

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**OCTOBER 2, 2007 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Zoning Ordinance Amendments	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 is the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the September 25, 2007 Workshop. Staff recommends approval with no changes to the Environmental Concerns Commission Report and no changes to the staff recommendation of a 1,320 buffer zone with all exemptions included for recycling facilities.

Further, an ordinance amendment has been prepared to extend the moratorium related to recycling facilities for an additional 90 day period. During the extended moratorium (if approved), staff will examine and provide Council with separate definitions for recycling facilities and Construction and Demolition Facilities. These separate definitions to the zoning ordinance will then be presented to the Plan Commission as a text amendment at an upcoming meeting. Further text amendments to the M-district special use list may also be considered within this 90 day moratorium.

Staff recommends approval of the Zoning Ordinance on the October 2, 2007 active agenda.

**BACKGROUND**

At the July 10 Workshop, the Village Council considered this item and subsequently tabled it pending further discussion about the definition of recycling collection facilities. This item appears again for Council consideration.

The Village Council discussed the proposed amendments at the June 26, 2007 Workshop and requested the item be placed on the July 10, 2007 Workshop agenda for further consideration. The main topic of discussion was the proposed language for 28.1007 regarding recycling collection facilities. Currently, these facilities are allowed as special uses in the M-1, M-2 and O-R-M zoning districts. Also, the existing 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.

### Discussion Points

The Council and the public raised several discussion points on June 26, 2007, and staff research is listed below:

*Does the Village's definition include construction debris recycling facilities?* The Village's definition of "recycling collection facilities" is intentionally broad and covers all types of materials being recycled. The definition is not limited to household goods or construction materials. It limits these facilities to collection and transportation to other facilities for processing and distribution. The definition is purposely broad to account for future materials and to allow the Village Council discretion in reviewing and approving special use requests. A proposed amendment to the definition is currently being considered by the Village Council.

*Does the State's separation distance apply to the Village?* The language in Section 22.38(a) of the Illinois Environmental Protection Act regarding the separation distance between construction debris recycling facilities and residential use does not apply to the Village. Staff discussed the language with the IEPA's Legal Division and confirmed that the Village does not have to mirror the State's separation requirement because the Village has a zoning ordinance. The rule only applies where a community/county does not have zoning regulations.

Staff has conducted additional research on the State's separation requirement. Although no information was available on the exact legislative intent of the 1,320 foot setback, a discussion about local zoning control took place during the Senate debate of House Bill 1887, which amended the provisions of Section 22.38 of the Environmental Protection Act. Specifically, Senator Karpiel stated on May 16, 1997, "(General construction) facilities shall be subject to local zoning ordinance...and land use requirements and they...shall be located in accordance with these requirements" (pg 202, 50<sup>th</sup> Legislative Day, State of Illinois 90<sup>th</sup> General Assembly Regular Session Senate Transcript, May 16, 1997).

*Are recycling collection facilities subject to the State's transfer station regulations?* Section 3.500(ii) of the State Act specifically exempts clean construction debris facilities from the requirements of the definition of a "transfer station." Although these facilities transport materials from construction sites to processing plants, they are not considered "transfer stations" by the IEPA and do not require additional siting hearings and permits. The IEPA's definition of a transfer station involves locations for the transfer of unusable and disposable material, rather than recycling material.

*Difference between the State's and Village's separation requirement.* It is important to note most State legislation uses quarter-mile (1,320 feet) distances as this number is the length of a quarter-quarter section<sup>1</sup> of land and is historically used as the standard distance between roads in a rural cross section. These boundaries correspond to the typical layout of township roads and rural road networks. In suburban settings, it is common to see 1,000 foot buffers because this distance corresponds to a typical length of a suburban block.

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<sup>1</sup> In U.S. land surveying, a section is an area nominally one mile square, containing 640 acres. Sections are customarily surveyed in halves and quarters, and further subdivision in halves and quarters is common. A quarter-quarter section is 40 acres, and is the smallest unit of agricultural land commonly surveyed. The phrases "front 40" and "back 40," referring to fields of crops on a farm, refer to quarter-quarter sections.

Staff originally proposed the 1,000 foot separation requirement because the Zoning Ordinance already contained examples of separations of these sizes. The exceptions were maintained with the distance to ensure that the use was not being “zoned out” of the Village. As noted at the June 26 Workshop, the recycling collection facilities have been listed special uses since the adoption of the Zoning Ordinance in April 1965. If the Village removes the use or places over-burdensome regulations on the use without additional research and relevant findings, it could leave the Village open to a claim for a regulatory taking.

As noted above, the current ordinance does not include any separation provision for recycling collection facilities. Staff believes it is important to provide a separation between these facilities and residential uses; however, the Village should continue to allow for consideration of a special use where the property is adequately separated from residential properties.

#### *Other Neighboring Communities*

Staff has contacted other communities regarding recycling collection facilities and has found the following information:

- Addison has a construction and demolition debris facility, located away from residential areas, which collects broken asphalt, concrete and dirt. There have been no complaints from residents regarding this facility, according to the Village of Addison.
- Glen Ellyn, Lombard and Westmont list these facilities as special uses. There are no specific separation standards in their ordinances.
- Woodridge and Lisle do not permit these facilities.
- DuPage County does not list the facilities but would allow them if they proceed through the State’s siting procedures.

#### Zoning Ordinance Review

At the June 26 Workshop meeting staff noted that the Village is requesting review of proposed amendments to the Zoning Ordinance. Specifically, 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, the proposed ordinance amends 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 facility, staff discovered the State of Illinois has a separation requirement (1,320 feet) for these types 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 originally 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 its 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 types 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.

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Attorney **DATE:** October 2, 2007  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- ☒ Ordinance  
☐ Resolution  
☐ Motion  
☐ Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE MAKING MODIFICATIONS TO MANUFACTURING AND OFFICE-RESEARCH-MANUFACTURING DISTRICT USES", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall modify uses for manufacturing and office-research-manufacturing districts.

**RECORD OF ACTION TAKEN:**

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**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.)

~~(4m)~~ Uses incidental to permitted uses as follows:

(1) Accessory structures.

(2) Signs.

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

(34) 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~~

## M District Uses

~~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.

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Mayor

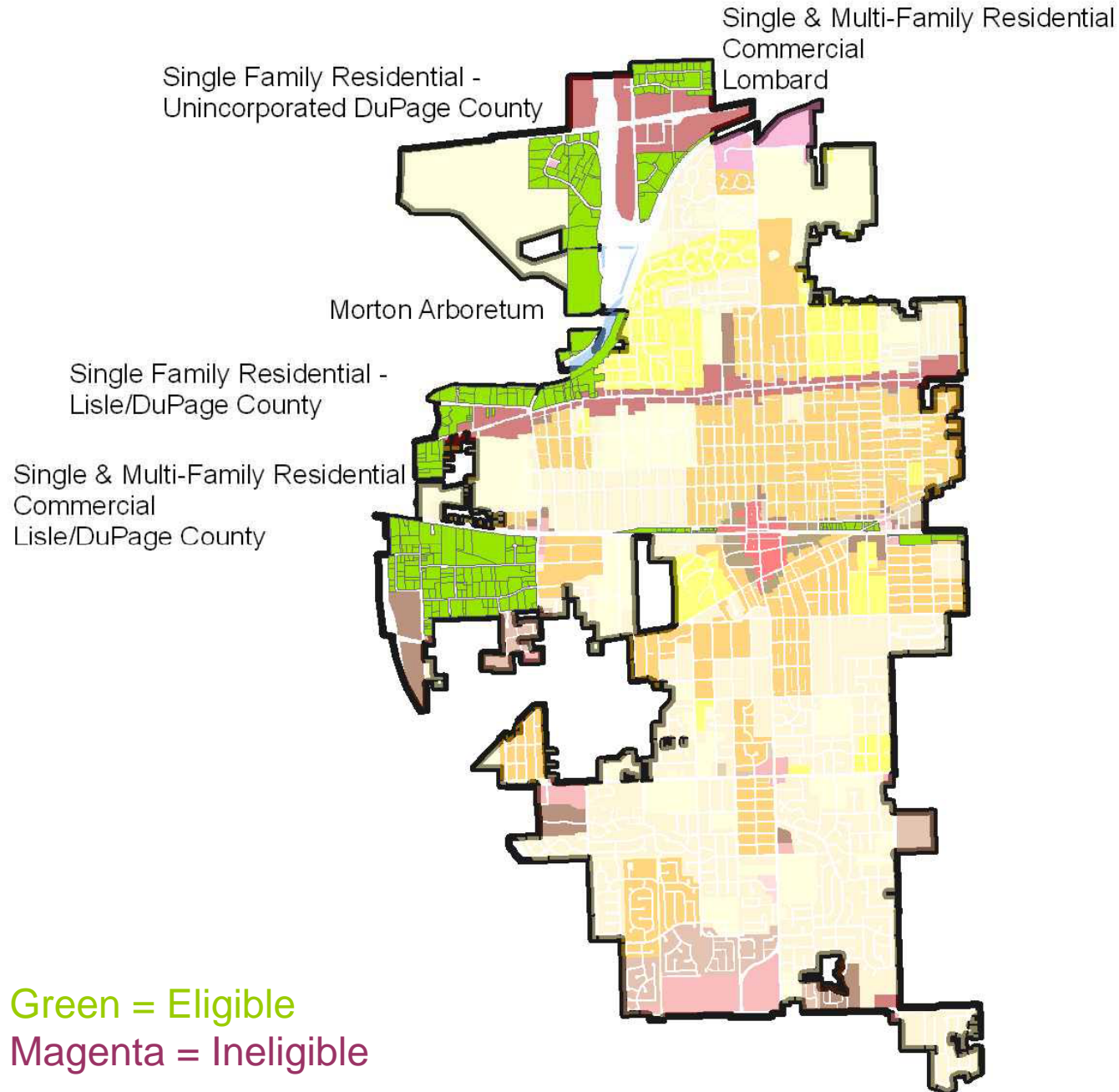
Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

# Eligible Sites per Current Zoning Regulations



# Eligible Sites per Staff Recommendations

