



MANAGER'S REPORT FOR MAY 3, 2013
GENERAL INFORMATION AND RESPONSES TO MAYOR & COMMISSIONER REQUESTS

Places to be this Week...

Village Council Meeting – The Village Council meeting will be held on **Tuesday, May 7 at 7 p.m.** in the Council Chambers at Village Hall. The new Council members will be sworn in and the outgoing Council members will be recognized for their service at this meeting. A reception will be held in the Committee Room following the meeting.

Future Calendar Reminders...

Village Council Meeting – The Village Council meeting will be held on **Tuesday, May 14 at 7 p.m.** in the Council Chambers at Village Hall.

Barth Ceremony - The Barth Ceremony will be held on **Thursday, May 16, 2013 at 1 p.m.** at Barth Pond.

Illinois Family Institute Rally - The Illinois Family Institute applied for and was issued a permit for 10 a.m. to 2 p.m. on Saturday, May 4 for a public gathering outside the offices at 633 Rogers Street, where the district offices of Illinois State Representative Ron Sandack are located. On its website, the Illinois Family Institute is calling the event a rally to defend marriage. Both supporters and opponents of same-sex marriage are anticipated to attend the rally. The Illinois Family Institute notified the Village that it expects 50 attendees. The rally will take place in the parkway in front of the building. There will be barricades, as shown in the attached plan. Police officers will be present at the event. Both Police and the Fire Department have an action plan ready should crowd control become an issue. Copies of the notice issuing the permit and the barricade plan are attached.

Zoning Ordinance Update - The first step of the Zoning Ordinance Update will begin next week at the Plan Commission meeting. The Plan Commission will have an introductory discussion of the project, including an initial report from the Village's consultant (attached). The Plan Commissioners will then be asked to provide written comments on the consultant's report for discussion at the June 3, 2013 Plan Commission meeting. Agendas, reports and meeting minutes will be posted on the Plan Commission section of the Village's website as progress continues: <http://www.downers.us/govt/boards-commissions/plan-commission>.

Proposed 2013 Coffee with the Council Schedule - The following dates, sites and locations are proposed for the 2013 Coffee with the Council sessions. Coffee with the Council is an opportunity for members of the community to meet informally with the Village Council. The event occurs on the third Saturday of the month from 9:00 to 10:00 a.m. If you have any comments or questions regarding Coffee with the Council or the proposed dates, sites and locations, please bring them to Manager Fieldman's attention.

Date	Location - Address	Room/Location on Site
May 18	Downtown Market - 5001 Main St.	South of Main Street Station
June 15	McCullum Park - 6801 Main St.	Near ballfield core area plaza
July 20	Downtown Market - 5001 Main St.	South of Main Street Station

August 17	Doerhoefer Park - 41st St & Saratoga	Near synthetic turf field
September 21	Downtown Market - 5001 Main St.	South of Main Street Station
October 19	Fire Station #2 - 5420 Main St.	Training Room

Parkway Tree Planting - Spring Parkway Tree planting began Thursday May 2 and is expected to be completed by Friday May 10. A total of 215 trees are being planted in the parkways and another 46 trees are being planted at the Belmont station complex. A diversity of trees have been selected representing 26 different species.

2013 Traffic Data Collection - Traffic counting will soon begin throughout the Village. Traffic counts are conducted annually in an effort to keep current traffic information for the purpose of managing and planning for traffic. This year, the Village will collect information in approximately 80 locations and the work will begin within the next few weeks.

ATTACHMENTS

- Illinois Family Institute Rally Information
- Zoning Ordinance Update Consultant Report



www.downers.us

April 30, 2013

Mr. David E. Smith
P.O. Box 88848
Carol Stream, IL 60188

RE: Illinois Family Institute Public Gathering - 633 Rogers Street

Dear Mr. Smith:

The Village has received and reviewed your application for a public gathering at 633 Rogers Street in Downers Grove. The permit has been approved for one public gathering on Saturday, May 4, 2013 from 10:00 am to 2:00 pm as requested. The permit is granted with the following conditions:

1. The public gathering shall take place entirely on the public right-of-way and public sidewalk as depicted on the attached map.
2. All vehicles must be parked in legal public parking spaces during the event.
3. The Village respectfully requests that any graphic signage or visual media be limited to minimize any impact to adjacent residences and businesses surrounding the gathering site.

If you have any additional questions, please do not hesitate to contact Stan Popovich at 630-434-6893 or spopovich@downers.us.

Sincerely

VILLAGE OF DOWNERS GROVE

David Fieldman
Village Manager

Cc. E. Petrarca, Village Attorney
Staff Review Team

COMMUNITY RESPONSE
CENTER

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5120 Main Street

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POLICE DEPARTMENT

825 Burlington Avenue

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Illinois 60515-4783

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Illinois 60515-4074

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842 Curtiss Street

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Illinois Family Institute - May 4, 2013 Public Gathering





French Barricade along south curb line of Rogers Street

Moveable barricade across driveway access

Moveable barricade across driveway access

Illinois Family Institute Rally - Barricade Plan





DEPARTMENT OF COMMUNITY DEVELOPMENT MEMO

To: Plan Commission
From: Tom Dabareiner, AICP, Director of Community Development
Subject: PC-18-13, Comprehensive Update of the Village's Zoning Ordinance
Introductory Discussion Only
Date: May 6, 2013

The Village is in the process of conducting a comprehensive update of its zoning and subdivision regulations. The zoning and subdivision regulations are the primary implementation tools for the 2011 Comprehensive Plan and the main review tools for site planning and development in the Village. The current zoning and subdivision regulations are from the mid-1960s and reflect a period when Downers Grove was expanding. The project will update the community's development regulations to reflect the current conditions as a mature, built-out community focused on maintaining its neighborhoods and redeveloping its commercial, industrial and office park areas.

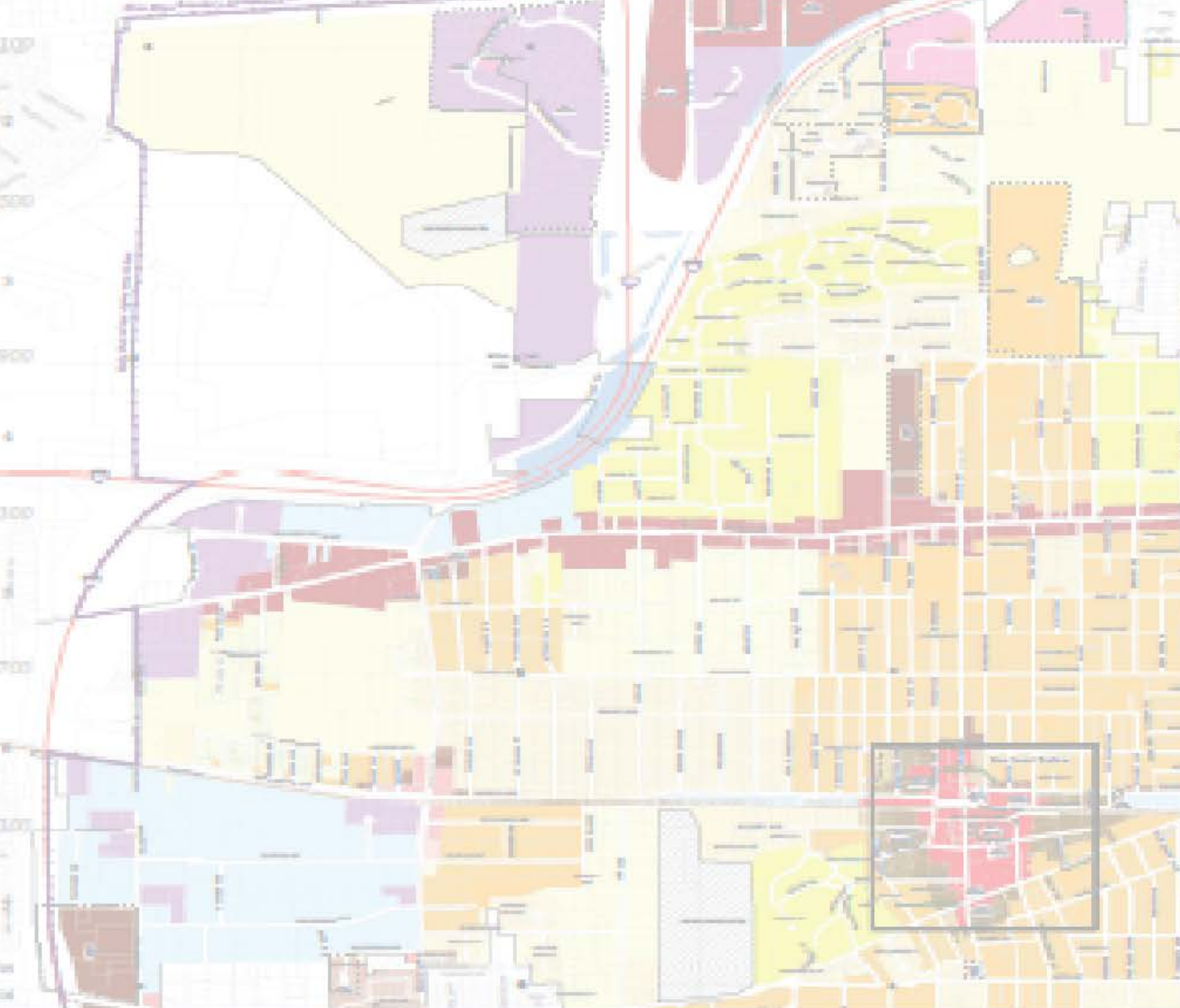
The Village has retained a private consultant firm, Duncan and Associates Inc. from Chicago to complete the task with assistance from Village staff, boards and commissions. The firm focuses on writing zoning and development regulations. They have completed many similar projects in the Chicago metropolitan area; however, they have extensive experience throughout the United States. They will have assistance from Farr Associates, from Chicago, who will focus on the downtown and areas around the Fairview and Belmont train stations.

The contract provides for a complete update of the Village's zoning and subdivision regulations based on the public input received during the TCD3 and Comprehensive Plan processes that took place from 2008-2011. The project has begun in March of 2013 and is expected to be completed in the spring of 2014.

Throughout the process, staff and the consultant will be presenting progress and draft reports to the Plan Commission for its review and input. The review process will culminate in a public hearing and review of the final version of the proposed Zoning and Subdivision Ordinances with a formal recommendation to the Village Council.

May 6, 2013 Plan Commission – Introductory Discussion Only

The consultant has prepared a Draft Analysis Report. Staff recommends Plan Commission open the hearing and allow the staff to introduce the consultant and the topic. Following the May 6, 2013 meeting, the Commission members should review the materials and provide staff with written comments. The draft report and Plan Commission comments will then be discussed at the next Plan Commission meeting on June 3, 2013.

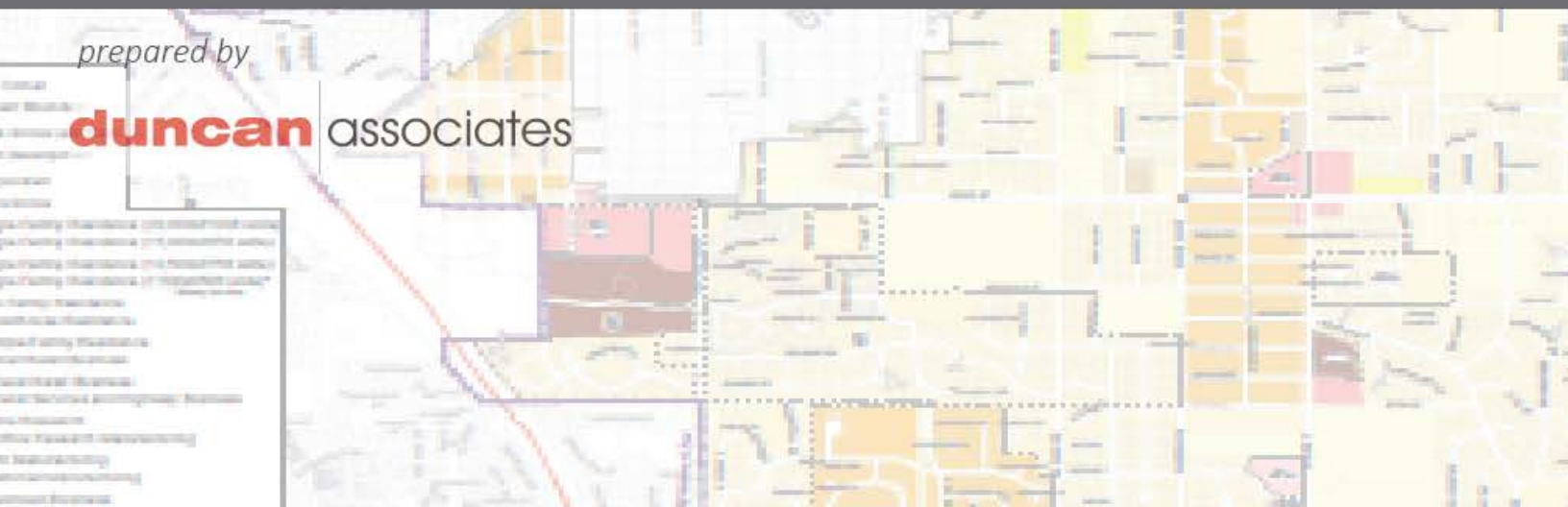


Zoning and Subdivision Ordinance Update

Task 2: Ordinance Analysis

prepared by

duncan associates



Contents

Introduction	1
The Project.....	1
This Report	1
Organization and Format	2
Update format and page layout.....	2
Include tables, charts, and illustrations	2
Reorganize the ordinances.....	3
Districts.....	4
Create one or more new public/civic zoning districts	4
Protect downtown character through strategic amendments	4
Uses	5
Establish a modern use classification system	5
Employ use tables	6
Include additional uses and use-specific regulations	6
Lot and Bulk Regulations.....	7
Clarify and expand allowed setback obstructions/encroachments.....	7
Explore the use of residential green space requirements	7
Present lot and bulk regulations in tables.....	8
Update transitional yard requirements	8
Clarify key measurement provisions and update definitions.....	8
Update fence regulations	9
Administration and Procedures	10
Make zoning and development review procedures clear and consistent	10
Expand the range of authorized zoning variances	10
Consider authorizing of a select range “ administrative variances”	11
Limit successive applications.....	11
Comprehensive Plan.....	12
Encourage green technology and sustainable development practices.....	12
Include tools for implementing key focus area plans	12
Update landscaping and site design standards.....	12
Nonconformities.....	13
Apply a lighter touch	13

Introduction

The Project

The Village of Downers Grove has embarked on a project to prepare a comprehensive update of the existing zoning and subdivision ordinances (municipal code chapters 28 and 20, respectively). The village's current zoning and subdivision ordinances date back to the mid-1960s reflecting a time when most new development occurred on previously undeveloped "greenfield" sites. Downers Grove is now a dynamic, mature community that is largely built-out. Today infill, redevelopment and reuse are the name of the game so updating the development regulations to reflect current conditions is a key objective of the project. Other objectives include:

- implementing relevant goals and policies from the village's award-winning comprehensive plan;
- ensuring that the new zoning and subdivision ordinances are consistent with other provisions of the village code and with state and federal law;
- protecting the character of stable residential neighborhoods;
- incorporating provisions that are supportive of compatible infill and redevelopment;
- accommodating the use of sustainable development practices; and
- creating ordinances that are well organized, illustrated and as easy to use, administer and enforce as possible.

This Report

This report summarizes the findings of an initial review and assessment of Downers Grove's existing zoning ordinance. It sets forth a series of thoughts and recommendations related to the substance, format and organization of the ordinance. The intent is to provide a sense of the general direction to be pursued in the update, not to identify every needed or proposed change. The observations and recommendations are based on:

- comments and input from village staff;
- analysis of the village's existing zoning and subdivision regulations;
- analysis of plans and policy documents related to land development issues;
- knowledge of effective zoning and subdivision regulations used in other jurisdictions.

Organization and Format

Downers Grove's updated ordinances should be easy to use and easy to understand. Substantive regulations should be clear, comprehensive, and internally consistent. Administrative and procedural provisions should promote transparency and efficiency.

Given the important role zoning and subdivision regulations play, the new ordinances should be logically organized, well-formatted and easy to use. They should be laid out in a way people can find the information they need and written so that information can be understood once it is found.

As is true of many older ordinances, the way in which information is organized and presented in the existing zoning and subdivision ordinances could be improved. This section describes some of the organizational and formatting techniques to be employed in the update.

Update format and page layout

The new ordinances should use distinct, variable-size typefaces for article, chapter, section titles, and subtitles. Indented text can indicate the hierarchical nature of ordinance sections and subsections. Generous white space and graphics will be used to enhance the document's visual appearance and improve its usability. Page headers and footers will be used as navigational aids within the document.

User-Friendly Formatting

- a** Page header
- b** Prominent headings
- c** Tables
- d** Cross references
- e** Graphics
- f** Consistent numbering, indented paragraphs
- g** Page numbers

a Zoning Ordinance District Regulations

b 20.080.001 Development Regulations

Table 20.080.001 prescribes the development standards for the ECRMX District. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to features illustrated in Figure 20.080.001.

c TABLE 20.080.001: DEVELOPMENT STANDARDS

Standard	ECRMX	Additional Standards
Building Form and Location		
Height (ft)		
Building Maximum	80 (A)	20.300.006 Heights and Height Exceptions
Building Maximum for Mixed-Use	120 (B)	20.080.002(B), Increased Height for Mixed-Use Buildings
Street Wall Minimum	25 (C)	
Street Wall Maximum	35 (C)	
Ground Floor	15 (D)	

d

e

f 20.080.002 Supplemental Regulations

A. Building Transparency. Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 40 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 30 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep. They shall not provide views into parking or vehicle circulation areas.

e FIGURE 20.080.002(A): BUILDING TRANSPARENCY

Windows, doors or other openings shall occupy at least 40% of the building wall area located between 2.5 and 7 feet above the level of the sidewalk.

7 ft
Zone of transparency
2.5 ft
Grade at sidewalk

Maximum 30 feet between openings

g 97

The new ordinances should be modern, user-friendly, illustrated documents.

Include tables, charts, and illustrations

Many regulations and requirements can be more clearly presented by using tables and charts. Their use can help eliminate redundancies, as well as the inevitable inconsistencies and internal conflicts that occur when the same regulations are restated in multiple sections of an ordinance. Eliminating these redundancies can also reduce the overall length of the

Organization and Format

printed documents. Other sections of this report include specific examples of how tables and charts might be used in the new ordinance.

In addition to tables and charts, the new ordinance should contain illustrations and graphics—instead of just raw text—to help convey the intent and meaning or regulatory concepts. When it comes to sometimes complicated regulations, a picture can truly be worth a thousand words.



Sample illustration of corner lot building orientation

Reorganize the ordinances

The current zoning ordinance is codified as Chapter 28 of the municipal code. It includes 20 articles. By grouping functionally related regulations together, we believe the new zoning ordinance will include approximately 15 articles.

Proposed Outline (preliminary)	To Include Existing Provisions from...
1 Legal Framework	Art. I (General Provisions) Art. IV (Use Districts)
2 Residential Districts	Art. V (Residence Districts)
3 Business and Manuf. Districts	Art. VI (Business Districts) Art. VII (Office/Research District) Art. VIII (Office-Research-Manufacturing District) Art. IX (Manufacturing Districts)
4 Overlay & Special Districts	
6 Allowed Uses	Art. X (Use Regulations)
7 Supplemental Use Regulations	Art. X (Use Regulations)
8 Parking	Art. XIV (Off-street Parking and Loading)
9 Landscaping and Screening	(provisions from many sections to be consolidated and enhanced)
10 Signs	Art. XV (Signs)
11 General Dev't Regulations	Art. XIII (Structures) Art. XX (Environmental Regulations)
12 Nonconformities	Art. XII (Nonconforming Structures, Lots and Uses)
13 Review and Approval Procedures	Art. XVI (Planned Developments) Art. XVII (Amendments) Art. XVIII (Variations) Art. XIX (Special Uses)
14 Administration and Enforcement	Art. III (Administration)
15 Terminology and Measurements	Art. II (Interpretations) Art. XI (Lot and Bulk Regulations [measurements and exceptions])

Districts

Create one or more new public/civic zoning districts

The existing zoning ordinance does not include a specific zoning classification for public and quasi-public facilities, such as parks, open spaces, fire stations and schools. As a result, the zoning map may convey an inaccurate message about the range of uses and activities that may occur on such lands. Furthermore, the lot and bulk regulations associated with residential zoning districts may be inappropriate for public and civic use types, and they may not adequately mitigate the impacts of high-intensity public/civic uses. To better align the zoning ordinance with the comprehensive plan, consideration should be given to adding one or more public/civic zoning classifications to the updated ordinance. These district classifications would not be “automatically” applied to any properties; they would be available for future rezonings.

Protect downtown character through strategic amendments

Downers Grove has a vibrant and successful downtown area that is the envy of many communities within the region. Despite downtown’s recognized importance however, the current downtown zoning regulations may not provide adequate safeguards against future redevelopment activities that could be at odds with the compact, walkable patterns that now exist. The comprehensive plan calls for downtown zoning regulations to be “analyzed and amended...to establish the [area’s] desirable physical form.” As part of the ordinance update, we propose to examine ways in which downtown zoning can help ensure the types of mixed-use, transit-oriented development detailed in the *Downtown Pattern Book*. The possibility of blending existing zoning regulations with modern “form-based” approaches will be explored as the update project moves forward.

Uses

Establish a modern use classification system

The existing zoning ordinance lists hundreds of residential, business, manufacturing and institutional uses that are—or are not—allowed in one zoning district or another. The main reason for the large number of use types is that each zoning district’s permitted use provisions include multiple variations of the same basic use type. The B-1 district, for example, allows the following specific retail business types rather than simply permitting the broader category of “retail sales,” which would be an expressly defined term.

- Art and school supply stores
- Book or stationery stores
- Camera and photo supply stores
- Coin and philatelic stores
- Drug stores
- Dry goods or notion stores
- Electrical/household appliance stores
- Florist shops
- Grocery stores
- Meat markets
- Bakeries
- Candy shops
- Delicatessens
- Frozen food stores
- Gift shops
- Haberdasheries
- Hardware stores
- Hobby shops
- Jewelry stores
- Sewing machine stores
- Shoe stores
- Sporting goods stores
- Tobacco shops
- Toy shops
- Wearing apparel shops
- Variety stores

The current practice of listing specific use and business types results in unnecessary complexity and inflexibility. The hundreds of use types now listed in the ordinance could be condensed into a logical, well-defined use classification system that includes just a few dozen land use categories. This proposed change will modernize an outdated classification system and allow the village to better respond to economic and technological changes.

By moving to a use-category approach, definitions will take on great importance. Each of the use categories and subcategories will need to be defined, and the definitions will often need to include specific examples of uses that are included and excluded from the respective category. Through the use of these and other techniques the new use classification system will remain flexible while also offering the ability to hone in on specific use types that are of concern to the village.

Uses

Employ use tables

The new zoning ordinance should include a single consolidated use table showing which uses are allowed in which districts. Pointers or cross-references to supplemental use regulations—such as those now found in Article X—will be clearly noted in the use table. This format would be much easier to use and administer than the narrative “laundry list” approach now used in the current zoning ordinance. It would also help to ensure that future use-related amendments can be made in a careful, systematic way. The use table approach also eliminates the cumulative or “cascading” use regulation approach, whereby the first permitted use in a given zoning district refers to all of the uses allowed in another district. The following sample use table illustrates how such an approach would work.

USE CATEGORY Use Subcategory (See Chapter 24.08 or Cntrl + click on term for definition)	DISTRICTS														Use Regulations					
	RI-15	RI-9	RI-6	R-2	R-4	R-8	CO	CI	C2	M1	M2	SP-CON	SP-POS	SP-PUB		SP-INS	SP-MED	SP-RPT[]	SP-PKG	
RESIDENTIAL																				
Household Living																				
- Detached House	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.020
- Semi-detached House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.020
- Two-unit House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.070
- Attached House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- Multi-unit Building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- Mixed-use Building, Vertical	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Group Living (except as indicated below)																				
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.010
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.040
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	24.09.060
PUBLIC & CIVIC																				
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Day Care																				
- Up to 6 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
- More than 6 children or adults	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Library/Cultural Exhibit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- Community or Recreation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- General Recreation Park/Playground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Sample

Include additional uses and use-specific regulations

Several technical and substantive use-related issues have been previously identified by village staff and the plan commission. Examples include:

- Doggie day care uses
- Drive-through uses in DB district
- Extended family accessory dwellings
- Currency exchanges & cash-for-gold businesses
- Home occupations
- Auto Dealers
- Day care uses (home and commercial)
- Service stations
- Bed and breakfast
- Animal grooming

The proper regulation of these and other specific use types will be addressed during the ordinance update project.

Lot and Bulk Regulations

Clarify and expand allowed setback obstructions/encroachments

Section 28.1100 of the current ordinance addresses the measurement of required building setbacks (yards) and includes detailed provisions describing the types of building features and structures that may be located in or encroach into required setback areas. These provisions should be updated to include modern building and structural elements that are not now addressed. We will present this information in a table or chart, such as the one shown in the following example.

Obstruction/Projection into Required Setback	Front	Side	Rear
Accessory buildings used for domestic storage (e.g., sheds and tool rooms)	No	No	Yes
Air conditioning units, provided the unit is not more than 4 feet in height	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices	Yes	Yes	Yes
Bay windows (3 feet maximum projection; must be at least 4 feet above grade)	Yes	No	Yes
Chimneys that project no more than 18 inches into the setback	Yes	Yes	Yes
Eaves and gutters projecting 3 feet or less into setback	Yes	Yes	Yes
Electric generators (portable, temporary)	No	No	Yes
Flagpoles	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	Yes	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Parking spaces, unenclosed in R districts	No	No	Yes
Patios that are not over 4 feet above the average level of the adjoining ground	No	No	Yes
Porches and balconies with a roof that are open on at least 3 sides	Yes	No	Yes
Recreational equipment (e.g., swing sets and basketball hoops)	No	No	Yes
Roof projecting from garage over open patio not to exceed 8 feet	No	No	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Stairs (unenclosed) providing secondary access required by the Building Code	No	Yes	Yes
Sills, belt courses, cornices, buttresses and other architectural features (3 feet maximum projection)	Yes	Yes	Yes
Rain barrels and cisterns up to 5 feet in height above grade	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Explore the use of residential green space requirements

Some commenters have identified a need to impose reasonable limits on the amount of pavement and impervious cover on lots in residential areas. High rates of impervious surface coverage can result in less water absorption into the ground, which in turn can create stormwater runoff issues for neighboring properties and for the village as a whole. It also can have a negative impact on the visual character of residential areas.

Lot and Bulk Regulations

As part of the zoning ordinance update, we will examine the possibility of using impervious coverage limits (or minimum green space requirements) to help manage stormwater and community character impacts. Any new regulations will be calibrated to ensure that they permit reasonable and customary development on residentially zoned lots.

Present lot and bulk regulations in tables

Zoning district lot and bulk regulations should be presented in tables. We will also examine the street-specific setback regulations that apply along Ogden Avenue and several other local streets to determine the clearest way to alert people to the existence of the area-specific rules.

Lot and Building Standards	DISTRICTS					
	R1-15	R1-9	R1-6	R2	R4	R8
Minimum Lot Area (square feet)						
Detached house	15,000	9,000	6,000	6,000	6,000	6,000
Two-unit building	NA	NA	NA	7,200	7,200	7,200
Multi-unit building (min. lot area per unit)	NA	NA	NA	NA	1,600	1,600
Minimum Lot Width (feet)						
Corner lot	125	85	60	60	60	60
Interior lot	125	75	50	50	50	50
Minimum Setbacks						
Front (feet)	35	35	30	25	25	25
Side, Street (% of lot width)	20	20	20	20	20	20
Side, Interior one side/both sides combined (feet)	5/10	5/10	3/9	3/9	3/9	3/9
Rear (% of lot depth)	20	20	20	20	20	20
Accessory buildings						
Rear and interior side (feet)	1.5	1.5	1.5	1.5	1.5	1.5
Alley (feet)	5	5	5	5	5	5
Max. Building Coverage (% of lot area)						
All principal and accessory buildings combined						
Corner lot	35	42	42	42	42	60
Interior lot	35	37	37	37	37	50
Accessory buildings	12	12	12	12	12	12
Maximum Height (feet)						
Principal buildings	35	35	35	35	35	35
Accessory buildings	16	16	16	16	16	16

Update transitional yard requirements

In addition to building setback regulations, Section 28.1113 of the existing ordinance establishes requirements for “transitional yards.” These are special building setbacks that apply whenever an R-6, B-1, B-2, B-3 or O-R-M district abuts an “R” zoning district. These regulations should be simplified and clarified as part of the ordinance update. We will also explore whether a broader range of transition techniques and options should be included.

Clarify key measurement provisions and update definitions

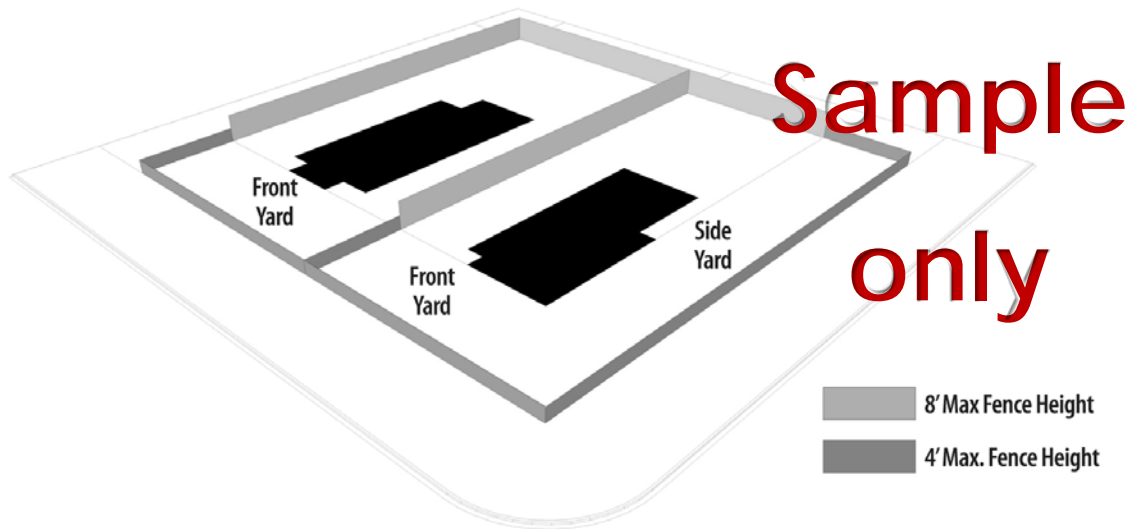
Rules for measuring compliance with lot and building regulations—and any exceptions to established regulations—will be grouped together in a “measurements” section of the revised zoning ordinance. Illustrations will be included to help clarify measurement and

Lot and Bulk Regulations

exception rules. The “definitions” section will be pruned, supplemented and edited to help ensure clarity and consistency.

Update fence regulations

The fence regulations and design standards will be updated to address issues that have arisen with the current provisions. The update will address fence designs in street yard areas, the use of open design and chain-link fencing, whether intersection visibility requirements apply to all fences and walls and other modifications based on recent village council action. Illustrations can be very effective in displaying fence regulations.



Administration and Procedures

Make zoning and development review procedures clear and consistent

Under our proposed outline for the updated zoning ordinance, all development/permit review and approval procedures will be consolidated into a single article. Grouping the various review and approval processes, including required notice and appeal procedures, should make it easier to find information in the updated document. Also, by using principles of parallel construction, required procedural steps will be clearer and more consistent among processes.

Expand the range of authorized zoning variances

Section 28.1802 of the existing zoning ordinance identifies the specific types of zoning variances that may be granted.

Aside from the common practice of prohibiting “use variances,” most modern zoning ordinances do not impose limits on the types of variances that can be granted.

Zoning variances represent an important form of possible relief for unique hardship situations. They are, in effect, a kind of “safety valve” mechanism that can be used to ensure reasonable use and development opportunities for properties that might otherwise be undevelopable or severely impacted by factors associated with a particular parcel or structure. Because it is difficult if not impossible to predict the circumstances that may necessitate zoning relief, we recommend that the current limitations on authorized zoning variances be removed. Instead, the variance provisions of the ordinance can be revised to authorize zoning variances from virtually any ordinance provision, other than those that would:

- Permit a principal use that is not otherwise allowed (i.e., “use variances”);
- Waive, modify or amend any definition or use classification;
- Vary any of the ordinance’s review and approval procedures; or
- Vary or override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government.



Consider authorizing of a select range “administrative variances”

The use of administrative variance provisions (sometimes referred to as “administrative adjustments”) is becoming commonplace in local zoning ordinances. By authorizing the community development director or other designated official the ability to approve certain narrowly defined variances, communities have found they can reduce the number of cases required to be reviewed by local boards and commissions and introduce some reasonable flexibility into the ordinance. We recommend that the updated ordinance include administrative variance provisions allowing very minor adjustments to selected zoning standards as a way of streamlining the approval procedure for minor modifications, without a public hearing. A few examples of the types of administrative variances that should be considered include the following:

- Lot width variations by up to 10%.
- Setback variations of 10% or x feet, whichever is less.
- Reduction of parking requirements by x% or 1 to 2 spaces

The new administrative variance provisions will be drafted to require written notice of administrative variance requests to abutting (or nearby) property owners. If someone receiving notice files a written objection, the procedure will require that the application be forwarded to the zoning board for a hearing as a normal variance request. Clear approval criteria, appeal provisions and other checks and balances will be provided to ensure consistency and transparency for all parties.

Limit successive applications

If a rezoning request is denied, the current zoning ordinance (Section 28.1701(e)) prohibits the filing of another rezoning petition on the subject property for a period of one year. This type of “successive application” provision does not currently apply to special uses, variances or other forms of development approval. Consideration should be given to including limits that apply to all public hearing matters under the zoning ordinance.

Comprehensive Plan

Downers Grove's award-winning 2011 comprehensive plan includes several policies that can be fully or partially implemented through amendments to the village's zoning and subdivision regulations.

Encourage green technology and sustainable development practices

The comprehensive plan recommends the use of "green technology," such as green rooftops, solar energy, and green paver parking lots to reduce stormwater runoff. As part of the ordinance update, we will work to remove any unnecessary regulatory barriers to these sorts of practices and where possible, provide incentives for their use. Possible updates might include new provisions clarifying the effect of building height and setback rules on solar panels, geothermal energy equipment and rainwater harvesting devices, such as rain barrels and rain garden features. The village may also want to consider whether accessory structure height regulations should be relaxed to better accommodate small-scale wind energy devices.

Include tools for implementing key focus area plans

The comprehensive plan includes a series of recommendations regarding land use, development and improvements for five key focus areas within the village.

- Belmont/Ellsworth
- Downtown
- Butterfield
- Ogden
- Fairview

Tools that may need to be considered include flexible parking regulations, form-based codes and/or hybrid (convention/form-based) approaches, landscaping and screening standards, cross-access provisions, updated parking lot location and design standards, building orientation provisions, and mixed-use, transit-oriented development standards.

Update landscaping and site design standards

The plan includes several recommendations related to landscaping, screening and site design features. Most focus on using landscaping and site design techniques to enhance the character of auto-oriented areas within the community and at mitigating the impacts that can sometimes be associated with commercial development on sites abutting residential uses. The plan calls for greater use of vegetative and visual screens, perimeter landscaping around parking lots and greater interior landscaping and green space within large vehicular use areas. The recommendations should be implemented through strategic amendments to the existing zoning ordinance.

Nonconformities

Apply a lighter touch

Many people confuse the term “nonconforming” with “illegal,” and by extension there is sometimes a perception that nonconformities are universally bad and undesirable. In truth, there are some types of nonconforming situations that do pose real headaches and problems for neighbors (a junk yard or industrial use in a residential neighborhood to use an extreme example). At the other end of the scale, however, some nonconforming situations can be viewed as neighborhood assets, such as the well-managed corner store in an otherwise residential area. In short, not all nonconforming situations are created equal in terms of their potential impacts. The revised ordinance can do more to recognize that some flexibility with regard to “benign” nonconformities can be a positive thing from the standpoint of accommodating reasonable use and investment.

We recommend that the nonconformity regulations of the existing ordinance be revised to address issues of clarity—i.e., more clearly distinguishing among a range of nonconforming situations—and to allow greater flexibility in dealing with nonconformities that are not likely to cause problems. One example that has come up in previous discussions is that of allowing a residential building addition to follow an existing nonconforming building line for up to 50% of the length of the existing wall—allowing a 20-foot building wall to be extended along the same plane for up to 10 feet, for example. The new ordinance should provide greater clarity regarding the concept of increasing or expanding an existing nonconforming situation. Whenever possible, the ordinance should permit (as of right) improvements and property investments that do not increase the degree of nonconformity.