

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**JUNE 24, 2008 AGENDA**

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

**SYNOPSIS**

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article II, Interpretation; Article IV, Use Districts; Article VI, Business Districts; Article XII, Nonconforming Structures, Lots, and Uses; Article XIV, Off-Street Parking and Loading; and Article XV, Signs. The proposed amendments make technical changes and corrections that clarify the text of the Zoning Ordinance as it relates to permitted uses, bulk regulations for flag lots, parking in residential districts, shared parking agreements and temporary signage.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Exceptional Municipal Government*. Supporting this goal is the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval on the July 1, 2008, active agenda.

**BACKGROUND**

Amendments to the Zoning Ordinance are proposed. Specifically, staff is proposing technical modifications to the permitted uses, bulk regulations for flag lots, parking in residential districts, shared parking agreements and temporary signage sections of the Zoning Ordinance. 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; those amendments from time to time result in minor inconsistencies within the Municipal Code. The following sections have been amended; the changes are summarized below.

Section 28.200 – General Provisions.

A statement has been added that clarifies any use not specifically listed as a permitted or special use in a zoning district is prohibited. This statement will strengthen the use lists in all zoning districts and will help the Village regulate undesirable uses.

Section 28.201 – Definitions.

A new definition for “contractor sign” has been added in conjunction with the modifications to Section 28.1501.04. A definition for “flag lot” has been added in conjunction with the modifications to Section 28.1203. The definitions for “use, permitted” and “use, special” have been modified in conjunction with the changes to Section 28.200.

Section 28.400 – Zoning District Classifications Established & Section 28.405 – Minimum Areas for Zoning Districts.

The DB and DT districts have been added to these lists. These districts were inadvertently not included in the classification lists when they were created in 2005. No regulatory or practical changes will occur as part of this modification.

Section 28.602 – B-1 District – Permitted Uses & Section 28.610 – DB Downtown Business District.

“Wine Boutiques” have been added to the list. The Village Council approved a new classification of liquor licenses in 2007. The license classification allows wine shops to have some seating and food service for wine sampling. The use is now specifically allowed in all of the business districts (B-1, B-2, B-3, and DB) provided the proper liquor license is obtained.

Section 28.1203 – Nonconforming Lots.

Bulk regulations for development on flag lots have been relocated from the Subdivision Ordinance to the Zoning Ordinance. The Village Council adopted an ordinance in March 2008 that prohibited the creation of new flag lots. As a result, existing flag lots have been rendered “legal nonconforming.” The regulations governing development on these lots were in the subdivision code but are being relocated to Chapter 28 to ensure that new buildings conform to the regulations formerly adopted by the Plan Commission and Village Council. Creation of new flag lots is still prohibited; however, existing flag lots may be developed.

Section 28.1404 – Location of Parking Spaces.

The ordinance has been clarified to match current enforcement practices to require all off-street parking spaces in residential districts to be on improved surfaces (e.g., asphalt, concrete, etc.).

Section 28.1408 – Parking of Recreational Vehicles, Equipment, Utility Trailers and Storage Containers in Residence District Restricted.

The ordinance has been clarified to match current enforcement practices to permit the temporary storage of recreational vehicles and equipment on improved driveways.

Section 28.1410 – Number of Off-Street Parking and Off-Street Loading Spaces Required.

The shared parking provisions that were added in 2007 have been clarified to exempt businesses and churches in the DB and DT districts. Businesses and manufacturing uses within a quarter-mile of the Belmont and Fairview Metra Stations are also exempted to expand commuter parking opportunities in these areas. This matches current and previous enforcement practices and encourages sharing of parking facilities in the downtown area and around the train stations. All uses are eligible to apply for a shared parking agreement. Previously only commercial and mixed use developments were eligible to apply for shared parking agreements.

Section 28.1501.04 – Signs Not Requiring a Permit.

Due to recent case law involving political signs and non-commercial signs in residential districts, the time limits on erecting a sign prior to an election are being removed from the ordinance. The Plan Commission and Village Council reviewed and approved technical changes to the amended sign ordinance in 2006. As part of those amendments, the Village modified the development sign regulations. The smaller contractor

signs that are often installed during construction projects (e.g., driveway replacements, painting, remodeling, etc.) were inadvertently removed from the ordinance. They are being re-instated with the original provisions that were adopted in 2005.

Section 28.1501.05 – Temporary Signs.

The ordinance is being clarified to match current enforcement practices that a property may not have temporary signs up for more than eight weeks in any calendar year. This matches the original intent of the sign ordinance amendments. A clarification has been added that temporary signs above the first floor are not permitted in the DB and DT zoning districts.

The Plan Commission considered these amendments at its June 2, 2008, meeting. The Commission noted that the amendments were minor and would make improvements in the Village's enforcement of the Zoning Ordinance. One member of the public spoke in favor of the proposed changes. The Plan Commission unanimously recommended approval of the amendments. Staff concurs with the Plan Commission's recommendation.

**ATTACHMENTS**

Ordinance

Staff Report dated June 2, 2008

Draft Minutes of the Plan Commission Hearing dated June 2, 2008

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE DOWNERS GROVE ZONING ORDINANCE**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

**Section 1. That Section 28.200SEC. is hereby amended to read as follows:**

**28.200SEC. General Provisions.**

(a) In the interpretation and construction of this Zoning Ordinance, the following rules shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural in the singular;
- (2) The word "shall" is mandatory and not discretionary;
- (3) The word "may" is permissive;
- (4) The phrase "used for" shall include the phrases "arranged for," "designed for," "maintained for," and "occupied for".
- (5) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(b) Except as otherwise provided, where the conditions imposed by any provision of this Zoning Ordinance are either more restrictive or less restrictive than conditions imposed by any other provision of this Zoning Ordinance, or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern. Specific provisions contained herein shall control over more general provisions. This Zoning Ordinance is not intended to abrogate any easement, covenant, or any other private agreement that imposes standards or requirements that are more restrictive than that required in this Zoning Ordinance.

(c) Uses not specifically set forth within this Zoning Ordinance as either permitted or special, shall be considered prohibited.

**Section 2. That Section 28.201 is hereby amended to read as follows:**

**28.201 Definitions.**

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

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

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

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

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business features or provides any of the following:

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

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

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

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

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

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

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

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

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

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

Antenna. An exterior transmitting or receiving device, including any supporting post not

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more than twelve (12) feet in length, mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

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

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

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

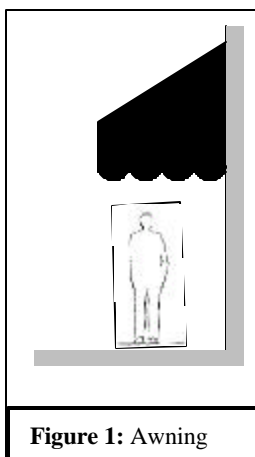
Automobile Repair. Incidental repairs, replacement of parts and motor service, minor painting and upholstering of automobiles, engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and painting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

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

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

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

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



**Figure 1: Awning**

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

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

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

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

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

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

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

**Buildable area.** The portion of a lot of record exclusive of the minimum yard, lot coverage and open space requirements of this Zoning Ordinance within which a structure may be constructed.

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

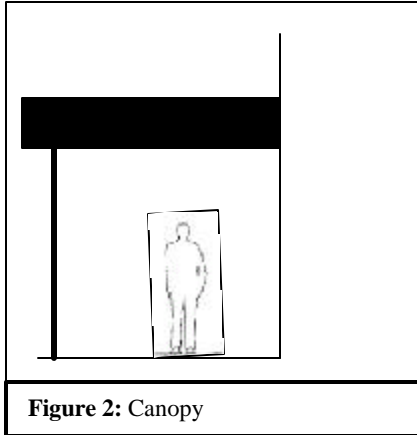
**Building Frontage.** The linear length of the outside building wall facing the public right-of-way or the linear length of the outside building wall facing a parking area which serves as the primary access for the subject use.

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

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

**Business.** The engaging in the purchase, sale, barter, or exchange of goods, areas, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises or the furnishing of services.

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



**Figure 2:** Canopy

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

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

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

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

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

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

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

**Contractor signs.** Signs placed by a contractor for a limited period of time for the purpose of identifying work being performed on a certain property.

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

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

**Curb Level.** The level of the established curb in front of the structure measured at the center of such front. Where a structure faces on more than one (1) street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the Village Engineer shall establish such curb levels.

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

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



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

**Development Sign.** A sign placed by a developer engaged in development activities for a limited period of time on a certain zoning lot or lots for the purpose of identifying the work of the developer.

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

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

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

**Downtown Design Guidelines.** The guidelines for design of buildings, structures, and related development within the DB Downtown Business District and the DT Downtown Transition District adopted by the Council by ordinance or resolution and as may be amended from time to time.

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

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

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

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

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

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

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

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

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

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

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

**Educational institution.** Public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses,

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with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

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

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

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

**Exempt Telecommunications Facilities.** The following:

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

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

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

- (a) A primary unit, which shall be that portion of the extended family accessory housing dwelling which is the primary housing dwelling, and which is not part of the accessory unit; and
- (b) An accessory unit, which shall be that portion of the extended family accessory housing dwelling which is in addition to and separate from the primary unit, and which is a dwelling unit composed of one or more rooms including complete, permanently installed kitchen and bath facilities.

**FAA.** The Federal Aviation Administration.

**FCC.** The Federal Communications Commission.

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

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

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

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

**Festoon Lighting.** A group of two or more bulbs hung or strung overhead on a building or

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structure which are not shaded or hooded to prevent the direct rays of light from being visible at the property line.

Flag Lot. A parcel of land, whose area and dimensions meet all of the requirements of Chapter 20 of the Downers Grove Municipal Code, in which access from the public right-of-way to the land is a narrow extended portion of the parcel which does not meet the minimum lot width requirement.

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

Floor area, gross. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include basement and cellar floor areas; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouse; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area.

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

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

Foot candle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one standard candle.

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

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

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

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

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

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

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental function including but not limited to street and speed limit signs.

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

Height. The vertical distance from the established grade at the front of a structure to the highest point of the structure. In the case of a commercial building in a non-residential zoning district, this shall be the vertical distance from the established grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean

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

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

**Hospital.** An institution consisting of one or more buildings or structures primarily devoted to the diagnosis, prevention or treatment of illness, disease, injury, deformity or other abnormal physical or mental conditions. The term "hospital" may include such services, equipment and activities as may from time to time be customarily included at such institutions for outpatient and inpatient care. This may include, but is not limited to the following as accessory uses: general medical, surgical care; cardiovascular care; perinatal, neonatal or obstetrics care; skilled nursing care; diagnostic, interventional, therapeutic, rehabilitative services or geriatric care; oncology services; diagnostic imaging centers; medically oriented health, fitness or wellness centers; surgical centers; emergency and trauma centers; heliports; medical offices; community health programs; sports medicine services; and health, wellness libraries and worksite health promotions. The term "hospital" shall not include convalescent or nursing homes, sheltered care facilities or boarding houses.

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

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

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

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

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

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

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

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

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

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

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

## Zoning Ord.

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

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

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

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

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

**Lot depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

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

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

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

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

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

**Lot, zoning lot or parcel.** See definition for Lot of record.

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

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

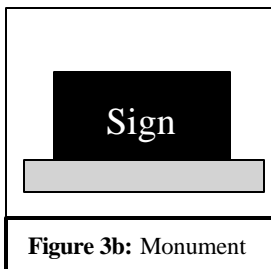
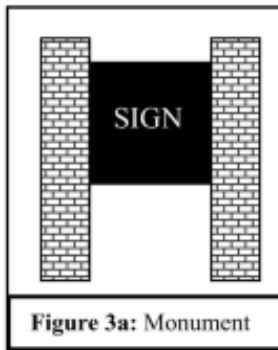
**Lot line, side.** Lot lines other than front or rear lot lines are side lot lines.

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

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

**Module.** A unit of parking measurement which consists of a parking aisle with cars parked on each side of the aisle.

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



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

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

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

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

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

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

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

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

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

**Parking Space, Automobile, Exterior.** Space within a public or private parking area of not less than 166.5 square feet (9 feet by 18.5 feet) for Class A parking as provided in section 28-1410, and 157.25 square feet (8.5 feet by 18.5 feet) for Class B parking as provided in section

## Zoning Ord.

28-1410, exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity. Such space shall have a vertical clearance of at least 7 feet.

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

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

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

**Plan Commission.** The Downers Grove Plan Commission.

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

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

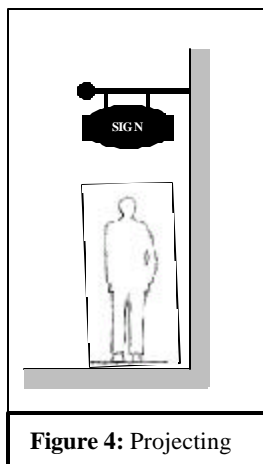
**Political Sign.** Signs announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

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

**Portable Storage Container.** A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household or commercial goods and/or equipment and for ease of loading to and from a transport vehicle.

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

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



**Figure 4:** Projecting

## Zoning Ord.

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

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

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

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

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

**Recycling collection facility.** A facility or site designed for the purpose of receiving articles or materials, limited to non-hazardous, nonspecial, homogeneous, nonputrescible materials such as dry paper, glass, cans or plastic, which are to be transported to another location for distribution or processing, which may or may not be the principal use on the zoning lot where located. The term "recycling collection facility" as used in this Zoning Ordinance shall not include general construction or demolition debris facilities, as defined in 415 ILCS 5/3.160, and/or transfer stations, as defined by 415 ILCS 5/3.500, facilities located within a structure principally devoted to another use, facilities temporarily located on a zoning lot under authority of a temporary uses, and facilities for collecting used motor oil which are necessary to an automobile service station.

**Restaurant.** An establishment, including without limitation a café, a tearoom, and similar establishments, primarily engaged in the retail sale of prepared food and drinks primarily for consumption on the premises, excluding fast food restaurants and carry out restaurants.

**Restaurant, Carry Out.** An establishment where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer or the customer may pick food up.

**Restaurant, Fast Food.** An establishment engaged primarily in the retail sale of prepared food and drinks for consumption on the premises, or for carry-out by customers for consumption off-premises, whose design or principal method of operation includes three or more of the following characteristics: (i) customer orders are by the means of a walk-up counter; (ii) a permanent menu board is provided from which to select and order food; (iii) if a chain or franchised restaurant, standardized floor plans are used over several locations; (iv) customers pay for food before consuming it; (v) a self-service condiment bar is provided; and (vi) trash receptacles are provided for self-service bussing.

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

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

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

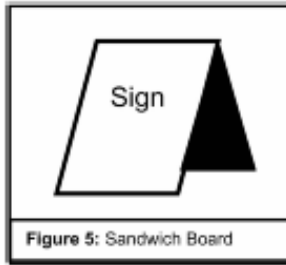
**Roof Sign.** A sign that is permanently attached to the roof of a structure, excluding the face of a mansard roof.

**Sandwich Board Sign.** A two-sided movable sign of six (6) feet or less in area per side



## Zoning Ord.

which opens at the bottom and is joined at the top and which is intended to be placed on the ground. (Figure 5)



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

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

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

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

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

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

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

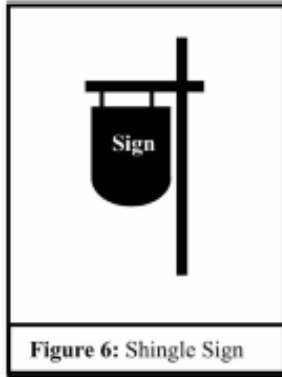
**Service bay.** An area situated entirely within a building which is required to store and service one automobile.

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

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

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

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



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

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

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

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

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

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

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

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

**Structure, accessory.** A structure which:

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

principal structure.

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

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

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

**Surface Area.** The entire area of a monument or freestanding sign within a single

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Use, exceptional.** A use which, although not designated as a permitted use or a special use in a particular district, may be established and maintained as authorized by the Village

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Council as part of a planned development in conformance with the regulations of this Zoning Ordinance.

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

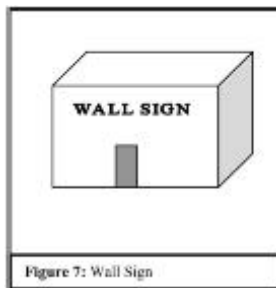
Use, special. A use which is specifically designated within this Zoning Ordinance as special use and may be lawfully established in a particular district in conformance with the regulations of this Zoning Ordinance governing special uses, provided it conforms with all requirements, regulations, and use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

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

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

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

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



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

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

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

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

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

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

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

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

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

### **Section 3. That Section 28.400SEC. is hereby amended to read as follows:**

#### **28.400SEC. Zoning district classifications established.**

## Zoning Ord.

The Village of Downers Grove is hereby divided into the following zoning districts in order to classify, regulate and restrict the use and improvements of zoning lots:

- R-1 - Single-family Residence District
- R-2 - Single-family Residence District
- R-3 - Single-family Residence District
- R-4 - Single-family Residence District
- R-5 - Two-family Residence District
- R-5A - Townhouse Residence District
- R-6 - Multiple-family Residence District
- B-1 - Limited Retail Business District
- B-2 - General Retail Business District
- B-3 - General Services and Highway Business District
- DB - Downtown Business District
- DT - Downtown Transition District
- O-R - Office Research District
- O-R-M - Office-Research-Manufacturing District
- M-1 - Light Manufacturing District
- M-2 - Restricted Manufacturing District

### **Section 4. That Section 28.405. is hereby amended to read as follows:**

#### **28.405. Minimum areas for zoning districts.**

(a) The minimum areas that may constitute a separate or detached part of any of the following zoning districts shall be as shown in the table below. When a district is directly across the street from or abuts a district of the same or a less restrictive classification, the area of the district directly across the street or abutting the property may be included in the calculations in meeting the minimum zoning area requirements.

#### Zoning district - Minimum area

- R-1 Single-family Residence District - minimum lot size
- R-2 Single-family Residence District - minimum lot size
- R-3 Single-family Residence District - minimum lot size
- R-4 Single-family Residence District - minimum lot size
- R-5 Two-family Residence District - 2 acres
- R-5A Townhouse Residence District - 2 acres
- R-6 Multiple-family Residence District - 2 acres
- B-1 Limited Retail Business District - 2 acres
- B-2 General Retail Business District - 4 acres
- DB Downtown Business District - See Section 28.611
- DT Downtown Transition District - See Section 28.610
- B-3 General Services and Highway Business District - 4 acres
- O-R Office Research District - 10 acres
- O-R-M Office-Research-Manufacturing District (In General) - 5 acres
- O-R-M Office-Research-Manufacturing District (Property located north of the East-West Tollway and any property location within an M-1 or M-2 manufacturing district on October 25, 1982) - none
- M-1 Light Manufacturing District - 6 acres
- M-2 Restricted Manufacturing District - 6 acres

**Section 5. That Section 28.602. is hereby amended to read as follows:**

**28.602. B-1 District - Permitted uses.**

The following uses are allowed in the B-1 Limited Retail Business District as permitted uses:

- (a) Retail and service uses as follows:
  - (1) Art and school supply stores
  - (2) Art galleries and studios
  - (3) Barber shops
  - (4) Beauty shops
  - (5) Book or stationery stores
  - (6) Camera and photographic supply stores
  - (7) Churches, church schools, and other places of worship
  - (8) Clothes pressing establishments
  - (9) Coin and philatelic stores
  - (10) Custom dressmaking and millinery shops
  - (11) Drug stores
  - (12) Dry cleaning of the automatic self-service type and laundry receiving stations where processing is to be done elsewhere.
  - (13) Dry goods or notion stores
  - (14) Electrical and household appliance stores, including radio and television sales
  - (15) Florist shops and conservatories
  - (16) Food stores, grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens, and frozen food stores including locker rental in conjunction therewith.
  - (17) Garden supply and seed stores
  - (18) Gift shops
  - (19) Government structures
  - (20) Haberdasheries
  - (21) Hardware stores
  - (22) Hobby shops
  - (23) Interior decorating shops, including upholstering and making of draperies, slip covers and other similar articles.
  - (24) Jewelry stores, including watch repair
  - (25) Laundries, automatic, self-service type, or hand, provided that laundry machines shall not exceed 14 pounds capacity each.
  - (26) Liquor stores, package goods only
  - (27) Paint and wallpaper stores
  - (28) Photographer
  - (29) Restaurants, tearoom or café (excluding drive-in or curb service, dancing or entertainment)
  - (30) Schools - music, dance, or business
  - (31) Sewing machine stores, household machines only
  - (32) Shoe and hat repair stores
  - (33) Shoe stores
  - (34) Sporting goods stores
  - (35) Tailor shops
  - (36) Tobacco shops
  - (37) Toy shops
  - (38) Wearing apparel shops
  - (39) Wine Boutiques (See Section 3-3)

## Zoning Ord.

- (~~39~~40) Variety stores
- (b) Business and professional offices. (See Section 28-1004.)
- (c) Miscellaneous uses as follows:
  - (1) Clubs and lodges (nonprofit), fraternal or religious institutions
  - (2) Day Care Center. (See Section 28-1017.)
  - (3) Meeting halls.
  - (4) Nursing homes.
  - (5) Sheltered care facilities.
- (d) Residential uses as follows:
  - (1) Multiple-family dwellings either in buildings devoted exclusively to residences or in buildings containing residences and other uses permitted in the B-1 zoning district.
  - (2) Lodging houses, if business uses or premises designated for such use occupy the ground floor.
- (e) Uses incidental to principal permitted uses as follows:
  - (1) Accessory uses.
  - (2) Home occupations. (See Section 28-1014.)
  - (3) Parking, accessory.
  - (4) Signs.
  - (5) Temporary structures for construction purposes, for a period not to exceed the duration of such construction.

### **Section 6. That Section 28.610. is hereby amended to read as follows:**

#### **28.610. DB Downtown Business District.**

- (a) *Purpose and goals.* The purposes of the DB Downtown Business District are to establish comprehensive zoning standards for development in the central business area of Downtown Downers Grove and to provide the greater flexibility for that development that is appropriate and necessary to allow for revitalization and continuing vitality of “traditional” downtown area. Traditional downtown areas like Downtown Downers Grove often include buildings with mixed uses, lot-line-to-lot-line development, greater floor area ratios and heights, and other techniques to create vibrant, compact areas within which to shop, dine, and live. Buildings and streetscapes in these areas often are designed differently from retail buildings outside of the downtown area to achieve the desired dense, pedestrian-friendly retail environment. These are the goals of the DB Downtown Business District, which is intended to encourage high quality retail uses, compatible services uses, and, in conjunction therewith, multiple family residential dwelling units. The DB Downtown Business District provides for a broad range of these mixed uses and for somewhat more intense development in the nature of a traditional downtown. Development within the DB Downtown Business District that affects the exterior appearance of a structure is subject to review pursuant to the Downtown Design Guidelines.
- (b) *Mapping restriction.* The DB Downtown Business District is designed for the types of development appropriate for the Village’s downtown business area, and thus the DB Downtown Business District should be mapped only in the area shown on the Zoning Map as of June 7, 2005, except that (1) the DB Downtown Business District may be mapped on property contiguous to that area on property classified as of June 7, 2005, within the DT Downtown Transition District and (2) upon a finding by the Council that there exists specific extraordinary circumstances, the DB Downtown Business District may be mapped on property classified within other zoning districts abutting the existing DB District.
- (c) *Permitted uses.* The following uses are allowed in the DB Downtown Business District as permitted uses:
  - (1) Public, Institutional.

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- Village-owned facilities and structures.
- Governmental facilities and structures other than colleges, universities, and schools.
- (2) Commercial.
  - Antique shops.
  - Animal grooming.
  - Art and school supply stores.
  - Art galleries and studios.
  - Bakeries, retail only, with accessory preparation, but only up to 5,000 square feet.
  - Banks, financial institutions, but excluding drive-in, drive-up, and drive through facilities.
  - Barber shops and beauty salons.
  - Bicycle shops.
  - Books, stationery, and newspaper stores.
  - Business and professional offices.
  - Camera and photographic supply and repair stores.
  - Candy stores, retail only, with accessory preparation.
  - Carpet, rug, and linoleum stores and showrooms, but excluding warehousing.
  - Clothing sales and clothing rental stores.
  - Coin and philatelic stores.
  - Copying, binding, and digital imaging services.
  - Cosmetics and toiletry stores, retail only.
  - Craft and hobby shops.
  - Custom clothing making and millinery shops, including monogramming services.
  - Department stores up to 15,000 square feet.
  - Drug stores, but not including drive-through facilities.
  - Dry cleaning stores, retail only, no plant on site.
  - Electronics and household appliance stores, retail only, including radio, television, cellular, and similar products, but not including warehousing.
  - Flower and florist shops.
  - Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants up to 15,000 square feet.
  - Furniture stores, retail only, but not including warehousing.
  - Furrier stores, retail only.
  - Garden supply shops and stores.
  - Gift and card shops.
  - Glassware stores, including china, ceramic, pottery, and similar products, retail only.
  - Hardware stores up to 15,000 square feet.
  - Interior decorating stores.
  - Jewelry stores, including accessory repair and assembly, retail only.
  - Leather goods and luggage stores.
  - Liquor stores, but not including any customer seating, packaged goods only.
  - Locksmith shops.
  - Medical offices (outpatient services only) up to 3,000 square feet.
  - Musical instrument stores, including accessory repairs.
  - Office supply stores.



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- Paint and wallpaper stores.
  - Photograph developing and processing stores, retail only.
  - Photographer studios, including accessory developing and processing.
  - Picture framing stores, retail only.
  - Plumbing showrooms, retail only, excluding warehousing.
  - Restaurants (but not including outdoor seating or drive-through facilities).
  - Sewing machine shops, including accessory repairs, household machines only.
  - Shoe stores and shoe repair shops.
  - Sporting goods stores, but not including sales of firearms or ammunition of any kind.
  - Tailor shops.
  - Ticket sales and agencies.
  - Tobacco shops.
  - Toy stores.
  - Travel bureaus, including transportation ticket offices.
  - Video stores.
  - Wine boutiques, which include customer seating.
- (3) Miscellaneous.
- Home occupations.
  - Off-street parking lots and loading docks.
- (d) *Special uses.* The following uses are allowed in the DB District as special uses:
- (1) Residential.
- Multiple-family dwellings.
- (2) Public, Institutional.
- Churches, other places of worship, and church schools, but only if existing as of June 7, 2005, and only on the property as existing on June 7, 2005.
  - Colleges, universities, and schools, both public and private.
  - Public utility facilities.
- (3) Commercial.
- Automobile service stations, including automobile repair, minor, but excluding body repair and painting.
  - Animal surgical offices.
  - Bowling alleys.
  - Commercial schools.
  - Day care centers, subject to Section 28-1017.
  - Department stores larger than 15,000 square feet.
  - Drive-through facilities accessory to an authorized use (but not including drive-through restaurants).
  - Food stores, grocery stores, meat markets, delicatessens, ice cream shops, and similar stores other than restaurants larger than 15,000 square feet.
  - Hardware stores larger than 15,000 square feet.
  - Health and fitness clubs.
  - Hotels and bed-and-breakfast establishments.
  - Medical offices (outpatient services only) larger than 3,000 square feet.
  - Outdoor seating accessory to a restaurant.
  - Outdoor display of merchandise accessory to an authorized use.
  - Private schools.
  - Theaters, but not including drive-in movie theaters.
- (4) Miscellaneous.

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### - Planned developments.

- (e) *Minimum lot area*: 800 square feet per dwelling unit; otherwise not applicable.
- (f) *Minimum lot width*: None.
- (g) *Minimum front setback*: None.
- (h) *Minimum side yard*: None.
- (j) *Minimum rear yard*: None.
- (k) *Minimum transitional yard*: Where a DB Downtown Business District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:
  - (i) Where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side or rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use or the adjacent property in the residence district. An additional one foot of yard shall be provided for each additional one foot of height in excess of 20 feet.
  - (ii) Where a rear lot line coincides with a rear lot line of property in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, plus one foot of yard for each additional one foot of height in excess of 20 feet.
  - (iii) Where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard equal in depth to the minimum front yard required by this Zoning Ordinance on such adjacent lot in the residence district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the residence district. There shall be an unobstructed, landscaped green space setback of no less than eight feet along the remainder of such front or side lot line.
  - (iv) If a rear lot line of a lot located in a DB Downtown Business District is contiguous to a side lot line of a lot located in a residence district, a rear yard shall be provided along such rear lot line equal in dimension to the minimum side yard required under this Zoning Ordinance on the adjacent residential lot. An additional one foot of yard shall be provided for each additional one foot of height in excess of 20 feet.
- (l) *Maximum height*: 70 feet, excluding parapet walls and mechanical penthouses.
- (m) *Maximum lot coverage*: Not applicable.
- (n) *Minimum square feet of floor area per dwelling unit*: Single family—950. Two-family—750. Multiple family: 3-bedroom—750, 2-bedroom—620, 1-bedroom—500, studio—400.
- (o) *Maximum floor area ratio*: None.
- (p) *Minimum open space, landscaped green space, and common open space*: None.
- (q) *Mechanical equipment*: All mechanical equipment shall be entirely screened from public view.

### **Section 7. That Section 28.1203. is hereby amended to read as follows:**

#### **28.1203. Nonconforming lots.**

- (a) A lawful nonconforming lot or parcel which does not meet the requirements for minimum lot width and area may be utilized for a permitted use provided:
  - i. The lot area and lot width are not less than seventy-five percent (75%) of the minimums required in the zoning district; or,
  - ii. The lot width is not less than fifty (50) feet and the lot area is not less than seven thousand five hundred (7,500) square feet.
- (b) A lawful improved nonconforming lot or parcel which cannot meet the requirements of subsection (a) hereof, may be utilized for a permitted use, so long as the amount, quantity or degree of any existing nonconformity is not increased, and no new nonconformity is created. Such improvement may be repaired, rebuilt, replaced or restored to the extent of its original lawful

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

(c) All flag lots created prior to March 18, 2008 shall be deemed legal non-conforming lots. In addition to the above, legal non-conforming flag lots shall meet the minimum following requirements:

(i) the pole of the flag lot shall be no less than twenty (20) feet wide; (ii) an access corridor, including a paved surface not less than ten (10) feet in width, shall be maintained along the length of the pole. No encroachments shall be permitted within this access corridor which would interfere with emergency vehicle access; (iii) the front yard setback shall be measured from a line parallel to the street, where the lot meets the minimum width of the underlying zoning district; (iv) the address of the flag lot must be clearly displayed within three feet of the property line adjacent to the public street, and shall be designed and maintained to clearly differentiate the flag lot from the adjacent property; (v) in the event that there is no fire hydrant located within sixty (60) feet of the front property line of the pole section of the flag lot, a fire hydrant must be installed at the Petitioner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The Fire Department may, in its discretion, permit the Petitioner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.

**Section 8. That Section 28.1404. is hereby amended to read as follows:**

### **28.1404. Location of parking spaces.**

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. Parking setbacks shall be the building setback requirements as set forth in Sections 28-1110, 28-1111 and 28-1112, exclusive of any additional setbacks for building height. Parking is prohibited in the transitional yard unless otherwise permitted by Section 28-1113.

(a) *Front yards.* Off-street parking spaces may not be located in any required front yards, except as follows:

(1) Off-street parking spaces accessory to a single-family residence may be located in any driveway that is improved with a hard dustless material, generally asphalt or concrete as approved by the Director of Public Works.

(2) Off-street parking spaces accessory to any church that was in existence prior to April 19, 1965 may be located in the required front yard, but not within five (5) feet of the front lot line.

(3) Off-street parking spaces for properties in the M-1, Light Manufacturing Zoning District that are located on the west side of Thatcher Road and also abut the Illinois State Tollway right-of-way may be located in the required front yard but not less than five (5) feet from the front property line, provided that such spaces are located in a parking lot that is improved with a hard dustless material, generally asphalt or concrete as approved by the Director of Public Works.

(4) Off-street parking spaces for properties in the M1, Light Manufacturing Zoning District that front on Douglas Road between Rogers Street on the north and Maple Avenue on the south may be located in the required front yard on the Douglas Road frontage, provided that such spaces are located in a parking lot that is improved with a hard dustless material, generally asphalt or concrete as approved by the Director of Public Works.

(b) *Residence districts.* Parking spaces accessory to residential uses shall be located on the same lot of record as the use served. Spaces accessory to uses other than residential uses shall be located on the same lot of record as the primary use unless approved by a shared parking agreement, planned development or special use. Off-street parking spaces in residence districts shall be improved with a hard, dustless material, generally asphalt or concrete as approved by the Director of Public Works.

(c) *Business and manufacturing districts.* All required parking spaces shall be located on

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the same parcel as the primary use unless outlined in an approved shared parking agreement, planned development or special use. No parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district unless authorized by the Village Council as a special use.

### **Section 9. That Section 28.1408. is hereby amended to read as follows:**

#### **28.1408. Parking of recreational vehicles, recreational equipment, utility trailers and portable storage containers in residence district restricted.**

(a) Recreational vehicles located on a zoning lot prior to December 31, 2007 shall comply with the following regulations:

(1) Not more than one (1) recreational vehicle and one (1) piece of recreational equipment or utility trailer shall be parked or stored in the rear or side lot of any lot in any residence district. Provided the recreational vehicle and piece of recreational equipment shall be located in conformity with the setback requirement applicable to the principal structures on such lot and are located no closer than two and a half (2 ½) feet to any side or rear lot line thereof. A single non-motor vehicle with not more than one (1) watercraft or not more than two (2) snowmobiles, personal watercrafts or specialty prop-crafts, shall constitute one (1) piece of recreational equipment. Recreational vehicles and equipment may not be stored in the required front yard.

(2) Notwithstanding the foregoing provisions of this section, any recreational vehicle, piece of recreational equipment or utility trailer may be temporarily parked in the rear or side yard of a lot in a residence district or in the front yard of a lot in a residence district if stored on a driveway if the Director of Community Development is given prior notice of the date or dates for such temporary parking and of the address of such lot. Temporary parking is the parking of such vehicles during any period not exceeding any aggregate of 10 days (which may or may not be consecutive) within any period of 30 consecutive days.

(3) If a recreational vehicle, piece of recreational equipment or utility trailer is parked in a residentially zoned property pursuant to subsections (1) or (2) above, the vehicle or piece of equipment shall be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.

(4) Recreational vehicles, equipment or utility trailers stored or parked in residence districts shall be owned by the property owner or occupant.

(b) Recreational vehicles located on a zoning lot after December 31, 2007 shall comply with the following regulations:

(1) Except as otherwise provided in this section, not more than one (1) recreational vehicle and one (1) piece of recreational equipment or utility trailer shall be parked or stored in the rear or side lot of any lot in any residence district. Provided the recreational vehicle and piece of recreational equipment shall be located in conformity with the setback requirement applicable to the principal structures on such lot. A single non-motor vehicle with not more than one (1) watercraft or not more than two (2) snowmobiles, personal watercrafts or specialty prop-crafts, shall constitute one (1) piece of recreational equipment. Recreational vehicles, equipment and utility trailers may not be stored in the required front yard.

(2) Notwithstanding the foregoing provisions of this section, any recreational vehicle, piece of recreational equipment or utility trailer may be temporarily parked in the rear or side yard of a lot in a residence district if the Director of Community Development is given prior notice of the date or dates for such temporary parking and of the address of such lot. Temporary parking is the parking of such vehicles during any period not exceeding any aggregate of 10 days (which may or may not be consecutive) within any period of 30 consecutive days.

(3) If a recreational vehicle, piece of recreational equipment or utility trailer is parked in

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residentially zoned property pursuant to subsections (1) or (2) above, the vehicle or piece of equipment shall be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.

(4) Recreational vehicles, equipment or utility trailers stored or parked in residence districts shall be owned by the property owner or occupant.

(5) Any recreational vehicle, recreational equipment or utility trailer stored in a rear or side yard of a residential district shall be screened on at least three sides by either a single row of evergreens a minimum of four (4) feet in height at the time of planting or a six (6) foot fence. The screening shall be placed so that all abutting property owners are screened.

(6) The recreational vehicle, recreational equipment, or utility trailer shall be properly licensed.

(7) No recreational vehicle, equipment, or utility trailer shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.

(8) No parked or stored recreational vehicle shall be used for living, sleeping, or business purposes.

(c) Portable storage containers on residentially zoned property:

(1) Containers may be temporarily stored for a period not exceeding any aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the Director of Community Development, an additional maximum of 90 days may be granted.

(2) No more than one (1) container shall be located on any one (1) detached single-family residentially zoned property. No more than one (1) container per one (1) attached single-family or multiple-family building shall be allowed.

(3) No containers shall have dimensions greater than sixteen (16) feet in length, eight (8) feet in width, and eight and one-half (8 1/2) feet in height.

(4) Containers must be setback a minimum of five (5) feet from all property lines.

(5) Containers must be placed on an improved hard, dustless surface, generally asphalt, brick pavers, or concrete. In no case shall such containers be located in required landscape areas, open space, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.

(d) Portable storage containers on non-residentially zoned property:

(1) Containers may be temporarily stored for a period not exceeding any aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the Director of Community Development, an additional maximum of 90 days may be granted.

(2) No more than three (3) containers may be located on any single non-residentially zoned property.

(3) No containers shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight and one-half (8 1/2) feet in height.

(4) Containers shall be required to meet all setback requirements for buildings and be separated by no more than ten (10) feet from the principal building.

(5) No containers shall be placed or located on a required parking space, circulation aisle/lane, or fire access lane.

(6) Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited. No running gear shall be left underneath any portable storage container.

(7) Containers shall be placed on an improved hard, dustless surface, generally asphalt, brick pavers or concrete. In no case shall such containers be located in required landscape areas,

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open space, stormwater basins or any other location that may cause hazardous conditions, constitute a threat to public safety or create a condition detrimental to surrounding land uses and developments.

**Section 10. That Section 28.1410. is hereby amended to read as follows:**

**28.1410. Number of off-street parking and off-street loading spaces required.**

(a) Operation and design of off-street parking, off-street stacking and off-street loading and unloading facilities shall be provided in accordance with Table 1 (Section 28.1405(a)) and Table 4 below. Disabled persons accessible parking spaces shall be provided in accordance with Section 28-1411(a)

(b) For the purpose of calculating the minimum number of parking spaces, Gross Floor Area (gfa) is the sum of the gross horizontal areas of several floors of a building or portion thereof devoted to a use requiring off street parking or loading. GFA shall not include floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted herein), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the area is devoted to merchandising activities, the production or processing of goods, business or professional offices, or dwelling uses.

(c) Parking ratios shall be defined as x spaces per 1,000 square feet (ksf).

**Table 4.**

Use	Minimum Required		
	Parking	Stacking	Loading
ksf = 1,000 square feet; gfa = gross floor area			
<b>Residential Uses</b>			
Single Family, Attached Single Family, Multi-Family Dwellings (except those in DB district)	2 per dwelling unit	N/A	Under 30 ksf = 0 30 ksf - 200 ksf = 1 200+ ksf = 1 per 200 ksf
Multi-Family Dwellings in DB Downtown Business District	1.4 per dwelling unit	N/A	
Group Homes	0.5 per bed	N/A	
Elderly Housing (Assisted Living)	0.4 per bed	N/A	
Elderly Housing (Independent Living)	0.6 per dwelling unit	N/A	
Commercial Lodging	1.25 per room plus 10 per ksf gfa of restaurant/bar plus 20 per ksf gfa of meeting/banquet space	N/A	

Use	Minimum Required		
	Parking	Stacking	Loading
ksf = 1,000 square feet; gfa = gross floor area			
<b>Institutional Uses</b>			
Day Care Center, Preschool, Nursery School	4 per ksf gfa	1 per ksf gfa, not to exceed 10	Under 10 ksf = 0 10 ksf - 100 ksf = 1 100+ ksf = 1 per 100 ksf

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Elementary School	0.10 per student	N/A
Jr. High School	0.10 per student	N/A
Senior High School	0.30 per student	N/A
Vocational or Trade School	1 per employee plus 0.33 per student	N/A
College or University	Parking Study Required	N/A

Use	Minimum Required		
	Parking	Stacking	Loading
ksf = 1,000 square feet; gfa = gross floor area			
<b>Cultural, Entertainment and Sports Facilities</b>			
Religious Centers (except Churches in existence as of January 14, 1991 located within 1,000 feet of the DB Downtown Business District)	0.25 of capacity	N/A	Under 10 ksf = 0 10 ksf - 100 = 1 100+ ksf = 1 per 100 ksf
Churches in existence as of January 14, 1991 and located within 1,000 feet of the DB Downtown Business District	0.12 of capacity	N/A	
Swimming Pool, Public or Private	10 per ksf water plus affiliated uses	N/A	
Tennis Court or Club	2.25 per court	N/A	
Public Parks	5 per acre	N/A	
Private Clubs, Lodges, Meeting Halls, Fraternal Institutions	4 per ksf gfa	N/A	
Bowling Alleys	4 per lane plus affiliated uses	N/A	
Stadiums, Auditoriums, Amphitheaters, Arenas	30% of capacity	N/A	
Theater (Live)	0.4 per seat	N/A	
Theater (movie)	0.33 per seat	N/A	
Gyms, Health and Fitness Clubs	5 per ksf gfa	N/A	
Community Centers	0.25 per capacity	N/A	
Libraries	5 per ksf gfa	N/A	
Cultural Institutions and Museums	2 per ksf gfa	N/A	

Use	Minimum Required		
	Parking	Stacking	Loading
ksf = 1,000 square feet; gfa = gross floor area			
<b>Services</b>			

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Offices	3.3 per ksf gfa	N/A	Under 10 ksf = 0 10 ksf - 100 ksf = 1 100+ ksf = 1 per 100 ksf
Medical and Dental Clinics (Inpatient)	5.0 per ksf gfa	N/A	
Medical and Dental Clinics (Outpatient Only)	4.5 per ksf gfa	N/A	
Hospitals	7.7 per bed	N/A	
Funeral Parlors	15 per ksf gfa	N/A	
Banks and Financial Institutions	4 per ksf gfa	4 per drive-thru lane	
Carry Out Restaurants	3.5 per ksf ffa	8 per drive-through lane, minimum of 3 between order and pick-up, plus escape lane	Under 7 ksf = 0 7 ksf - 60 ksf = 1 60 ksf - 100 ksf = 2 100+ ksf = 1 per 200 ksf
Fast Food Restaurants	15.0 per ksf gfa or 1 per 4 seats, whichever is greater	8 per drive-through lane, minimum of 3 between order and pick-up, plus escape lane	
Restaurants	16.0 per ksf gfa or 1 per 4 seats, whichever is greater	N/A	
Restaurants with Lounges	22.5 per ksf gfa or 1 per 4 seats, whichever is greater	N/A	
Taverns, Lounges, Clubs	22.5 per ksf gfa	N/A	
Automobile Dealerships	2 per ksf of showroom plus 0.4 per ksf outdoor display space plus 2 per service bay	2 per service bay	
Automobile Car Wash (Full- and Self-Service)	2 plus 0.5 per employee	2 per service bay entering plus 2 per bay exiting	
Automobile Maintenance and Repair	1 per service bay	2 per service bay	
Service Station	1 per gas pump island plus 1 per service bay plus 3.3 per ksf retail gfa	1 per service bay	
Furniture, Appliance Store	1.67 per ksf gfa	N/A	
Beauty Shop, Barber Shop, Salon	3 per treatment station	N/A	
Retail Services not otherwise classified	3.5 per ksf gfa	3 per drive-thru lane	
Retail Goods not otherwise classified	3.5 per ksf gfa	3 per drive-thru lane	
Grocery Store (over 20,000 square feet)	6.0 per ksf gfa	3 per drive-thru lane	
Shopping Center	4.0 per ksf gfa	N/A	
Pharmacy	4.0 per ksf gfa	3 per drive-thru lane	
Home Improvement Superstore	4.45 per ksf gfa	N/A	
Discount Superstore, Clubs	3.3 per ksf gfa	N/A	



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Use	Minimum Required		
	Parking	Stacking	Loading
ksf = 1,000 square feet; gfa = gross floor area			
<b>Industrial</b>			
Self-Storage Facility	0.2 per ksf gfa	N/A	Under 7 ksf = 0 7 ksf - 40 ksf = 1 40 ksf - 100 ksf = 2 100+ ksf = 1 per 100 ksf
Warehouse	0.67 per ksf gfa	N/A	
Manufacturing and Light Industrial	1.17 per ksf gfa	N/A	
Research & Development	1.17 per ksf gfa	N/A	

(d) Computation of parking spaces.

(1) If in determining the number of off-street parking spaces required by this Ordinance, the computation results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one parking space.

(2) When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Village of Downers Grove building code.

(3) In stadia, auditoria, religious centers, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches (20") of such seating facility shall be counted as one seat for the purpose of determining the requirement for off street parking facilities under this code.

(4) When parking spaces are required on the basis of the number of customers, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern. When parking spaces are required on the basis of the number of employees, the number of employees working during the largest work shift shall govern.

(e) Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission through a shared parking agreement.

(f) When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Plan Commission through a shared parking agreement.

(g) *Shared Parking.* ~~In commercial and mixed use developments, the~~ The Village may consider the utilization of shared parking where uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements. Shared parking agreements are not required in the DT Downtown Transition District, DB Downtown Business District, for churches located within one-thousand (1,000) feet of the DB Downtown Business District or for businesses located within one-thousand three hundred twenty (1,320) feet of the Belmont or Fairview train depots, if located within a business or manufacturing

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### district.

(1) The applicant/owner shall calculate and provide narrative and mathematical documentation to the Director of Public Works concerning the potential reduction in the number of parking space through a shared parking study. Shared parking studies shall follow the latest guidelines from the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI).

(2) An agreement providing for the shared parking spaces, executed by the parties involved, shall be provided to the Village. Agreements shall guarantee long-term availability of the parking, commensurate with the use served by the parking. If the agreement is no longer in force, then parking must be provided as otherwise required by this Section.

(3) The shared parking agreement shall be reviewed by the Plan Commission at a duly noticed public hearing. If no other action is requested, the Plan Commission shall approve, approve with conditions, or deny the application. The Plan Commission shall make a recommendation to the Village Council pursuant to Section 28.1600 for Planned Developments and 28.1900 for Special Uses.

(h) For uses not specifically listed in Table 4, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Director of Community Development, and off-street loading spaces shall be provided in adequate number and size to serve such use as determined by the Director of Community Development.

(i) Except as provided herein, non-residential developments, excluding medical and dental uses within the Downtown Business District are exempt from the provisions of this section. Should parking be provided voluntarily, it should be provided in accordance with the design and landscape standards as defined above. Voluntarily provided parking in the Downtown Business district is exempt from the required number of spaces as noted in Table 4, Section 28-1410.

(j) Residential development parking within the Downtown Business District and Downtown Transition District shall be provided in the rear and side yards. Parking areas are prohibited in the front yard in the Downtown Business and Downtown Transition districts. Parking areas shall be designed in accordance with standards set forth in this Ordinance.

### **Section 11. That Section 28.1501.04 is hereby amended to read as follows:**

#### **28.1501.04 Signs Not Requiring Permit.**

The following signs shall not require a permit and shall adhere to the following regulations:

(1) Governmental signs. Public signs and other signs incidental thereto for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

(2) Railroad crossing and signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities.

(3) Street address signs not exceeding four (4) square feet in area.

(4) Decorations temporarily displayed in connection with a Village sponsored or approved event or a generally recognized or national holiday.

(5) Temporary signs at a residence commemorating a personal event including but not limited to the birth of a baby or birthday.

(6) No trespassing signs or other such signs regulating the use of property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area.

(7) Non-commercial flags of any country, state, or unit of local government.

(8) Real Estate Signs: In residential zoning districts, real estate signs shall not exceed five and one half (5 1/2) square feet in sign surface, including all tags attached thereto. In business and manufacturing zoning districts, real estate signs shall not exceed thirty six (36) square feet in sign surface area. Content of a real estate sign shall be restricted to advertising for the sale, rental or lease of the property where such sign is located. Real estate signs shall not

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exceed ten (10) feet in height. There shall be no more than one such sign allowed per zoning lot where such lot contains a single use except on a corner lot which may have one such real estate sign per street front. Where a zoning lot contains multiple uses there shall be no more than one such sign per use. Real estate signs shall not be placed in the public right-of-way, except that certain signs promoting open houses may be placed in the public right-of-way on Friday, Saturday and Sunday of the weekend that the open house will take place. Such sale signs shall be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday provided that:

- a. the open house sign shall not exceed four (4) square feet of sign surface area;
- b. the open house sign shall be free standing, not attached to any utility pole or structure nor any traffic control sign and placed at least three (3) feet from the curb or edge of the pavement;
- c. that only one open house sign be permitted within one hundred fifty (150) feet of another sign which relates to the same address. There shall be only one (1) open house sign relating to the same address placed in front of a single lot;
- d. no attention or attracting devices shall be attached to any open house sign;
- e. each open house sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for the placement and removal of such sign;
- f. a fine in the amount of \$75.00 per Section 1.16(f) of the Municipal Code, shall be charged to the person whose name is on the sign, if the sign does not comply with the above restrictions. If no names are found on the sign the owner(s) of the property identified on the sign shall be assessed the fine.

(9) Political Signs and non-commercial signs: The total area of all signs together shall have a maximum area of twelve (12) square feet per zoning lot ~~and shall only be posted during the sixty (60) day period preceding the event, and must be removed within three (3) days following the event.~~ Political and non-commercial signs shall not be placed in the public right-of-way.

(10) Garage/Rummage/Yard/Estate Sale Signs: Garage/Rummage/Yard/Estate sale signs may be placed in the public right-of-way on Friday, Saturday and Sunday of the weekend that the sale will take place. Such sale signs shall be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday provided that:

- a. the sale sign shall not exceed four (4) square feet of sign surface area;
- b. the sale sign shall be free standing, not attached to any utility pole or structure nor any traffic control sign and placed at least three (3) feet from the curb or edge of the pavement;
- c. that only three such sale signs are permitted for one address. There shall be only one (1) sale sign relating to the same address placed in front of a single lot;
- d. no attention or attracting devices shall be attached to any sale sign;
- e. each sale sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for the placement and removal of such sign;
- f. a fine in the amount of \$75.00 per Section 1.16(f) of the Municipal Code, shall be charged to the person whose name is on the sign, if the sign does not comply with the above restrictions. If no names are found on the sign the owner(s) of the property identified on the sign shall be assessed the fine.

(11) Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

(12) Help wanted signs not to exceed two (2) square feet. The "help wanted" sign text must be the predominant text on the sign. Help wanted signs shall only be located in a window or door.

(13) Public hearing notice signs. Public hearing notice signs shall be permitted and

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erected by the Village on property which is the subject of a public meeting or hearing. Such sign shall be three (3) feet by three (3) feet and shall not exceed six (6) feet in height. The content of such sign shall include, but not be limited to the time, place, date and nature of the hearing or meeting, and a telephone number to call for further information. A setback of at least five (5) feet shall be provided for each sign and at least one sign per street frontage shall be posted.

(14) Vehicle Signs. When the vehicle to which the sign is attached is licensed, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business.

(15) Contractor Signs. No more than one (1) sign per zoning lot exceeding six (6) feet in surface area. Such sign must be removed upon completion of related work.

### **Section 12. That Section 28.1501.05 is hereby amended to read as follows:**

#### **28.1501.05 Temporary Signs.**

Certain temporary signs as defined in this article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a permit and the following provisions:

(1) No more than eight (8) permits for a temporary sign may be issued in any calendar year for a specific zoning lot. Permits shall be valid for a maximum period of seven (7) days. ~~A permit for a temporary sign may be issued for no more than eight (8), one-week (7 day) periods during any calendar year.~~ Applications for such permits must be approved by the Village and shall contain at minimum a general description of the sign including size and lighting.

(2) A temporary sign displayed for less than seven (7) days constitutes a one-week period.

(3) All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.

(4) Temporary signs shall not contain changeable copy.

(5) Temporary signs are restricted to thirty-two (32) square feet.

(6) One (1) temporary sign shall be permitted for each street frontage per zoning lot.

(7) All temporary signs shall be removed by the person or organization that erected or caused the erection of the sign not less than three days after the date of the event to which they relate, or at the end of the maximum period for which such sign is allowed, whichever comes first.

(8) Temporary window signs are exempt from permit. However, unless they are promoting an upcoming event of a non-profit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.

(9) Development Signs. The following regulations shall apply to all development signs.

a. Permits: A sign permit shall be required prior to the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the Village Council has issued a final approval of the development.

1. Residential developments of three (3) or more dwelling units.

2. Commercial, industrial or institutional developments consisting of at least 20,000 square feet of land area.

b. Number of Signs: Only one sign per public street frontage shall be permitted on the development site.

c. Gross Surface Area: Each individual sign shall not exceed 36 square feet in area.

d. Duration: The development signs shall be removed at such time a final certificate of occupancy is issued. If more than one final certificate of occupancy will be issued for the development, the development signs shall be removed at such time that 75% of the final certificates of occupancy have been issued.

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e. Display: The development signs shall display only information pertinent to the entity or entities participating in the development project.

(10) Temporary signs shall not be located above the first floor in the DB, DT and Fairview Avenue Concentrated Business Districts.

**Section 13. That Section 28.1800SEC. is hereby amended to read as follows:**

**28.1800SEC. General Provisions.**

(a) The Zoning Board of Appeals or Plan Commission may authorize, in specific cases, such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest and welfare where, because of special conditions a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. Variations without being associated with any other type of zoning action shall be presented to the Zoning Board of Appeals. Variations associated with any other type of zoning and use action shall be presented to the Plan Commission.

(b) Under no circumstances shall the Zoning Board of Appeals or Plan Commission grant a variation to allow a use not permissible under the terms of this Zoning Ordinance in the district involved, or any use expressly or by implication prohibited.

(c) The decision of the Zoning Board of Appeals or Plan Commission shall specify the nature of the variation or other modification, the conditions upon which it is made, if any, and the facts or other reasons which support the action taken.

**Section 14.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 15.** 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



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
JUNE 2, 2008 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-16-08 Zoning Ordinance Text Amendment	Zoning Ordinance Text Amendment	Jeff O'Brien, AICP Senior Planner

**REQUEST**

The proposed amendments make technical changes and corrections that clarify the text of the Zoning Ordinance as it relates to permitted uses, bulk regulations for flag lots, parking in residential districts, shared parking agreements and temporary signage.

**NOTICE**

The application has been filed in conformance with applicable procedural and public notice requirements.

**GENERAL INFORMATION**

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

**ANALYSIS**

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**SUBMITTALS**

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

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendments

**PROJECT DESCRIPTION**

The Village is requesting review of proposed amendments to the Zoning Ordinance. Specifically, the staff is proposing technical modifications to the permitted uses, bulk regulations for flag lots, parking in residential districts, shared parking agreements and temporary signage. 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.

***Proposed Amendments***

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

1. Section 28.200 – General Provisions.
2. Section 28.201 – Definitions.
3. Section 28.400 – Zoning District Classifications Established.
4. Section 28.405 – Minimum Areas for Zoning Districts.
5. Section 28.602 – B-1 District – Permitted Uses.
6. Section 28.610 – DB Downtown Business District.
7. Section 28.1203 – Nonconforming Lots.
8. Section 28.1404 – Location of Parking Spaces.
9. Section 28.1408 – Parking of Recreational Vehicles, Equipment, Utility Trailers and Storage Containers in Residence District Restricted.
10. Section 28.1410 – Number of Off-Street Parking and Off-Street Loading Spaces Required.
11. Section 28.1501.04 – Signs Not Requiring a Permit
12. Section 28.1501.05 – Temporary Signs

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

*Section 28.200 – General Provisions.*

A statement has been added that clarifies any use not specifically listed as a permitted or special use in a zoning district is prohibited. This statement will strengthen the use lists in all zoning districts and will help the Village regulate undesirable uses.

*Section 28.201 – Definitions.*

A new definition for “contractor sign” has been added in conjunction with the modifications to Section 28.1501.04. A definition for “flag lot” has been added in conjunction with the modifications to Section 28.1203. The definitions for “use, permitted” and “use, special” have been modified in conjunction with the changes to Section 28.200.

*Section 28.400 – Zoning District Classifications Established & Section 28.405 – Minimum Areas for Zoning Districts.*

The DB and DT districts have been added to these lists. These districts were inadvertently not included in the classification lists when they were created in 2005. No regulatory or practical changes will occur as part of this modification.

*Section 28.602 – B-1 District – Permitted Uses & Section 28.610 – DB Downtown Business District.*

“Wine Boutiques” have been added to the list. The Village Council approved a new classification of liquor licenses in 2007. The license classification allows wine shops to have some seating and food service for wine sampling. The use is now specifically allowed in all of the business districts (B-1, B-2, B-3, and DB) provided the proper liquor license is obtained.

*Section 28.1203 – Nonconforming Lots.*

Bulk regulations for development on flag lots have been relocated from the Subdivision Ordinance to the Zoning Ordinance. The Village Council adopted an ordinance in March 2008 that prohibited the creation of new flag lots. As a result, existing flag lots have been rendered “legal nonconforming.” The regulations governing development on these lots were in the subdivision code, but are being relocated to Chapter 28 to ensure that new buildings conform to the regulations formerly adopted by the Plan

Commission and Village Council. Creation of new flag lots is still prohibited; however, existing flag lots may be developed.

Section 28.1404 – Location of Parking Spaces.

The ordinance has been clarified to match current enforcement practices to require all off-street parking spaces in residential districts to be on improved surfaces (e.g., asphalt, concrete, etc.).

Section 28.1408 – Parking of Recreational Vehicles, Equipment, Utility Trailers and Storage Containers in Residence District Restricted.

The ordinance has been clarified to match current enforcement practices to permit the temporary storage of recreational vehicles and equipment on improved driveways.

Section 28.1410 – Number of Off-Street Parking and Off-Street Loading Spaces Required.

The shared parking provisions that were added in 2007 have been clarified to exempt businesses and churches in the DB and DT districts. This matches current and previous enforcement practices and encourages sharing of parking facilities in the downtown area. All uses are eligible to apply for a shared parking agreement. Previously only commercial and mixed use developments were eligible to apply for shared parking agreements.

Section 28.1501.04 – Signs Not Requiring a Permit.

Due to recent case law involving political signs and non-commercial signs in residential districts, the time limits on erecting a sign prior to an election are being removed from the ordinance. The Plan Commission and Village Council reviewed and approved technical changes to the amended sign ordinance in 2006. As part of those amendments, the Village modified the development sign regulations. The smaller contractor signs that are often installed during construction projects (e.g., driveway replacements, painting, remodeling, etc.) were inadvertently removed from the ordinance. They are being re-instated with the original provisions that were adopted in 2005.

Section 28.1501.05 – Temporary Signs.

The ordinance is being clarified to match current enforcement practices that a property may not have temporary signs up for more than eight weeks in any calendar year. This matches the original intent of the sign ordinance amendments. A clarification has been added that temporary signs above the first floor are not permitted in the DB and DT zoning districts.

**PUBLIC COMMENT**

*No comments have been received at this time.*

**FINDINGS OF FACT**

The amendments are largely technical in nature and do not modify the intent of Zoning Ordinance. In fact, staff believes the proposed amendments will assist in better understanding for the public and will match current Village enforcement practices.



## **RECOMMENDATIONS**

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The proposed Text Amendment is consistent with the Village's intent and enforcement of the Zoning Ordinance. As such, staff recommends the Plan Commission make a positive recommendation to the Village Council after reviewing the amendments and noting any changes that are necessary.

Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:jwo  
-att

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**FILE NO. PC-16-08** A petition seeking text amendments to the Zoning Ordinance as it relates to permitted uses, bulk regulations for flag lots, parking in residential zoning districts, shared parking agreements and temporary signage; Village of Downers Grove, Petitioner

Mr. O'Brien stated the Village was proposing a Zoning Ordinance text amendment as it pertains to technical corrections. Approximately 12 sections of the Zoning Ordinance are affected and cover changes anywhere from the General Provisions, Definitions, Zoning Classifications, to the Location of Parking Spaces, etc. Referring to his handout on the dais, Mr. O'Brien explained it will exempt certain uses, specifically, businesses from leasing spaces to commuters.

Referring to the General Provisions and explaining that the Village's current ordinances are considered permissive, he explained that no statement exists that says, "Any use not specifically listed herein is specifically prohibited." Mr. O'Brien explained that new uses, such as tattoo parlors and other uses on the fringe, are not listed in the Zoning Ordinance specifically, but because they are listed permitted uses, they would not be allowed. The list is trying to be proactive yet restrictive.

Changes were noted in the Definitions section, specifically to Contractor Signs, Flag Lots, Modified Permitted Use, Special Use, Changes in Zoning Districts Established, and Minimum Areas for Zoning District. Mr. O'Brien explained under Special Uses for B1 and DB, a new liquor license classification was approved for "Wine Boutique". As to Location of Parking Spaces, Mr. O'Brien explained that instances have occurred where individuals have been parking in their rear yards and causing drainage issues. That term was added. The term Parking of Recreational Vehicles - Temporary Parking, was clarified so that RV parking take places on owners' existing driveways and not to added pavement.

Continuing, the Number of Off-Street Parking/Unloading Spaces definition, clarifies that shared parking agreements are not needed in the DT Business District or the Commercial/Manufacturing areas within a quarter mile of a train station to allow for shared commuter spaces, as long as the owner is allowing enough spaces for their employees and customers.

Due to case law, the Village Attorney advised that changes to the Village's political sign restrictions were necessary. Mr. O'Brien explained that the time limits leading up to an event/election are being removed as a result of the Village Attorney's advice. In addition, text modifications were made in the definition so that no property can have more than eight weeks of a temporary sign. As to second-floor banners, they will be removed from the sign ordinance in the Downtown Business District.

Staff recommended approval of the modifications and asked for comments and/or questions.

Mr. Beggs asked if the distance criteria discriminated against the churches, wherein Mr. O'Brien explained the parking space exemption again, noting that any church within 1,000 feet of the DB or DT District qualifies for the exemption and can lease parking space to a business or commuter providing that the church can provide enough day-time spaces for its employees. Those churches not exempt must have a shared parking agreement and come before the Plan Commission for the request.

Mr. Beggs suggesting exempting churches versus allowable feet, wherein Mr. O'Brien stated it was a recommendation the Plan Commission could make. Mr. Matejczyk concurred with Mr. Beggs. Mr. O'Brien added that the Village adopted this standard because most of the Village's churches are in the middle of residential neighborhoods and could create more traffic for these areas. He noted the exemptions were provided because the downtown and train stations are high traffic areas where shared parking should be encouraged as there is limited land and parking resources. Having oversight of these spaces was the Village's thought-process. Mr. Beggs was not making a comparison between businesses and churches but suggested to leave the distance exemption for the businesses and not the churches.

Mr. Webster felt the point was to allow commuter parking where it made sense, and its intent was to have oversight of what was occurring outside the commuter district. Mr. O'Brien agreed. Mr. Cozzo, in speaking about the church at 59<sup>th</sup> and Dunham, stated that without the necessary oversight, it might not be fair to the residents living there.

Chairman Pro tem Matejczyk inquired about flag lots not meeting minimum requirements. Mr. O'Brien stated the existing flag lots were legal nonconforming and were already grandfathered in. However, when the Plan Commission/Village Council reviewed the flag lot provisions in 2003 there were some changes made to the public safety protection requirements. Those were removed from the Subdivision Ordinance but now were being returned to the Zoning Ordinance to cover any new development on the flag lots.

Mr. Webster commented on the inconsistencies of certain uses being defined while some were not, such as "wine boutique", wherein Mr. O'Brien stated the term was defined in the Municipal Code, Section 3-3. Mr. O'Brien stated he preferred all of the terms being defined, but staff was looking for more clean-up changes in the Zoning Ordinance currently, and when uncertain issues arise with the current uses, a more solid definition needs to be clarified.

In response to Mr. Cozzo's question about a specific use not being listed under the General Provisions and whether a forum exists for its review, Mr. O'Brien stated a petitioner would have to come before the Plan Commission seeking a text amendment to add the use. Per staff, another vehicle a petitioner can use is the Zoning Board of Appeals.

Referring to Special Uses under the Business District, a question followed regarding "Churches, Other Places of Workshop, Church Schools, etc. with an existing date June 7,

2005.” Mr. Matejczyk asked whether that statement precluded churches that wanted to start up in the Business District to come before the Plan Commission, wherein Mr. O’Brien explained the rule was specifically for the Downtown Business District. A petitioner could come to seek an amendment to the Zoning Ordinance to remove the requirement, but due to limited land in downtown, Mr. O’Brien explained the original concern was churches would expand towards the business district, whereas the Village would support expansion toward the residential neighborhood. Mr. O’Brien was not sure about the logic behind this and stated the smaller storefront churches, which have downtown frontage, were precluded by this provision. However, in the other business zoning districts they are permitted uses.

Chairman Pro tem Matejczyk opened up the meeting to public comment.

Mr. Mark Thoman, 1109 61<sup>st</sup> Street, Downers Grove, stated after he read the changes for the churches, he believed staff was taking churches within walking distance of train stations and encouraging an additional use of their parking lots. As to the text amendments to Special Uses, he inquired how the text amendment would be initiated, wherein Mr. O’Brien explained staff could initiate the text amendment, it could be initiated by the Village Council or initiated by a private resident/business owner with standing, whereby staff sometimes work with the petitioner. As a resident and on behalf of the Downers Grove Coalition for Management Redevelopment, Mr. Thoman agreed the changes were minor and technical in nature, and he appreciated any Village department updating and actively being proactive with the zoning code. He encouraged further practice. He asked that the Plan Commission forward a positive recommendation to the Village Council.

Regarding the church discussion, Mr. Cozzo was comfortable with the current recommendation. Mr. Webster inquired about the parking requirements of Gloria Dei (on Main Street) and the sharing of their parking lot with the high school. He also inquired how staff would know whether a shared parking agreement existed for those churches outside the downtown district and surmised it would be complaint-based. Mr. Matejczyk favored using church parking lots for commuters. Mrs. Rabatah was fine with the existing text. Mr. Cozzo also believed the process gave residents a chance to voice their opinion. Dialog followed on various church locations.

**WITH RESPECT TO FILE NO. PC-16-08, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING THE CHANGE FROM STAFF’S HANDOUT REGARDING THE EXEMPTIONS FOR THE BUSINESSES WITHIN A QUARTER MILE OF THE BELMONT AND FAIRVIEW TRAIN STATIONS.**

**MRS. RABATAH SECONDED THE MOTION.**

**ROLL CALL:**

**AYE: MR. COZZO, MRS. RABATAH, MR. BEGGS, MR. MATEJCZYK,  
MR. WEBSTER**

**NAY: NONE**

**MOTION CARRIED. VOTE: 5-0**