing districts, at- or above- grade covered walkways.~~

(g) If there is provided an additional front yard beyond the minimum required front yard, then no accessory structure or use shall be erected, altered or maintained in said additional front yard.

(h) No yards now or hereafter provided for a structure existing prior to April 19, 1965 shall subsequently be reduced below the minimum yard requirements of this Zoning Ordinance for equivalent new construction. If the yard was already less than the minimum yard requirement for equivalent new construction, the yard shall not subsequently be reduced any further.

Section 4. That Section 28.1102. is hereby amended to read as follows:

28.1102. Corner lots.

(a) The front yard setback requirements of this Zoning Ordinance shall be observed on each street side lot line abutting a right-of-way which is greater than twenty-five (25) feet in width of a corner lot. Provided, the buildable width of a lot shall not be reduced to less than thirty (30) feet.

(b) Height shall be measured from the front, corner side or rear elevations on multi-frontage lots and the elevation that yields the greatest height shall be used to determine building height.

~~(c)~~ No obstruction to the vision of persons using streets, sidewalks or driveways, and no structure,

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other than fences meeting the requirements of this Zoning Ordinance, shall be located in any of the following areas on corner and/or multi-frontage lots:

(1) In any residence district, within a triangular area formed by the lot lines abutting streets and a line connecting points on these lot lines located thirty-five (35) feet from the intersection of the lot lines abutting streets.

(2) In any business district within ten (10) feet of the intersection of the right-of-way lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

Section 5. 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~~ are not subject to the height provisions of this section, provided that they are erected in accordance with existing or hereafter ~~adopted Ordinances~~ amended Building Codes of the Village of Downers Grove.

(b) *R-1 District:* The maximum height for dwellings shall be thirty-five (35) feet. Maximum eave height shall be twenty-five (25) 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.~~ The maximum height for dwellings shall be thirty-three (33) feet. Maximum eave height shall be twenty-three feet.

(e) *R-4 District:* Requirements for height shall be the same as that required in the ~~R-1~~ R-3 District.

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

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

(h) *R-6 District:* The maximum height for ~~single-family and two-family~~ all 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.

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

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

(m) *DT Downtown Transition 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 6. That Section 28.1107. is hereby amended to read as follows:

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28.1107. Lot coverage.

(a) *R-1 District:* ~~Not applicable.~~ All buildings, including but not limited to accessory buildings on any lot shall not cover, in the aggregate, more than thirty-two percent (32%) of the total lot area.

(b) *R-2 District:* ~~Not applicable.~~ The requirement for lot coverage shall be the same as that requirement for the R-1 District.

(c) *R-3 District:* ~~Not applicable.~~ The requirement for lot coverage shall be the same as that requirement for the R-1 District.

(d) *R-4 District:* ~~Not applicable.~~ The requirement for lot coverage shall be the same as that requirement for the R-1 District.

(e) *R-5 District:* ~~Not applicable.~~ The requirement for lot coverage shall be the same as that requirement for the R-1 District.

(f) *R-5A District:* ~~Not applicable.~~ The requirement for lot coverage shall be the same as that requirement for the R-1 District.

(g) *R-6 District:* ~~The~~ All buildings, including but not limited to accessory buildings on any lot shall not cover, in the aggregate, more than forty percent (40%) of the area of the zoning total lot area.

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

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

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

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

(l) *O-R-M District:* Not applicable.

(m) *M-1 District:* All buildings, including accessory buildings shall not cover more than sixty percent (60%) of the total lot area.

(n) *M-2 District:* All buildings, including accessory buildings shall not cover more than sixty percent (60%) of the total lot area.

Section 7. 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 two feet of height over twenty (20) feet.~~

(2) *Non-residential uses.* For non-residential uses in buildings less than ~~forty (40)~~ thirty-five (35) feet in height, the setback shall be the same as required for single-family dwellings. For non-residential uses in buildings ~~forty (40)~~ thirty-five (35) 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)~~ thirty-five (35) 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

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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.~~ Same as required in the R-4 District.

(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 and/or multi-frontage 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.

(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 and/or multi-frontage 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.

(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 Downtown Business District:* See Section 28-610.

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

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

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

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

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

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

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

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

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

(o) *M-1 District:*

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

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

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

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

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

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

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

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

(p) *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-five (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty-five (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 and/or multi-frontage lot.

Section 8. That Section 28.1111. is hereby amended to read as follows:

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28.1111. Side Yard.

(a) R-1 District:

(1) For residential uses dwellings, 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 ten (10) feet or ten percent (10%) of the lot width, whichever is less; however, in no case shall a side yard setback be less than seven (7) feet. Provided that buildings not containing a built-in garage shall be provided with one side yard of at least ten (10) feet. Corner and/or multi-frontage lots are subject to the provisions of Section 28-1102.

(2) For non-residential uses in buildings less than forty (40) thirty-five (35) feet in height, the side yard shall be the same as required for single-family dwellings. For non-residential uses in buildings forty (40) thirty-five (35) 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) thirty-five (35) feet.

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

(1) For dwellings, there shall be side yards having a depth of not less than seven (7) feet or ten percent (10%) of the lot width, whichever is greater. Corner and/or multi-frontage lots are subject to the provisions of Section 28.1102.

(2) For non-residential uses in buildings less than thirty-five (35) feet in height, the side yard shall be the same as required for dwellings. For non-residential uses in buildings thirty-five (35) feet or more in height, the side yard shall be increased beyond the requirements for dwellings by two (2) feet for each additional one (1) foot of height over thirty-five (35) feet.

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

(1) For dwellings, there shall be side yards having a depth of not less than six (6) feet or ten percent (10%) of the lot width, whichever is greater. Corner and/or multi-frontage lots are subject to the provisions of Section 28.1102.

(2) For non-residential uses in buildings less than thirty-three (33) feet in height, the side yard shall be the same as required for dwellings. For non-residential uses in buildings thirty-three (33) feet or more in height, the side yard shall be increased beyond the requirements for dwellings by two (2) feet for each additional one (1) foot of height over thirty-three (33) feet.

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

(1) For dwellings, there shall be side yards having a depth of not less than five (5) feet.

(2) For non-residential uses in buildings less than thirty-three (33) feet in height, the side yard shall be the same as required for dwellings. For non-residential uses in buildings thirty-three (33) feet or more in height, the side yard shall be increased beyond the requirements for dwellings by two (2) feet for each additional one (1) foot of height over thirty-three (33) feet.

(e) R-5 District: Same as required in the R-1 District. Same as required in the R-3 District.

(f) R-5A District: Same as required in the R-1 District. Same as required in the R-3 District. Provided, for the purpose of this paragraph an attached single-family dwelling shall be considered as one building and shall have a side yard setback of not less than seven (7) feet.

(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.

(1) *Detached and attached single family and two-family dwellings.* Same as required in the R-5A District.

(2) *Multiple family dwellings and non-residential uses.* For multiple-family dwellings and non-residential uses in buildings less than thirty-five (35) feet in height, the side yard setback shall be seven (7) feet or ten percent (10%) of the lot width, whichever is greater. For multiple family dwellings and non-residential uses in buildings thirty-five (35) feet or more in height, the side yard setback shall be seven (7) feet or ten percent (10%) of the lot width, whichever is greater, plus two (2) feet for each additional one (1) foot of height over thirty-five (35) feet.

(h) B-1 District: Not applicable.

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- (i) *B-2 District*: Not applicable.
- (j) *B-3 District*: Not applicable.
- (k) *DB Downtown Business District*: See Section 28-610.
- (l) *DT Downtown Transition 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.
- (n) *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.
- (o) *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.
- (p) *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 9. That Section 28.1112. is hereby amended to read as follows:

28.1112. Rear Yard.

- (a) *R-1 District*:
 - (1) For residential uses **dwelling**s, 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)~~ **thirty-five (35)** feet in height, the rear yard shall be the same as required for single-family dwellings. For non-residential uses in buildings ~~forty (40)~~ **thirty-five (35)** 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)~~ **thirty-five (35)** 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.~~ **Same as required in the R-5A District**
- (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 Downtown Business District*: See Section 28-610.
- (l) *DT Downtown Transition 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

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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 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.

(p) *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 10. 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 for multiple family dwellings and non-residential uses 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. No transitional yard is required for detached or attached single family dwellings

(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 Downtown Business District*: See Section 28-610.

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

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

(n) *O-R-M District*: Where the side or rear lot line coincides with lot lines of property in a residence

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district, a transitional yard of thirty (30) feet plus one (1) foot for each two (2) feet of height over twenty (20) feet shall be provided. The parking of vehicles shall not take place within the fifteen (15) feet closest to any residence district. Screening of such parking shall be in accordance with Article XIV.

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

(p) *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 landscaping and planting suitable to provide an effective twenty-five (25) percent screening of structures.

Section 11. That Section 28.1201. is hereby amended to read as follows:

28.1201. Nonconforming Structures - In General.

(a) Except as provided in herein, no structure which has been damaged or destroyed by any means ~~by fire, explosion, act of God or the public enemy,~~ to the extent of more than fifty percent (50%) of its market value, based on an independent current appraisal, shall be restored ~~except~~ in conformity with the regulations of this Zoning Ordinance.

(b) Any lawful nonconforming structure which is nonconforming solely because it fails to comply with the off-street parking and loading provisions set forth in this Zoning Ordinance may be enlarged, extended, reconstructed or structurally altered, provided that the amount, quantity or degree of such nonconformity is not increased and that no new nonconformity is created.

(c) Any lawful nonconforming structure which is nonconforming because it fails to comply with bulk provisions of this Zoning Ordinance may be reconstructed, structurally altered, enlarged or extended, provided that the amount, quantity or degree of such nonconformity is not increased, and provided that any new construction conforms to the requirements of the zoning district in which it is located.

(d) A nonconforming building or structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to the regulations of the zoning district in which such building or structure is located after being relocated.

(e) Any lawful nonconforming single family residential structure which is nonconforming because it fails to comply with the bulk provisions of this Zoning Ordinance is able to have a second floor addition constructed provided that the following criteria are met:

(1) The bottom of the eave, as measured from established grade at the front elevation, shall be no taller than twenty-two (22) feet. This measurement will continue around the structure on a level plane.

(2) The height of the addition may be increased provided the second floor walls conform to the required setbacks.

(3) All new construction, other than the second story addition, shall conform to the requirements of this Zoning Ordinance.

Section 12. That Section 28.1202. is hereby amended to read as follows:

28.1202. Nonconforming uses - Expansion, Change or Discontinuance.

~~(a) If no structural alterations are made, a lawful nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification. Whenever a lawful nonconforming use of a structure has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. In business and manufacturing districts where certain more restrictive uses are prohibited, but exist as lawful nonconforming uses, they may continue as lawful nonconforming uses, but a change in use must be to a permitted use in that district.~~ Any lawfully nonconforming use of part or all of a building or structure, or any lawfully existing nonconforming use of

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land involving a building or structure accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of Section 28.1202 (b) through (g). The existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(b) A nonconforming use shall not be expanded or extended into any other portion of the structure which was not occupied by the nonconforming use at the time of the adoption of this Zoning Ordinance, or any amendment hereto. The nonconforming use of land which does not involve a structure or which is accessory to the nonconforming use of a structure shall not be expanded or extended beyond the area it occupies at the time of the adoption of this Zoning Ordinance or any amendment hereto.

(c) Except when required to do so to meet building code or other governmental laws and regulations, no existing structure, or portion thereof, which includes a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to one permitted in the district in which such building or premises is located..

(d) If a lawful nonconforming use is discontinued for a continuous period of eighteen (18) months, it shall not be renewed, and any subsequent use of the structure or parcel of land shall conform to the use regulations of the zoning district in which such structure or parcel of land is located.

(e) The use of land for junk yards and storage purposes which was lawfully established on or before April 19, 1965, but which now does not conform to the provisions of this Zoning Ordinance, shall be discontinued effective April 19, 1975. The same uses of land which become non-conforming by reason of annexation or a subsequent change in this Zoning Ordinance shall be discontinued within 10 years from the date of the change.

(f) Where a lawful or lawful nonconforming use is classified as a special use by this Zoning Ordinance for the district in which it is located, it shall be considered a lawful special use.

(g) The use or holding for use by a public utility under the jurisdiction of the Illinois Commerce Commission of any premises prior to July 1, 1967, for electric transmission lines supported by towers or for an electrical substation shall be considered a lawful special use for such purposes, without any restrictions against enlargement, extension, reconstruction or structural alteration of said facilities that may be located on said premises on or after July 1, 1967.

Section 13. That Section 28.1203. is hereby amended to read as follows:

28.1203. Nonconforming lots.

(a) A lawful nonconforming lot or parcel which does not meet the requirements for minimum lot width and area may be utilized for a permitted use provided:

i. The lot area and lot width are not less than 75 seventy-five percent (75%) of the minimums required in the zoning district; or,

ii. The lot width is not less than fifty (50) feet and the lot area is not less than seven thousand five hundred (7,500) square feet.

~~(b) Where two or more lawful nonconforming contiguous lots or parcels, each of which lacks adequate dimension or area to qualify for use pursuant to the requirements of subsection (a) hereof, are contiguous and are held in one ownership, they shall be shall be considered to be a single zoning lot for the purpose of this chapter and, except as provided herein, no portion of said zoning lot shall be sold or transferred which would diminish compliance with lot width and area requirements established by this chapter. Provided no division of property occurs as regulated by the Subdivision Ordinance, portions of said zoning lot may be sold or transferred provided the lot area and lot width of each resulting zoning lot is not less than 75 percent of the minimums required in the zoning district.~~

~~(e)~~—(e)—A lawful improved nonconforming lot or parcel which cannot meet the requirements of subsection (a) hereof, may be utilized for a permitted use, so long as the amount, quantity or degree of any existing nonconformity is not increased, and no new nonconformity is created. Such improvement may be repaired, rebuilt, replaced or restored to the extent of its original lawful nonconforming development

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provided such work is diligently pursued and the amount, quantity or degree of any existing nonconformity is not increased, and no new nonconformity is created.

Section 14. That Section 28.1205. is hereby amended to read as follows:

28.1205. Nonconforming Off Street Parking.

(a) *Change in use of a structure.* Whenever the existing use of a structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. ~~However, if the structure was erected prior to April 19, 1965, additional parking or loading facilities are required only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Article.~~

(b) *Existing parking and loading facilities.* Accessory off-street parking or loading facilities which were in existence on the effective date of this Zoning Ordinance or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than shall not further be reduced below, the requirements of this Zoning Ordinance for a similar new building or use.

(c) *Permissive parking and loading facilities.* Nothing in this Article shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or structures, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.

(d) *Damage or destruction of a structure.* For any conforming or legally nonconforming structure or use ~~which was in existence prior to April 19, 1965, which subsequently thereto is damaged or destroyed by any means to the extent of fifty percent (50%) or greater of its market value, based on an independent current appraisal, parking and loading facilities must be provided as required under this Ordinance for equivalent new uses or construction.~~ ~~fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in the event the principal structure is damaged or destroyed by any means to the extent of sixty percent (60%) of its replacement value, it shall then be necessary to restore or maintain parking and loading facilities as required under this Article for equivalent new uses or construction.~~

Section 15. That Section 28.1206. is hereby amended to read as follows:

28.1206. Nonconforming fences.

Any fence in existence on May 26, 1981, or at the time of adoption of any applicable amendment to this Zoning Ordinance, shall be a legal nonconforming fence. Such fence may be maintained or repaired without regard to the requirements of this Zoning Ordinance; provided that the nonconformity of the fence is not increased thereby. No fence which has been damaged ~~or destroyed by any means~~ ~~fire, explosion, act of God, or the public enemy,~~ to the extent of more than fifty percent (50%) of its market value, based on an independent current appraisal, shall be restored ~~except~~ in conformity with this Zoning Ordinance.

Section 16. That Section 28.1300SEC. is hereby amended to read as follows:

28.1300SEC. General Provisions.

(a) *Structures on a zoning lot:* Except for permitted accessory structures, every principal structure hereafter erected shall be located on a separate zoning lot and not more than one principal structure shall be located on any zoning lot, except when authorized as a Planned Development or Special Use.

(b) *Accessory structures in general.*

(1) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is necessary.

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(c) Residential accessory structures.

(1) Except as provided herein, residential accessory structures shall be located in the rear or side yards and on the same zoning lot as the principal structure or use served.

~~(2) No more than three (3) detached accessory structures shall be permitted on any lot of record.~~

~~(3) The aggregate footprint of all accessory structures shall not exceed one thousand (1,000) square feet or the gross floor area of the principal structure, whichever is less.~~

~~(4) Except as otherwise provided in this Zoning Ordinance, no accessory structure on a zoning lot in a residence district shall be located less than five (5) six (6) feet from a side or rear lot line. In the R-4 District, no accessory structure shall be located less than five (5) feet from a side or rear lot line.~~

~~(5) No residential accessory building or buildings shall occupy more than 40% of the area of a rear or side yard.~~

~~(6) No residential accessory building shall exceed twenty-three (2023) feet in height as measured to the highest point on the structure.~~

~~(7) Residential accessory buildings shall be placed at a minimum of ten (10) feet from the side and rear walls of the principal structure to which it is necessary.~~

(d) Non-residential accessory structures.

(1) Accessory off-street parking facilities and parking structures for non-residential uses may be located:

(a) In front of and on the same zoning lot as the principal building or use; or

(b) On zoning lots other than that containing the principal structure or use, subject to the provisions of Section 28-1401.

Section 17. That Section 28.1302. is hereby amended to read as follows:

28.1302. Sheds.

~~(a) A shed shall be located in the rear or side yards and on the same lot as the principal structure or use served. A shed shall not be located within any front yard. No shed shall be located in any front yard.~~

~~(b) A shed shall be located a minimum of six (6) feet from the rear and side lot lines. In the R-4 District, a shed shall be located a minimum of five (5) feet from the rear and side lot lines. A shed shall be located at least 2 1/2 feet from rear and side lot lines.~~

~~(c) A shed shall be no more taller than ten (10) feet in height as measured to the highest point on the shed.~~

~~(d) The maximum side of any shed shall not exceed twelve (12) feet in length.~~

~~(e) The maximum area of any shed shall be one hundred (100) square feet.~~

~~(f) Only one (1) shed shall be permitted per lot.~~

Section 18. That Section 28.1303. is hereby amended to read as follows:

28.1303. Swimming Pools.

~~(a) Where noncommercial swimming pools are constructed as accessory structures in residence districts, a barrier (fence, wall, structure wall, or combination thereof) shall be erected around the swimming pool as required under the Building Code and subject to all other applicable ordinances.~~

~~(b) Swimming pools shall be setback a minimum of ten (10) feet from the rear and side lot lines in the R-1 and R-2 Districts.~~

~~(c) Swimming pools shall be setback a minimum of seven (7) feet from the rear and side lot lines in the R-3, R-4, R-5, R-5A, and R-6 Districts.~~

~~(d) Swimming pools shall not be constructed in any front yards.~~

~~(e) An in-ground swimming pool shall be no closer than ten (10) feet from any principal structure unless engineering plans for protecting the principal structure's foundation are completed and submitted to and approved by the Village.~~

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Section 19. That Section 28.1304. is hereby amended to read as follows:

28.1304. Air Conditioning Units.

Air conditioning units and/or generators, excluding window units, shall be located a minimum of five (5) ten (10) feet from all lot lines in the R-1 District, a minimum seven (7) feet from all lot lines in the R-2 District, and a minimum of six (6) feet in the R-3, R-5, R-5A, and R-6 Districts. In all other Zoning Districts, air conditioning units and/or generators shall be a minimum of five (5) feet from all lot lines. In no case shall an air conditioning unit and/or generator, excluding window units, be located within any front yard, but not within the front yard.

Section 20. That Section 28.1308. is hereby added to read as follows:

28.1308. Garages and Driveways.

- (a) Only one (1) detached garage shall be permitted per lot in residential zoning districts.
- (b) Notwithstanding anything to the contrary contained in this Zoning Ordinance, no habitable space or dwellings shall be permitted in or above any detached garage.
- (c) On residential zoned lots sixty (60) feet or less in width, detached garages in the rear yard and rear-loading attached garages with a footprint of five hundred (500) square feet or less shall not be counted towards the overall lot coverage.
- (d) Driveways to detached garages and/or parking areas shall be at least ten (10) feet wide.
- (e) Driveways shall be constructed of a hard, dust-free surface to be approved by the Village Engineer.

Section 21. That Section 28.1309. is hereby added to read as follows:

28.1309. Front Porches.

Front porches on residential zoned lots may encroach a maximum of five (5) feet into a required front yard setback provided the following:

- (a) Front porches with a total footprint of two hundred fifty (250) square feet or less shall not be counted towards the overall lot coverage.
- (b) In no case shall the total amount of encroachment into any required front yard be more than 250 square feet.
- (c) Porches that are constructed after June 1, 2006 and encroach into the required front yard setback shall remain open and shall not be permitted to become habitable space at any time.
- (d) On lots with multiple street frontages, porches may encroach into only one (1) required front yard setback.
- (e) No habitable or porch/deck space shall be permitted above a porch that encroaches into a required front yard.

Section 22. That Section 28.1310. is hereby added to read as follows:

28.1310. Flag Poles.

Flag poles shall have a minimum setback that is equal to the height of the pole and far enough from all lot lines so the flag will not extend beyond any lot line at any time.

Section 23. That Section 28.1702. is hereby added to read as follows:

28.1702. Standards for approval of amendments to the Zoning Ordinance

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(a) Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:

- (1) The existing uses and zoning of nearby property;
- (2) The extent to which the particular zoning restrictions affect property values;
- (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare;
- (4) The suitability of the subject property for the zoned purposes;
- (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
- (6) The value to the community of the proposed use, and;
- (7) The standard of care with which the community has undertaken to plan its land use development.

Section 24. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 25. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk