

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JULY 10, 2007 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Request for a 90-Day Moratorium– M District Recycling Collection Facilities	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to establish a 90-day moratorium on any application for a Special Use Permit provided for under Chapter 28, Zoning Ordinance, Article VIII, O-R-M District (Office-Research-Manufacturing), Article IX, Manufacturing Districts (M-1 & M-2) Article X, Use Regulations and Article XI, Yards and Open Spaces for Recycling Collection Facilities. The moratorium would allow for the Village Council to conclude review of zoning related issues to this special use as currently permitted in the Zoning Ordinance or as may be amended during the moratorium. A waiver of the *one-week waiting period* is additionally requested.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Government*. Supporting these goals are the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on July 10, 2007 under the Village Attorney's report with the waiver of the traditional one-week waiting period.

BACKGROUND

The Village Council is currently considering an ordinance amending §28.1007 of the Zoning Ordinance regarding recycling collection facilities. Currently, these facilities are allowed as special uses in the M-1, M-2 and ORM zoning districts. Also, the Zoning Ordinance does not require any "minimum separation" between these uses and residential uses, other than the building setback requirements required of any use in those districts.

On July 3, 2007, the Village Council asked that a 90-day moratorium be prepared for consideration at the July 10, 2007, workshop meeting. Council discussed the proposed ordinance amendment on June 26, 2007 and is scheduled to discuss it again on July 10, 2007. The Council could adopt the ordinance amendments as early as July 17, 2007. A public hearing on the matter was held by the Plan Commission on May 7, 2007.

The Village has enacted similar moratoriums in the past while an ordinance change was pending. Specifically:

- In 2002, the Village Council established a 180-day moratorium on flag lots while the matter was under review.

- In 2003, the Village Council established a six-month moratorium on Vacation of Public Rights of Way.
- In May 2004, the Village Council established an initial 90-day moratorium on permitted signage while the sign ordinance was under review.

ATTACHMENTS

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE GRANTING
OF SPECIAL USES FOR THE LOCATION OF RECYCLING COLLECTION FACILITIES IN
THE VILLAGE OF DOWNERS GROVE**

WHEREAS, the Downers Grove Plan Commission and the Downers Grove Village Council consider from time to time petitions for a special use permit to locate a recycling collection facility within the Village of Downers Grove; and

WHEREAS, the Village Council has determined that it is necessary and desirable to consider and evaluate Section 28.1007 of the Village Code which relates to the zoning of recycling collection facilities and also Section 28.201 which contains the definition of "recycling collection facility"; and

WHEREAS, the Village Council of the Village of Downers Grove has determined that it is reasonable and necessary to place a moratorium on the acceptance, consideration or approval of any request for the granting of a special use for the location of a recycling collection facility within the Village for a period of ninety (90) days to permit the evaluation and possible revision of the pertinent provisions contained in the Village Code.

NOW, THEREFORE, BE IT ORDAINED, by the Village Council of the Village of Downers Grove as follows:

SECTION 1. That except for applications on file as of the close of business on July 10, 2007, no petition for the granting of a special use for a recycling collection facility shall be accepted, processed and/or considered for a period of ninety (90) days from the adoption of this ordinance. The purpose of this ordinance shall be to permit the Village of Downers Grove to consider revisions to the current provisions of the Village Code pertaining to recycling collection facilities. The Village Manager and staff are authorized to evaluate such revisions and report their recommendations to the Village Council from time to time during the moratorium period.. SECTION 2. That this ordinance shall be in full force and effect from and after its adoption in the manner provided by law.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JUNE 26, 2007 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Amendment – M District Modifications	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article VIII, O-R-M District (Office-Research-Manufacturing), Article IX, Manufacturing Districts (M-1 & M-2) Article X, Use Regulations and Article XI, Yards and Open Spaces.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Government*. Supporting these goals are the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Staff recommends approval of the amendments as presented on the July 3, 2007 active agenda. The following components of the recommended ordinance should be noted:

- The ordinance includes a separation distance of 1,320 feet per the Plan Commission's recommendation.
- The ordinance includes the tollway separation exemption recommended by staff (this exemption was not supported by the Plan Commission.)

BACKGROUND

The Village is requesting review of proposed amendments to the Zoning Ordinance. Specifically, the staff is proposing modifications to the setback and use regulations for the O-R-M, M-1 and M-2 zoning districts. The modifications are being brought forward as part of the Village's continuous review of the Zoning Ordinance. Many of the proposed modifications are technical in nature. Over the years, the Village has amended the text of the ordinance. The amendments have created minor inconsistencies. As such, staff is compiling a list of these issues to be corrected. The proposed amendments represent the first of these technical corrections.

Specifically, staff is proposing to make amendments to the following sections:

1. Section 28.801 – Permitted Uses O-R-M District.
2. Section 28.902 – Permitted Uses M-1 District.
3. Section 28.906 – Special Uses M-2 District.
4. 28.1007 Recycling Collection Facilities.
5. Section 28.1110(n) – Front Yard Setbacks O-R-M Districts.

During the review phase of a petition for a Special Use for a recycling colling facility, staff discovered the State of Illinois has a separation requirement of 1,320 feet for these type of uses from residential uses. The separation requirement only applies when the county or municipality where the proposed facility is to be located does not have a zoning ordinance. Because the Village has a zoning ordinance, the regulation did not apply to this particular case. The current Village of Downers Grove zoning ordinance does not contain a separation requirement for recycling collection facilities. However, staff believes it is important for the Village's regulations to be similar to the State and County regulations to provide the best information for business owners, property owners and residents.

As such, staff recommended a 1,000 foot separation for recycling collection facilities from residential uses. This separation excluded properties adjacent to government facilities, the Tollways, Forest Preserves and the Morton Arboretum. The separation requirements staff proposed were similar to those used for adult entertainment uses and would still allow properties in the central portion of the Ellsworth Industrial Park to be eligible for this special use.

The Plan Commission considered the amendment at their May 7, 2007 meeting. After receiving input from a resident, the Commission recommended increasing the required separation to 1,320 feet and eliminating the exception for the Tollways. These modifications limit these type of uses to the Esplanade and Woodcreek developments. The Plan Commission recommended unanimous approval of the text amendment with the 1,320 foot separation and the elimination of the Tollway exception.

Staff concurs with the recommendation to increase the separation distance to 1,320 to be consistent with the State's requirement. However, staff believes the Tollway exception should still apply as any nuisances created by a proposed recycling collection facility would be mitigated by the physical barrier created by the roadway.

ATTACHMENTS

Ordinance

Staff Report with attachments dated May 7, 2007

Minutes of the Plan Commission Hearing dated May 7, 2007

ORDINANCE NO. _____

**AN ORDINANCE MAKING MODIFICATIONS TO MANUFACTURING AND OFFICE-
RESEARCH-MANUFACTURING DISTRICT USES**

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 28.801. is hereby amended to read as follows:

28.801. O-R-M District - Permitted uses.

The following uses are allowed in the O-R-M Office-Research-Manufacturing District as permitted uses:

- (a) Office uses
- (b) Any facility, the principal use of which is research and development of products.
- (c) Production, processing, assembly, cleaning, testing and repair limited to the following uses and products:

- (1) Abrasive works
- (2) Advertising displays, production of
- (3) Art and needlework and hand weaving
- (4) Artificial limb manufacture
- (5) Awnings, venetian blinds
- (6) Bakeries
- (7) Batteries
- (8) Bedding
- (9) Beverages, nonalcoholic
- (10) Bicycles
- (11) Blacksmith shops
- (12) Blueprinting, photostating and other duplicating establishments.
- (13) Boat building and repair of pleasure craft
- (14) Books - hand binding and tooling
- (15) Boots and shoes
- (16) Bottling works - beverage or creamery
- (17) Brushes and brooms
- (18) Camera and other photographic equipment, except film
- (19) Candy manufacture
- (20) Canneries
- (21) Canvas and canvas products
- (22) Carpentry and woodworking shops
- (23) Carpet and rug cleaning
- (24) Caskets and casket supplies
- (25) Ceramic products such as pottery and small glazed tile
- (26) Clothing and clothing products
- (27) Cold storage plants
- (28) Computer and related equipment
- (29) Cosmetics and toiletries
- (30) Cotton and woolen weaving
- (31) Dairy products
- (32) Dentures

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- (33) Drugs
- (34) Dry cleaning plants
- (35) Electric appliances
- (36) Electric wire
- (37) Electronic and scientific precision instruments
- (38) Electroplating
- (39) Food products, processing and combining of baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- (40) Frozen food lockers
- (41) Fur goods
- (42) Glass products, from previously manufactured glass
- (43) Gymnasiums.
- (44) Hair, felt and feather products (except washing, curling and dyeing)
- (45) Hats, caps and millinery
- (46) House trailers or mobile homes
- (47) Ice, dry and natural
- (48) Ink mixing and packaging and inked ribbons
- (49) Insecticides
- (50) Insulating materials
- (51) Jewelry
- (52) Laboratories, medical, dental, research, experimental and testing
- (53) Laundries
- (54) Leather products, including shoes and machine belting
- (55) Lithographing
- (56) Luggage
- (57) Machine shops for tool, die and pattern making
- (58) Machinery, farm - sales, repairing and overhauling
- (59) Machinery manufacture
- (60) Mail order houses
- (61) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment.
- (62) Metal products fabrication and assembly
- (63) Metal stamping and extrusion
- (64) Monument works
- (65) Musical instruments
- (66) Orthopedic and medical appliances
- (67) Paper products
- (68) Perfumes and perfumed soaps, compounding and packaging only
- (69) Pharmaceutical products - compounding, packaging, synthesis and manufacture
- (70) Plastic manufacture and processing
- (71) Pottery and ceramics manufacture
- (72) Precision instruments, such as optical, medical and drafting
- (73) Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo-engraving.
- (74) Products from finished materials - plastic, bone, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, precious and semi-precious stones, rubber, shell, or yarn.
- (75) Repair of household or office machinery or equipment
- (76) Rope, cord and twine manufacture
- (77) Rubber products, small and synthetic treated fabrics (excluding all rubber and synthetic

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processing), such as washers, gloves, footwear, bathing caps and atomizers.

(78) Sheet metal shops

(79) Silverware, plate and sterling

(80) Sign painting

(81) Soap and detergents, packaging only

(82) Soldering and welding

(83) Sporting and athletic equipment

(84) Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.

(85) Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.

(86) Tools and hardware

(87) Toys

(88) Truck repair garages

(89) Umbrellas

(90) Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.

(91) Vehicles, children's - such as bicycles, scooters, wagons, baby carriages.

(92) Watches

(93) Wood products and woodworking

(d) Warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini- warehouses).

(e) Retail and service uses, as follows:

(1) Banks and financial institutions, excluding drive-in type facilities.

(2) Day care centers. (See Section 28-1017.)

(3) Hotels.

(4) Medical and dental clinics.

(5) Restaurants with minimum seating capacity of one hundred and twenty-five (125).

(f) Public utility and community service uses, including electric distribution substations, fire and police stations, telephone exchanges and similar uses.

(g) Adult Entertainment Establishments. (See Section 28-1011.)

(h) Telecommunications Towers. (See Section 28-1307.)

(i) Uses incidental to permitted uses, as follows:

(1) Accessory Structures.

(2) Signs.

(23) Dwellings for watchmen, located on the premises where employed.

(34) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(45) Incidental retail sales of products, parts, or service directly related to a permitted use.

Section 2. That Section 28.902. is hereby amended to read as follows:

28.902. M-1 Districts - Permitted uses.

The following uses are allowed in the M-1 Light Manufacturing District as permitted uses:

(a) Uses permitted in the B-3 General Services and Highway Business District, which are not permitted in other business districts.

(b) Animal hospitals, pounds, and shelters

(c) Banks and financial institutions

(d) Day care center. (See Section 28-1017.)

(e) Fuel and ice sales

(f) Gymnasiums

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(g) Offices, business and professional.

(h) Production, processing, cleaning, testing and repair limited to the following uses and products:

- (1) Advertising displays
- (2) Art and needlework and hand weaving
- (3) Artificial limb manufacture
- (4) Awnings, venetian blinds
- (5) Bakeries
- (6) Batteries
- (7) Beverages, non-alcoholic
- (8) Bicycles
- (9) Blacksmith shops
- (10) Blueprinting and photostating establishments
- (11) Boat building and repair of pleasure craft
- (12) Books - hand binding and tooling
- (13) Bottling works - beverage or creamery
- (14) Brushes and brooms
- (15) Camera and other photographic equipment, except film
- (16) Candy manufacture
- (17) Canvas and canvas products
- (18) Carpentry and woodworking shops
- (19) Carpet and rug cleaning
- (20) Caskets and casket supplies
- (21) Ceramic products - such as pottery and small glazed tile
- (22) Clothing manufacture
- (23) Cold storage plants
- (24) Cosmetics and toiletries
- (25) Dentures
- (26) Drugs
- (27) Dry cleaning establishments
- (28) Dwellings for watchmen, located on the premises where employed.
- (29) Electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys.
- (30) Food products, processing and combining of baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- (31) Frozen food lockers
- (32) Fur goods, not including tanning or dyeing
- (33) Glass products, from previously manufactured glass
- (34) Hair, felt and feather products (except washing, curling and dyeing)
- (35) Hat bodies of fur and wool felt
- (36) House trailers or mobile homes
- (37) Ice, dry and natural
- (38) Ink mixing and packaging and inked ribbons
- (39) Insecticides
- (40) Jewelry
- (41) Laboratories, medical, dental, research, experimental and testing
- (42) Laundries
- (43) Leather products, including shoes and machine belting
- (44) Luggage
- (45) Machine shops for tool, die and pattern making
- (46) Machinery, farm - sales, repairing and overhauling
- (47) Medical and dental clinics.

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(48) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment.

(49) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

(50) Monument works

(51) Musical instruments

~~—(52) Offices, business and professional~~

~~—(53) Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.~~

(54) Paper products, small, such as envelopes and stationery, bags, boxes, tubes, and wallpaper printing.

(55) Perfumes and perfumed soaps, compounding and packaging only.

(56) Pharmaceutical products, compounding and packaging

(57) Plastic manufacture and processing

(58) Precision instruments, such as optical, medical and drafting

(59) Printing, lithographing, or publishing establishments for letter press, business cards, mimeographing and other similar custom services, newspaper publishing, including engraving and photo-engraving.

~~(60) Products from finished materials - plastic, bone, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, precious and semi-precious stones, rubber, shell, or yarn.~~

~~—(61) public service facilities, including electric distribution substations, fire and police stations, telephone exchange and similar uses.~~

(62) Repair of household or office machinery or equipment

(63) Rubber products, small and synthetic treated fabrics, (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

(64) Sheet metal shops

(65) Silverware, plate and sterling

(66) Sign painting

(67) Soap and detergents, packaging only

(68) Soldering and welding

(69) Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods.

~~(70) Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.~~

(71) Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.

(72) Truck repair garages

(73) Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings, and plumbing appliances.

(74) Toys

(75) Umbrellas

(76) Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.

(77) Vehicles, children's - such as bicycles, scooters, wagons, and baby carriages

(78) Watches

(79) Wood products such as furniture, boxes, crates, baskets, and cooperage corks.

(h) Wholesale and warehousing, storage and distribution Facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses)

(i) Public and community service uses, including electric distribution substations, fire and police stations, telephone exchange and similar uses.

(j) Adult Entertainment Establishments. (See Section 28-1011.)

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~~(k)~~ Telecommunications Towers. (See Section 28-1307.)

~~(m)~~ Uses incidental to permitted uses as follows:

~~(1)~~ Accessory structures.

~~(2)~~ Signs.

~~(3)~~ Incidental retail sales of products, parts or service directly related to a permitted use.

~~(4)~~ Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

Section 3. That Section 28.906. is hereby amended to read as follows:

28.906. M-2 District - Special Uses.

The following uses are allowed in the M-2 Restricted Manufacturing District as special uses:

(a) Aircraft landing areas.

(b) Cartage and express facilities including motor freight terminals.

(c) Contractor or construction shops and offices.

(d) Public utilities and services.

(e) Planned developments. (See Article XVI.)

(f) Recycling collection facilities. (See Section 28-1007.)

(g) Vocational and trade schools.

(h) Any other proposed business, manufacturing, assembling, servicing or processing activity, if the Plan Commission finds that:

(1) Such proposed activity is of the same general character as uses permitted in Section 28-906;

(2) Such proposed activity will be in compliance with the environmental standards in Article XX. For such purpose, the Plan Commission may in its discretion require that there be furnished a favorable certification by a registered professional engineer approved by the Plan Commission covering any one or more of such performance standards; and

(3) Such proposed activity will be in compliance with all applicable provisions of this Article.

~~_____ (i) Accessory uses, incidental to the principal use listed above.~~

~~_____ (j) (i) Self-storage facilities, including mini-warehouses. (See Section 28-1010.)~~

Section 4. That Section 28.1007. is hereby amended to read as follows:

28.1007. Recycling collection facilities.

A Recycling collection facility, where allowed as a permitted or special use, shall be subject to the following conditions:

(a) The location on the zoning lot of a collection facility other than a building shall be restricted to that shown on a site plan approved by the Village Council as a condition of such use and shall not exceed two thousand (2,000) square feet in area.

(b) The organization or corporation operating such facility shall file with the Community Development Department the name and address of its current registered agent or other person responsible for receiving notices on behalf of the operator.

(c) Any facility comprised of a vehicle required to be registered under the Illinois Motor Vehicle Code shall be operable and bears a valid registration.

(d) Materials received at the site shall be contained within the facility or stored in compliance with the storage requirements of the zoning district.

(e) Any other provision of this Zoning Ordinance notwithstanding, the applicant for the special use may be a lessee or licensee, provided that proof of the property owner's permission for such use accompanies the application.

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(f) Except where separated by right-of-way of the Illinois Toll Highway Authority, a recycling collection facility shall not be located within one thousand three hundred twenty (1,320) feet of any property that is zoned for residential purposes pursuant to this Zoning Ordinance or, for property located beyond the corporate limits of the Village, the zoning ordinance of the governmental entity having jurisdiction. Provided, this separation requirement shall not apply to the following:

(1) Property owned, maintained and used by the Village and used for any water tower and/or fire station.

(2) Property owned, maintained and used by the Forest Preserve District of DuPage County.

(3) Property owned, maintained and used as part of the Morton Arboretum.

(g) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the lot used as a part of the premises where a recycling, collection facility is conducted, to the nearest property line of a lot zoned residential and used as residential property.

Section 5. 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.

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

(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.

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

(d) *R-4 District:*

(1) *General requirement.* Except as provided herein, buildings shall be setback at least twenty five (25) feet.

(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.* 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

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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.

(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) (2) 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~~

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~~1, 1950, and remaining classified from time to time in a Manufacturing District.~~

~~(6)~~(3) 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 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

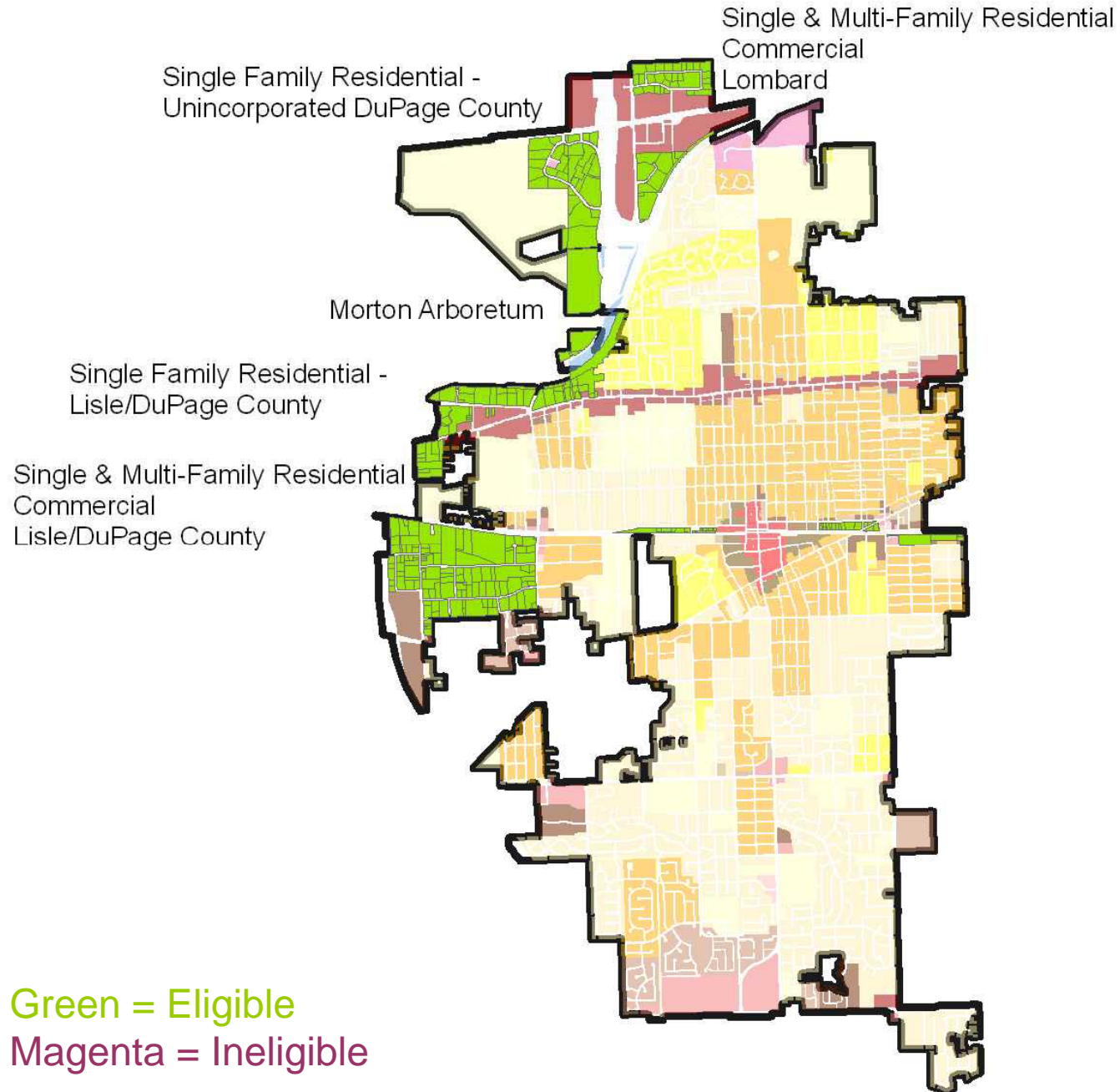
Passed:

Published:

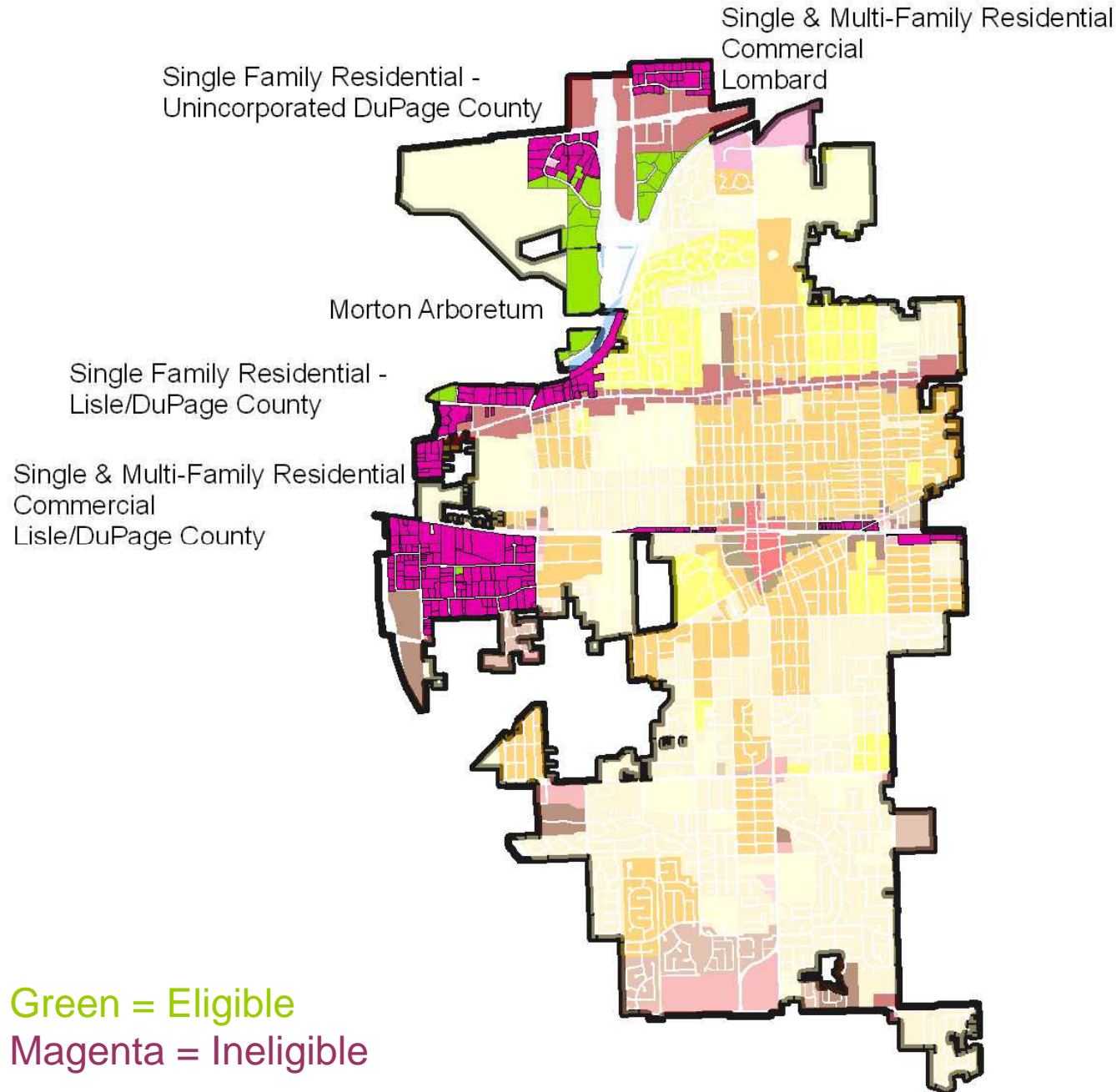
Attest: _____

Village Clerk

Eligible Sites per Current Zoning Regulations



Eligible Sites per Staff Recommendations





Village of Downers Grove

STAFF REPORT

TO: Plan Commission

REVIEW DATE: May 7, 2007

FROM: Department of Community
Development

PREPARED BY: Jeff O'Brien, AICP
Senior Planner

TITLE

PC 18-07; Zoning Ordinance Text Amendment – M District Uses; The Village is requesting an amendment to Chapter 28, Zoning Ordinance, Article VIII, O-R-M District (Office-Research-Manufacturing), Article IX, Manufacturing Districts (M-1 & M-2) Article X, Use Regulations and Article XI, Yards and Open Spaces. The purpose of the proposed amendment is to consider modifications to the M-1, M-2 and O-R-M Districts.

Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER/ APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Applications/Petitions for Public Hearing
2. Zoning Ordinance
3. Draft Amendments

DESCRIPTION

The Village is requesting review of proposed amendments to the Zoning Ordinance. Specifically, the staff is proposing modifications to the setback and use regulations for the O-R-M, M-1 and M-2 zoning districts. The modifications are being brought forward as part of the Village's continuous review of the Zoning Ordinance.

Many of the proposed modifications are technical in nature. Over the years, the Village has amended the text of the ordinance. The amendments have create minor inconsistencies. As such, staff is compiling a list of these issues to be corrected. The proposed amendments represent the first of these technical corrections.

Proposed Amendments

Specifically, staff is proposing to make amendments to the following sections:

1. Section 28.801 – Permitted Uses O-R-M District.
2. Section 28.902 – Permitted Uses M-1 District.
3. Section 28.906 – Special Uses M-2 District.
4. 28.1007 Recycling Collection Facilities.
5. Section 28.1110(n) – Front Yard Setbacks O-R-M Districts.

The draft language for the amendments is attached this report. The proposed amendments are summarized below.

Section 28.801 – Permitted Uses O-R-M District.

Staff proposes adding “accessory structures” to the permitted use list under item i(1). Currently, accessory structures are not specifically permitted in the O-R-M district. In the Village’s other zoning districts these structures are specifically permitted. The Village currently permits accessory structures in the O-R-M district and intends to continue to do so.

Section 28.902 – Permitted Uses M-1 District.

Staff proposes relocating “Offices, business and professional” from the permitted manufacturing activities heading to its own item. This modification will not affect any uses in the district, but will make the ordinance more user-friendly as the item will be easier to locate. Offices are currently and will remain permitted uses in the M-1 district.

Currently public facility uses are repeated in the permitted use list. Staff proposes to consolidate the two items into one so there is no confusion. As with office uses, public facilities are and will remain permitted uses in the M-1 district.

Finally, staff proposes to make the same modification for accessory structures in the M-1 district as is proposed for the O-R-M district. The Village permits accessory structures in the M-1 district and intends to continue allowing these buildings.

Section 28.906 – Special Uses M-2 District.

“Accessory structures” appear in both the permitted and special use lists. As in the M-1 and O-R-M district, these structures are permitted uses in the M-2 district. To avoid confusion for property owners, developers and other customers, staff is recommending deleting “accessory structures” from the special use list. The item will remain in the permitted use list for the M-2 district.

Section 28.1007 – Recycling Collection Facilities.

Earlier this year the Village was presented with a petition to locate a recycling collection facility on a property in the Ellsworth Industrial Park. The property was adjacent to the Cameo residential development. The applicant appeared in front of the Plan Commission for a public hearing in January 2007. The Plan Commission recommended approval of the petition, but received significant comment from the residential neighbors. The applicant withdrew the petition prior to Village Council consideration.

During the review phase, staff discovered the State of Illinois has a separation requirement of 1,320 feet for these type of uses from residential uses. The separation requirement only applies when the county or municipality where the proposed facility is to be located does not have a zoning ordinance. Because the Village has a zoning ordinance, the regulation did not apply to this particular case. However, staff believes it is important for the Village’s regulations to be similar to the State and County regulations to provide the best information for business owners, property owners and residents.

As such, staff is recommending a 1,000 foot separation for recycling collection facilities from residential

uses. The proposed separation distance is less restrictive than the State's requirements, but is more practical for the Village due to its size. This separation excludes properties adjacent to Village facilities, Forest Preserves and the Morton Arboretum. Additionally, a recycling collection facility may be located less than 1,000 feet from a residential property if the two are separated by I-355 or I-88. The separation requirements are similar to those used for adult entertainment uses. Staff believes the proposed amendment will continue to allow for the placement of these types of uses in the Village, but in more appropriate locations – away from residential properties. Maps 1-6 attached to this report depict the approximate location of properties that are eligible and ineligible for consideration of a special use for a recycling collection facility.

Section 28.1110(n) – Front Yards O-R-M District.

Staff proposes to eliminate the specific front yard setback requirement in the O-R-M district along Second Street, Inverness Road, Warren Avenue and Rogers Street. Currently, there are no properties zoned O-R-M in these specific areas. The areas are depicted on Maps 7-10 attached to this report. As such, staff proposes to remove the unnecessary setback requirements to avoid confusion for property owners and developers.

RECOMMENDATIONS

Staff believes the proposed amendments are consistent with the Village's goals to become a more customer-friendly organization. Staff believes the amendments will have a minimal effect on the current uses and property owners in O-R-M, M-1 and M-2 zoning districts. As such, staff recommends that the Plan Commission forward a positive recommendation to the Village Council regarding the amendments to Sections 28.801, 28.902, 28.906, 28.1007 and 28.1110 of the Zoning Ordinance associated with PC 18-07.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:JWO
-att

FILE NO. PC-18-07; A petition seeking an Amendment to Chapter 28 Zoning Ordinance, Article VIII, O-R-M District (Office-Research-Manufacturing), Article IX, Manufacturing Districts (M-1 & M-2), Article X, Use Regulations and Article XI, Yards and Open spaces. The purpose of the proposed amendment is to consider modifications to the M-1, M-2 and O-R-M Districts; Village of Downers Grove, Petitioner

Mr. O'Brien presented the staff report. He explained the proposed modifications and went over the changes individually. He specifically noted staff was proposing to modify Section 28.1007 regarding recycling collection facilities. Staff was proposing to insert a separation distance from these uses to residential uses. Mr. O'Brien noted the change was in response to staff's findings during the petition for 5240 Thatcher Road. He stated staff found the State EPA had a separation recommendation of 1,320 feet. In order to make the Village's requirements consistent with the State, staff was proposing to insert a required separation between recycling collection facilities and residences.

Mr. O'Brien stated the proposed modifications mirror the Village's rules for adult entertainment uses. He noted the required separation distance would be 1,000 feet. He explained staff is recommending the smaller distance to account for the size of the Village's industrial areas. He stated, although the distance is smaller than the State's, the intent to maintain some large setback is still achieved. Specifically, he stated by increasing the distance to 1,320 feet, the Ellsworth Industrial Park would be eliminated for consideration of a Special Use for these uses. Mr. O'Brien noted staff was recommending approval of the amendments.

Mr. Beggs asked Mr. O'Brien to explain the basis for the smaller distance. Mr. O'Brien responded the staff looked to mirror the existing separation requirements in the Zoning Ordinance for adult entertainment uses.

Mr. Webster asked where recycling collection facilities could be located. Mr. O'Brien referred to the maps attached to the staff report.

Chairman Jirik asked for public comments.

Mark Thoman, 1109 61st Street, stated he opposed the modifications to 28.1007(f). He noted most Villages fight to keep these types of uses out of their boundaries. He stated the use being discussed was not a recycling collection facility, but a clean construction waste transfer station. Mr. Thoman stated the IEPA recommends a separation distance of 1,320 feet from residential uses for these types of facilities. He noted the reasons for this separation are they attract rodents, create air pollution from the processing of construction materials and trucks, create excess road wear, cause noise pollution, create traffic hazards and degrade surrounding property values.

Mr. Thoman stated the Village needed a comprehensive review of its uses in the M-1, M-2 and ORM zoning districts. He noted it was his opinion that the Village has a residential character with supporting commercial uses. He noted an increased distance would eliminate the possibility of locating these uses in the Ellsworth Industrial Park.

Mr. Thoman stated the modifications being proposed were a result of some people's desire to allow a recycling collection facility to be located within the Village. He stated he would like the distance to be increased to 1,320 feet and to eliminate the exceptions proposed for Section 28.1007(f). Mr. Thoman stated the smaller separation distance seems like an attempt to circumvent the State's regulations by the individual that previously petitioned the Village for a Special Use to locate a recycling collection facility at 5240 Thatcher Road.

Mr. Beggs asked for clarification whether Mr. Thoman did not want recycling collection facilities in the Ellsworth Industrial Park or in the entire Village. Mr. Thoman stated he did not think they were appropriate uses for the entire Village. He stated there seems to be a strong momentum to locate this use in the Village, and he thought there would be more appropriate locations than the Ellsworth Industrial Park if one were to be sited in Downers Grove.

Mr. Beggs asked if the Esplanade development was a more desirable location for these facilities than the industrial park. Mr. Thoman said he thought the Ellsworth Industrial Park was changing into a more mixed-use area. He noted Belmont would become a more commercial corridor in the future, and there would not be as many heavy industrial uses in the area.

Mr. Beggs asked Mr. Thoman for more information on the air pollution concerns. Mr. Thoman stated he did not have any specific information regarding the air pollution. He noted staff might have some more information about the equipment used to control pollution.

Mr. O'Brien explained while no specific information on the pollution was provided for the previous petition for a recycling collection facility, staff required information on the dust control measures. He stated the petitioner had proposed ventilation systems as well as a dust suppression system.

Mr. Waechter stated he was surprised that Cook County did not allow these facilities. Mr. O'Brien indicated Cook County does allow them as far as he knows. He stated the IEPA requirements have a county population threshold for these types of uses. Based on the 2000 Census, only two counties are eligible for the use – Cook and DuPage. Mr. O'Brien stated both counties have comprehensive zoning ordinances, so they can come up with their own separation requirements.

Mr. Thoman indicated there was also a facility in Will County. He noted the operation was rather large because it is part of a larger landfill development.

Mr. O'Brien re-iterated the Village staff is attempting to modify the Zoning Ordinance requirements to provide for some separation between recycling collection facilities and residential property. He stated as far as he knows there is no momentum to locate a facility in the Village, but it would be difficult to remove the use entirely from the

ordinance based on two factors 1) it has been a listed Special Use for 40 years in the manufacturing districts and 2) the use lists for the manufacturing districts permit uses as of right that are arguably more harmful to people. He stated the Village would have to go through a comprehensive analysis of its Future Land Use Plan and zoning ordinance in order to come up with a defensible reason to remove recycling collection facilities entirely.

Mr. O'Brien noted the modifications to the Zoning Ordinance would still require that a Special Use be obtained. He stated the amendments would likely make location of a facility harder because fewer properties would be eligible for the Special Use.

Mr. Quirk asked Mr. Thoman if his main concern was air pollution or separation. Mr. Thoman said it was both because these facilities create pollution and can be a nuisance to surrounding residences.

There was a discussion about increasing the distance between recycling collection facilities and residences. Maps were provided for reference. A discussion about the parcels that would become ineligible for the Special Use if the separation distance was increased took place. The Plan Commission came to a consensus that 1,320 feet should be the required separation.

Mr. Thoman stated the Tollway exception should also be removed.

The Plan Commission discussed the proposed draft language.

Mr. Webster questioned why the Village would want to allow this use if it creates air pollution.

Chairman Jirik stated the use is a nuisance, not a danger. He stated the particulate matter that comes from these facilities is large and does not have deep lung penetration abilities.

WITH RESPECT TO FILE NO. PC-18-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE TEXT AMENDMENTS TO SECTIONS 28.801, 28.902, 28.906, 28.1007 AND 28.1110 OF THE ZONING ORDINANCE ASSOCIATED WITH PC 18-07 TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING MODIFICATION:

SECTION 28.1007(f) SHALL READ AS FOLLOWS:

“(f) Recycling collection facility shall not be located within 1,320 feet of any property that is zoned for residential purposes pursuant to this Zoning Ordinance, or, for property located beyond the corporate limits of the Village, the zoning ordinance of the governmental entity having jurisdiction. Provided, this separation requirement shall not apply to the following:

- (1) Property owned, maintained and used by the Village and used for any water tower and/or fire station.**

(2) Property owned, maintained and used by the Forest Preserve District of DuPage County.

(3) Property owned, maintained and used as part of the Morton Arboretum.”

MR. WAECHTLER SECONDED THE MOTION.

AYE: MRS. RABATAH, MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MR QUICK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 8-0