



**Village of Westmont  
VILLAGE BOARD**

31 West Quincy Street, Westmont, Illinois 60559

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**Community Development Committee Special Meeting  
Thursday, May 30, 2024 at 4:00 PM  
Minutes - Approved**

**I. Called to Order: At 4:00 P.M.**

**II. Community Development Committee Meeting Roll Call :**

|           |               |          |                |          |
|-----------|---------------|----------|----------------|----------|
| PRESENT : | Mayor Gunter  | <u>P</u> | Clerk Szymiski | <u>P</u> |
| TRUSTEES: | Brady (Chair) | <u>A</u> | Simonovich     | <u>P</u> |
|           | Barker        | <u>P</u> | Guzzo          | <u>P</u> |
|           | Liddle        | <u>A</u> | Nero           | <u>P</u> |

Staff Present : Director of Community Development Joseph Hennerfeind, Senior Planner Scott Williams, Planner Adam Walsh, Village Manager Steve May, Assistant Manager Spencer Parker, Human Resources Director Renee Brainerd, Public WorksStreets Supervisor Mel Brendle, Communications Director Larry McIntyre, Deputy Chief Tom Franks, Finance Director Allen Altic

**III. Pledge of Allegiance**

**IV. Approval of Minutes:** Trustee Barker made a motion to approve the minutes from the May 02, 2024 Regular Meeting and Trustee Nero seconded the motion. Motion passed on a voice vote.

**V. Public Comment - None**

Community Development Director Joseph Hennerfeind introduced the newly hired planner Adam Walsh.

**VI. UNFINISHED BUSINESS**

**A. Zoning Ordinance Update: Topics for Discussion and Direction (*continued from May 02, 2024*)**

- 1. Short Term Rentals in the Downtown (*recap*)** The committee had discussions

regarding short term rentals and whether they should be permitted in the downtown. There were mixed views, but overall it was agreed that inspections would be preferred for safety purposes. Since the Village is not home rule, it would not be possible to inspect anything other than the common areas. Trustee Nero did not believe short term rentals were common in the DuPage area, and did not think it was necessary to regulate. Senior Planner Scott Williams responded that he did have several inquiries from downtown business owners, he also added that there were not many community programs for short term rentals in DuPage county. Hennerfeind noted that other communities seem to treat short term rentals as not allowed in residential areas, but the code is somewhat unclear. The committee agreed that it would not be appropriate to permit short term rentals in the downtown if the Village could not inspect, however they would keep an open mind once feedback is received from the public hearing process.

2. **R-3 Lot Widths (recap)** Director Hennerfeind provided the committee with a recap of the last committee discussion, where they decided they would proceed with reducing the current sixty (60) foot lot width requirement to fifty (50) foot lot width. In doing so, it would accommodate future liberty park annexations, and more lots in town could be subdivided and developed.
3. **Public & Institutional Uses (recap)** Director Hennerfeind recapped the newly proposed district for public and institutional uses and received a nod from the committee to move forward with the proposal. Mayor Gunter asked if the zoning would remain should the property be sold, Hennerfeind replied that the zoning would not change unless a new rezoning request was made. Trustee Barker had clarifying questions for how the existing or future churches and park district buildings would be impacted. Hennerfeind replied that they have not yet drilled down on the details, but were first looking at whether the committee thinks it's appropriate to have a separate zoning District with streamlined processes for public and institutional uses. He explained the difference between a neighborhood park and a community park, and noted that staff would be working with the park district on further details.
4. **Accessory Dwelling Units (recap)** Director Hennefeind described accessory dwelling units commonly called coach houses, granny flats, or mother in-law suites as a secondary dwelling unit on the same lot as a single family home. Historically, these types of dwelling units have not been permitted in the village.

In prior committee discussions, members of the committee seemed receptive to allowing secondary dwelling units or ADU's, so long as they are within an *existing* accessory structure or house. Hennerfeind stated they would keep that chapter open to see how it goes through the public comment process before making any proposals or decisions on that.

5. **B-1 Development Permit (*recap*)** Director Hennerfeind described the current B-1 permit approval process and requirement which is fairly unique to Westmont. Staff's proposal was to remove that additional requirement and it appeared there was general consensus that the committee was okay to move forward with that. He added that it may be possible for Economic Development Partnership Director Larry Forssberg to give a monthly update for any new businesses that have moved into the downtown area.
6. **Downtown Zoning Districts (*cont'd discussion*)** Director Hennerfeind turned the meeting over to the zoning update consultant Kirk Bishop to cover a new recommended approach to break up the B-1 downtown district into three separate districts. Bishop described the new proposed zoning that would include Downtown Core (DC) and Downtown Edge (DE) zoning to replace the B-1. He detailed what types of buildings, regulations and uses would be permitted in each district. Trustee Barker asked if limiting the number of stories to five (5) would deter developers. Bishop replied that the current downtown zoning limits building height to 40 feet, so he did not feel as though it would prevent inquiries or interest. Hennefeind added that it will always be possible to request a variance. Bishop discussed the third section of the downtown running East and West which would be called Downtown Residential (DR), and that would replace the R-5 in the station area. Downtown Residential would allow building types such as townhomes or row buildings and general buildings. Bishop concluded that the benefits of the proposed downtown zoning are the more predictable use of objective standards as opposed to sometimes vague and occasionally unclear guidelines, builds on existing positive characteristics, updates "bulk" regulations to promote walkable, mixed-use development, and eliminates B-1 permit requirements. Bishop summarized the existing design guidelines and details, and explained that in the new update, owners will have the ability to request minor and major adjustments that can be approved during the site plan review process, and the difference between the two adjustment type processes.

Director Hennerfeind asked the committee for direction, and if the concept of split downtown zoning was something they wanted staff to pursue. Mayor Gunter asked if this change would do anything detrimental to the existing businesses and structures. Hennerfeind responded that the proposed downtown edge (DE) district is comparable to the current B-1 standards, and downtown core (DC) district is much more generous than the current downtown B-1 zoning. Hennerfeind thought of it more as a benefit than a hindrance. As for the downtown residential (DR) district, Hennerfeind felt it could be beneficial for some of the more recently approved townhome projects along the tracks, given these project types would not need as many variances. The change also would not impact the other R-5 districts in other areas of town.

Mayor Gunter asked if staff and the zoning professionals were supportive of this change. Hennerfeind replied that staff may not fully agree with everything, but that both have had good input, and it continues to be a joint effort with staff and the consultant working together.

Hennerfeind added that if approved, this would entail a mass rezoning of the downtown properties, including the P district eligible properties. Trustee Nero inquired about the village initiated rezoning process. Trustee Nero encouraged staff to be more proactive with the notification process, Hennerfeind replied it would be treated as more of a campaign through the adoption process. Once the zoning ordinance update is approved, then there would be another official notice to property owners through the planning and zoning public hearing process.

Trustee Barker discussed using the DIP program to incentivize development in the downtown core. Hennerfeind clarified that the DIP program is not intended for new development, but rather to aid existing properties, but the TIF program would be appropriate to promote new development.

Trustee Guzzo was in favor of townhomes and row homes along Burlington and felt it was a good fit. She also made mention that there were historical buildings in the downtown core, and the importance of preserving those buildings.

Trustee Simonovich suggested getting the message out there by bringing it to the

chamber subcommittee as well for downtown westmont businesses. Mayor Gunter added that the 250ft radius for notification should be doubled, especially for the residential district changes. Hennerfeind replied that staff would consider that, and that any rezoning that is Village initiated, is an event that should be well thought out and made with confidence.

The committee had no objections to moving forward with the proposed update.

## **VII. NEW BUSINESS**

**A. DIP - FY25(A) Annual Budget and Activity Targets** - Director Hennerfeind recapped the various Tiers the downtown incentive program offers, although not all Tiers were available in the first year of the program. Hennerfeind gave a brief summary of the 2024 fiscal year program and awarded grants. Hennerfeind was looking for direction on how the committee wanted staff to move forward with 8 month fiscal year 2025(A), and which Tiers to make available for funding. He provided staff's recommendation which was to earmark \$50,000 dollars for Tier 1, and to earmark \$100,000 for Tier 2 projects. It was not recommended to fund Tier 3 projects in this fiscal year. If towards the end of the fiscal year there are still funds available, Hennerfeind suggested lifting the earmark and allowing either Tier to utilize the remaining funds. It was suggested that for Tier 2, the window for accepting applications would be August 1st to September 3rd. If there are still funds available after October 1st, Hennerfeind recommended that be the time the earmark is lifted and funding can be considered for applicants and projects of either Tier.

Hennerfeind discussed staff's current targets for both Tier 1 and 2, further explaining the minimum and maximum allowances, and how applicants can meet the maximum funding requirements. Hennerfeind asked the committee if there was any percentage match funding activities they wanted to target. Trustee Barker and Trustee Guzzo were supportive of targeting water lines and sprinklers for the businesses on the east side of Cass avenue. Trustee Barker inquired about installing a water main on the East side of Cass Avenue, and the potential for the Village funding that project. May added that the waterline service would still be the responsibility of the private property owners. The committee had concerns that the owners may then not be incentivized if the waterline repairs under Cass Avenue became their responsibility. Hennerfeind replied that joint applications could be considered for shared water lines, increasing the waterline funding

to \$30,000. Mayor Gunter suggested exploring a separate grant program for Fire Life Safety in the future.

Overall, the committee agreed that they would like to target the Fire and Life Safety activities for both Tier 1 and Tier 2. Water lines on the east side of Cass would be increased to an additional fifty percent match, with an overall cap of seventy five percent cap match for the entire project.

**VIII. REPORTS** - None

**IX. MISCELLANEOUS** - New Finance Director Allen Altic was introduced to the committee.

**X. ADJOURN** - Trustee Nero made a motion to adjourn the meeting and recess the topic at 5:50 PM, and Trustee Simonovich seconded the motion. The motion to adjourn was approved by unanimous consent.



# Village of Westmont COMMUNITY DEVELOPMENT

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**TO:** Community Development Committee  
**FROM:** Joseph Hennerfeind, AICP, Community Development Director  
**DATE:** May 30, 2024 (*recap of May 2*)  
**RE:** Unfinished Business / Summary of Previous Discussions and Direction

## 1. Short Term Rentals in the Downtown (recap)

The zoning ordinance update proposes three new downtown districts as a replacement for the B-1 Limited Business District to better accommodate the varied uses. One of the recommendations is to add Short Term Rentals as a permitted use in the three proposed districts: downtown core, downtown edge, and downtown residential. There is no current proposal to add Short Term Rentals as permitted in any other districts.

### Village of Westmont:

Currently, the Village does not have a proper definition embedded in the zoning ordinance for Short Term Rentals. In addition the zoning ordinance does not list the use as permitted in any zoning district nor does it expressly prohibit the use.

The proposed change would permit Short Term Rentals in the newly proposed Downtown Core, Downtown Edge, and Downtown Residential districts.

**Proposed Changes Zoning Ordinance Changes**

|                    | Downtown Core    | Downtown Edge    | Downtown Residential |
|--------------------|------------------|------------------|----------------------|
| Short Term Rentals | <b>Permitted</b> | <b>Permitted</b> | <b>Permitted</b>     |

### Proposed definition and use category:

#### Lodging

1. *Use Category Description*

*Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.*

2. *Subcategories*

a. *Hotel/Motel*

*An establishment, other than a short-term rental, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar.*

b. **Short Term Rental**

***A dwelling unit or portion of a dwelling unit that is rented for fewer than 30 consecutive days.***

**Discussion Responses:**

The CDC requested clarification to the following items at the meeting on Feb 2, 2024: right to regulate and the right to inspect short-term rentals. Staff has consulted the Village Attorney to further clarify the Village’s rights when it comes to short-term rentals as a non-home rule community. The Village Attorney has provided in-depth research and considerations through the attached Memorandum dated April 25, 2024. To reiterate a few items highlighted in the Memorandum:

2. The Village has the right to regulate all uses through its zoning powers.
3. The right to regulate uses through proper zoning does not inherently include the broad right to require annual inspections of business.
4. Zoning powers to enforce regulations does include the right to inspect for violations.
5. It is unclear whether the Village has the legal authority to license and regulate short-term rentals beyonds its zoning powers due to the Village’s non-home rule status.

Current Direction:

At the CDC on May 2, 2024, staff highlighted that if Short Term Rentals were permitted, there is no confidence that units could be inspected.

Does the CDC wish to proceed with Short Term Rentals as permitted uses in the Downtown Districts, or move to prohibit due to lack of enforcement powers?

**2. R-3 Lot Widths (recap)**

Both staff and our zoning consultant recommend a reduced lot width requirement within the R-3 Single-Family Detached Residence District. The proposed reduction is from 60 feet to 50 feet, or a 10-foot reduction. Staff has provided an overview of the current and proposed changes as well as our neighboring communities regulations.

- The proposed changes would aid in facilitating the future annexation of Liberty Park which is largely 50 feet by 150 feet lots.
- The proposed changes would alleviate additional burden on proposed subdivisions and development.
- The proposed changes would largely affect properties along the east and west borders of the Village including: North Wilmette Ave, Blackhawk Dr, North Warwick, North Park St, among others.

**Village of Westmont:**

**Existing and proposed changes to the R-3 Single-Family Detached Residence District**

|          | Lot Width | Lot Depth | Area       |
|----------|-----------|-----------|------------|
| Existing | 60 ft     | 125 ft    | 7,800 s.f. |
| Proposed | 50 ft     | 125 ft    | 7,800 s.f. |

In addition to the existing lot width requirement note 6 stipulates the following:

**Appendix A, Section 6.04**

*6. Minimum lot width in an R-3 district shall be 60 feet; except that a recommendation may be made by the planning and zoning commission to amend to 50 feet, after all responsible effort has been made to maintain the 60-foot width by acquisition of adjoining property and a resubdivision hearing has been held and the board of trustees concur.*

**Discussion Responses:**

*How many R-3 Single-family Detached Residential properties could potentially be subdivided if the lot width was changed to 50 feet?*

*There are approximately 78 total lots that are currently zoned R-3 that could potentially be subdivided; their current lot widths range from 119 feet to 100 feet and comply with the area and depth requirements.*

*How many variances have been granted for lot width?*

*Since 1985, approximately 40 variances for substandard lot widths for properties located in the R-3 district have been approved with 11 being equal to or less than 50-feet and 29 being between 51 feet and 59 feet.*

**Current Direction:**

At the CDC on May 2, 2024, staff had no opposition to the 50’ width amendment and will forward the recommendation to the PZC.

**3. Public & Institutional Uses (recap)**

The Public and Institutional (P) zoning district is intended to accommodate public and institutional uses. The P district is further intended to help avoid the problems inherent in treating public and institutional uses and buildings as permitted or special uses in zoning districts that primarily intended to accommodate other (dissimilar) types of uses and buildings.

**Proposed Allowed Uses:** The proposed P district would include the following allowable uses :

|                                  |             |
|----------------------------------|-------------|
| College or University            | Special Use |
| Community Garden                 | Permitted   |
| Hospital                         | Special Use |
| Library or Cultural Exhibit      | Special Use |
| Parks and Recreation             | Special Use |
| Religious Assembly               | Special Use |
| Safety Service                   | Special Use |
| School                           | Special Use |
| Infrastructure or Utility, Major | Special Use |
| Infrastructure or Utility, Minor | Permitted   |
| Cell Tower                       | Special Use |
| Building-Mounted Cell Antenna    | Permitted   |
| Tower-Mounted Cell Antenna       | Permitted   |

**Proposed Lot and Building Regulations:**

|                                   |        |
|-----------------------------------|--------|
| Minimum Lot Area (square feet)    | 20,000 |
| Minimum Lot Width (feet)          | 75     |
| Minimum Building Setbacks (feet): |        |

|   |           |
|---|-----------|
| <b>Front/Street Side</b>                                  | <b>30</b> |
| <b>Interior Side:</b>                                     |           |
| <b>Abutting R District</b>                                | <b>25</b> |
| <b>Abutting Non-R District</b>                            | <b>10</b> |
| <b>Rear</b>   | <b>40</b> |
| <b>Minimum Separation of Buildings on Same Lot (feet)</b> | <b>20</b> |
| <b>Maximum Lot Coverage (% of lot)</b>                    | <b>45</b> |
| <b>Maximum Building Height (feet)</b>                     | <b>45</b> |

**Discussion:**

Many of the current zoning districts where a public or institutional use is located, unintentionally restricts their development and confine them to largely residential or commercial zoning regulations. These restrictions and regulations derive additional requests due to the current zoning districts not properly accommodating the uses. With the introduction of a district that properly addresses these uses a less cumbersome process would be created.

Staff will continue to pursue the proposed new zoning district as recommended by our consultant. If and when the zoning district is approved and established the next step for staff would be to proceed to a Village initiated rezoning of properties that would qualify as a public or institutional use. These properties would include but are not limited to the following: park district properties, school district properties, public library properties, and properties with major utilities. However, staff if advised to could also rezone properties on an “as needed basis” meaning that the only Village initiated rezoning would be for Village owned properties that have an allowable use. All other public and institutional uses would be rezoned as the Village for other approvals in the future.

Current Direction:

At the CDC on May 2, 2024, staff had no opposition to the new district and will forward the recommendation to the PZC. Some questions were submitted and are included with attached staff responses.

**4. Accessory Dwelling Units (ADUs) (recap)**

**Definition:** Accessory Dwelling Units (ADU’s) are usually defined as a second housing unit on a single family residential lot; these can be attached or detached from the primary structure. The dwelling consists of a separate living space that has a kitchen and bathroom. These types of dwellings have commonly been called mother in-law suites, coach houses, and granny flats.

**General Information:**

Many ADU’s fill a major gap in housing needs for communities that lack affordable housing options. Additionally ADU’s can provide housing options for young and aging adults, while allowing families to age in place.

As of May 2023, there are 12 municipalities that allow ADU’s in northeastern Illinois: Antioch, Bull Valley, Chicago, Evanston, Homewood, Lake Bluff, Northbrook, Oak Park, Park Forest, South Elgin, Wilmette, and Woodstock.

There are 2 additional communities that are currently considering regulations for ADU’s in northeastern Illinois: Naperville and River Forest.

**Considerations:**

**Administration** - Within all of these communities the administration of ADU's vary widely with some ADU's being permitted by right while others through a special use permit approval and public hearing. Additionally, some communities require that the property owner live in the principal dwelling or ADU or limit the renting of the space to family members.

**Design** - Some communities required ADU's to fit the character of the surrounding area and home with design standards to match the home. Additionally, communities may allow only detached or attached ADU's with separate entrances.

**Size** - Communities have the ability to limit the size, setbacks, floor area, height, among other bulk factors.

**Parking** - Communities may require parking spaces based on the area or by number of bedrooms however, many do not require any parking.

Current Direction:

At the CDC on May 2, 2024, there was general interest in ADUs provided they were in existing homes or garages. Staff will allow the public hearing process to aid in determining interest for allowances in the new zoning ordinance.

**5. B-1 Development Permit (*recap*)**

The consultant has indicated that this is an additional layer of B-1 approval that other municipalities typically do not require, and the recommendation is to remove this approval process. Proposed text revisions to the zoning ordinance will address many of the aesthetic preferences as currently listed, use tables address permitted and special uses within the district, and other municipal codes can address the maintenance of properties. However, code would not address the mix of uses and tax base considerations.

Current Direction:

At the CDC on May 2, 2024, there was support to remove the B-1 Development Permit approval requirement from the code.

**6. Downtown Zoning Districts (*continued discussion*)**

Duncan Associates has provided a draft of the Downtown District recommendations, which utilizes the Comprehensive Plan and identifies distinct areas of the downtown as separate zoning districts: the Downtown Core (DC), Downtown Edge (DE) and Downtown Residential (DR).

The DC and DE districts replace and subdivide the current B-1 district, and the DR district is presented to replace the R-5 residential districts that line Burlington and Quincy along the railway.

**DC and DE Districts:**

The DC district is primarily limited to the first block both north and South of Cass Avenue. The DE district is generally the remainder of the B-1 District down to Dallas and north to Naperville.

This split would drive taller and denser buildings to the DC, and less intensive development in the DE. This represents best planning practices when designing a downtown plan.

**DR District:**

There is a definitive need for a downtown oriented residential district. Currently zoned R-5, the R-5 is not specific to the downtown, and can be found throughout the Village. However, amending the R-5 district would not be appropriate, as reduced setbacks and higher density is not needed in all the R-5 areas.

**Considerations:**

The DC and DE Districts can better align development with the Comprehensive Plan and is preferred best practice, but can create limitations when directing development.

A more intensive residential district like the DR can drive more transit oriented residential development, but a rezoning could create conditions of nonconformity, such as for allowances for single family homes.

All of the above would require the rezoning of properties in conjunction with or shortly after the zoning ordinance is adopted.

**Discussion:**

Are these Downtown Districts supported, or should staff look at other alternatives?

**Current Direction:**

At the CDC on May 2, 2024, this discussion topic was not completed and will be readdressed.



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**TO:** Community Development Committee  
**FROM:** Joseph Hennerfeind, AICP, Community Development Director  
**DATE:** May 30, 2024  
**RE:** **Zoning Ordinance Questions and Answers**

Below list of submitted questions on the proposed zoning ordinance updates as received since the last CDC on May 2, 2024:

*Concern on the proposed zoning changes (such as rezoning to the Public District), and identifying the impact on existing conditions:*

- a. For example where the park district operated a successful preschool for many years would they be able to open a neighborhood preschool in their parks that are located in residential neighborhoods?*
- b. Is there a chance that a church organization would not be allowed to continue to operate in a residential neighborhood?*
- c. Could they open a school on that property?*
- d. In the end do the proposed zoning changes negatively impact any existing property within the community that we are aware of at this point?*

Background response on rezoning and new districts:

### **Intent of the P, Public and Institutional District**

There are several uses throughout the Village that can exist in any of the districts, as they tend to serve a greater community use (whether municipal, utility, park, or community-based like religious uses). The current codes add these uses to the existing districts, either as Permitted or Special Uses. However, it also omits uses from certain districts. For example, public schools are not permitted in the B-2, C-1 districts.

A specific P District first recognizes the uniqueness of the uses, and then seeks to smartly streamline the approvals with fewer hurdles than if it remained in its current zoning district, by doing such things as:

1. *Altered setbacks:* For example, the minimum side yard setback in a residential district is 6'. This may not be appropriate for a large building like a school. Conversely, the residential districts have a front yard setback of 35'. This may not be appropriate for a neighborhood church or a park district structure.
2. *Heights:* Typically these types of uses would be restricted by the height in the district, which in the residential districts is 35'. This height maximum was designed for homes, not institutional needs.
3. *Other allowances:* This could be increased or repealed requirements of the district. For example, lot coverage in residential districts is restricted to 35%. The P District could allow greater flexibility (for example, no maximum lot coverage provided landscaping minimums are met and engineered detention is provided).

4. *Permitted or Special Uses:* The P District can be tailored to allow more uses as permitted rather than special. For example, a neighborhood park could be a Permitted Use (with limitations on park programming), whereas all parks are now considered special uses. A larger community park could be a Special Use (and a community park can be defined as having destination programming).

### **Rezoning and Nonconforming Uses**

Effects on rezoning have not yet been fully considered at this stage; the new zoning ordinance can be tailored and has not yet been fully assessed:

Options include:

1. The new zoning ordinance leaves these uses as they exist now, as Permitted or Special Uses in the existing districts, some of which are already considered nonconforming. The new code would still create the P District, but not rezone individual properties. This would allow the public and institutional uses to perpetuate as-is until the owner instituted a change (new construction, new programming, etc). This change in use or construction could trigger a rezoning to the P District at that time; or
2. The new zoning ordinance could prohibit all of these uses from all districts other than the P District. The new code would create nonconforming situations for all public and institutional uses in the existing districts. This would likely require the Village to rezone all these uses to the P District designation.

Staff believes that Option 1 is the best path. While it would be recommended to rezone all Village facilities to the new P District zoning, and staff would work with the Park and School Districts to eventually do the same, mandatory rezoning of individual properties would not be undertaken unless Option 2 was executed.

### **New P District Uses:**

The intent of the code is that if a new religious institution or school wanted to locate anywhere in the Village, it would require a rezoning. Whereas now it would likely be a Special Use approval, and potential overlay as a Planned Development. Either way, a public hearing process is required. For example, a new religious institution could rezone to the P District, abide by the new zoning district bulk standards, obtain a site plan approval, and construct. Whereas currently if in a residential district, it is probable that several variances would be needed to do so, and every variance can be a public hearing debate.

### **Specific answers to initial questions above:**

- a. *For example where the park district operated a successful preschool for many years would they be able to open a neighborhood preschool in their parks that are located in residential neighborhoods?*

The new zoning ordinance must define what programming may operate within a park. A preschool may be an appropriate allowance to a community park, which would be required to have a parking lot, but probably not a neighborhood park, which may not require parking facilities.

- b. *Is there a chance that a church organization would not be allowed to continue to operate in a residential neighborhood?*

The adoption of a new zoning district or change in permitted uses does not typically require uses to cease. They may become nonconforming, which allows perpetuation with limitations. For example, a nonconforming use can typically maintain a building, but cannot build a substantial addition. If this were requested, a rezoning would be required at that time. The rezoning would reclassify the use from “nonconforming” to “permitted”, either by right or with a corresponding “Special Use.”

c. *Could they open a school on that property?*

Possibly, if the new zoning ordinance can allow the school use as accessory to religious use. Schools can often place a higher demand on traffic, and staff would recommend that even as an accessory use, a Special Use approval would be required.

d. *In the end do the proposed zoning changes negatively impact any existing property within the community that we are aware of at this point?*

In reference to the P and Downtown Districts (DC and DE): none are anticipated, but any rezoning can create nonconformities.

In reference to the Downtown District (DR): as currently proposed it could have more impact. Single-family homes are not currently an allowed housing type, so all single-family homes would become nonconforming, and no new single family-homes could be constructed. At this early stage staff has not concurred with this recommendation; however, it would dictate that any new development along the railroad must be a Row or General building type.

**Planned Developments (PD):**

The potential impact on existing PDs has also been asked at CDC. Rezoning should not negate or override a Planned Development. All existing PDs are regulated by ordinance and/or contractual agreements. These PDs would be classified as a legacy district, and could operate with original approvals.



# THE LAW OFFICE OF JOHN ZEMENAK, LLC

John Zemenak  
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## MEMORANDUM

**TO:** SCOTT WILLIAMS, SENIOR PLANNER

**CC:** JOSEPH HENNERFEIND, JASON VITELL, STEPHEN MAY

**FROM:** JOHN ZEMENAK, VILLAGE ATTORNEY

**RE:** SHORT TERM RENTAL REGULATIONS

**DATE:** APRIL 25, 2024

**Purpose:** The purpose of this Memo is to address whether the Village of Westmont has the legal authority to regulate and/or prohibit short term rentals. If the Village does have such authority, this Memo addresses ways in which the Village can regulate and/or prohibit short term rentals. Please note that this Memo is based on preliminary legal research, and further research is required regarding the business licensing power of the Village over such uses.

**Regulation through Zoning:** The Village has the authority to regulate all uses through its zoning powers. The Village's Zoning Ordinance can list those zoning districts where short term rentals are allowed as either a permitted use or special use, and it can list those zoning districts where short term rentals are prohibited. The Village, through its Zoning Ordinance, can also prohibit short term rental uses in all of its zoning districts. *See Wortham v. Village of Barrington Hills*, 2022 IL App (1<sup>st</sup>) 21088. If the Village permits short term rental uses in certain zoning districts as a special use, the Zoning Ordinance can also impose limited and reasonable conditions on this use.

The power to zone does not include the broad right to regulate a business use beyond the zoning powers granted to municipalities. The power to zone does not include the power to license or to tax. So, while the Village may regulate a business use under its zoning powers in certain ways to protect against adverse impacts to surrounding properties or to protect against adverse impacts to the health, safety, and welfare of the public, that power is limited and is strictly construed against municipalities by the courts. This means that the Village does not have the broad right to require annual inspections of a business use solely under its zoning powers. However, a municipality does have the power to enforce its zoning regulations, and the power to enforce does include the right to inspect for violations of the zoning ordinance. If a property owner refuses to allow a zoning inspection, the Village can obtain an administrative search warrant to inspect the property/building/use to determine if a violation exists.



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**Power to Tax:** If short term rentals are permitted in the Village, the Village has the power to tax this use pursuant to its Hotel-Motel Tax (Chapter 74, Art. VIII of the Village Code of Ordinances). Hotels are defined as any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses, retreat centers, conference centers, and hunting lodges. The use of a “hotel” by permanent residents who stay longer than 30 days are exempt from the hotel-motel tax.

The power to tax does not include the power to regulate. Therefore, the Village cannot regulate and/or license short term rentals solely based on this ability to tax the use.

**Regulation through Licensing:** It is unclear whether the Village has the legal authority to license and regulate short term rentals in the Village. I have taken the following considerations into account when trying to reach a conclusion on this issue:

1. As a non-home rule municipality, the Village has the statutory authority to license and regulate those uses that are specifically set forth in State statute. The Illinois Municipal Code grants the authority to municipalities to regulate a host of uses, including hotels/motels where sleeping accommodations are furnished for more than 20 people. But the Illinois Municipal Code does not grant a specific right to license and regulate short term rental uses. There are many Illinois cases that hold that if State statutes do not expressly grant authority to a municipality to license and/or regulate a particular use or occupation, then a non-home rule municipality has no ability to do so.
2. There is an exception to the licensing and regulating restriction stated above. Even though a particular power to license and regulate is not expressly granted by a State statute, the power to license and regulate may be implied by other statutory grants of authority to municipalities. Some court decisions have noted that municipalities enjoy broad police powers, and pursuant to that police power, municipalities have the authority to enact regulations related to fire, health, sanitation, and buildings in order to protect the public health, safety and welfare. Some court decisions have stated that although a right to license and regulate a specific business use is not granted by a specific statute, the right to license and regulate a particular business use may be *inferred* if such regulation is found to be necessary pursuant to the power to prevent fires, promote health and sanitation, and regulate buildings and building construction. It is up to the corporate authorities to make that determination in good faith, and with sufficient justification. Whether the Village can license and regulate short term rentals pursuant to this inferred authority is unclear.



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3. At least one non-home rule municipality has publicly stated that it does not have the statutory authority to license and regulate short term rentals (North Aurora).
4. But other non-home rule municipalities do currently license and regulate short term rentals, and the IML has even published several non-home rule ordinances on its website to view as a sample ordinance.
5. If there is a power to license and regulate, that power includes the right to inspect.
6. The Village is currently discussing possible amendments to its business licensing process in general. It is considering a requirement that all businesses must register with the Village, with approval of the business registration serving as the required zoning certificate, building approval, and fire approval for a new business. If this concept is pursued, and if short term rentals are classified as a business use, then the Village can require short term rental uses to register with the Village, and these uses will be subject to an initial inspection/review by zoning, building, and fire before the use is approved.

# DRAFT

## ARTICLE IV Downtown Zoning Districts

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**Sec. 4.01 Districts Established**

The zoning ordinance’s downtown zoning districts are listed in [Table IV-1](#). When this zoning ordinance refers to the "D districts" or the “downtown” zoning districts, it is referring to the districts in [Table IV-1](#).

**Table IV-1: Downtown Zoning Districts**

| MAP SYMBOL | DISTRICT NAME        |
|------------|----------------------|
| DC         | Downtown Core        |
| DE         | Downtown Edge        |
| DR         | Downtown Residential |

**Sec. 4.02 Purposes**

The village’s downtown zoning districts are intended to support and enhance the compact, vibrant, walkable character of the downtown in general. The DC district maintains the active, main-street style storefront buildings with uses generating on high levels of pedestrian activity. The DE district is intended to be more flexible, allowing a wider mix of supporting uses in the downtown, while still maintaining a high level of walkability, and the DR district accommodates primarily residential uses in a variety of building forms.

**Sec. 4.03 Uses**

Uses are allowed in the D districts in accordance with the use regulations of Sec 6.01.

**Sec. 4.04 Lot and Building Regulations**

The lot and building regulations for the downtown districts are organized in a series of building types. Buildings types are allowed in each zone per [Table IV-2](#). Regulations for each building type differ by zone.

**Table IV-2: Allowed Building Types by District**

| Building Types      | ZONING DISTRICT |    |    | Reference                 |
|---------------------|-----------------|----|----|---------------------------|
|                     | DC              | DE | DR |                           |
| Storefront Building | P               | P  | –  | <a href="#">Sec. 4.08</a> |
| General Building    | –               | P  | P  | <a href="#">Sec. 4.09</a> |
| Row Building        | –               | –  | P  | <a href="#">Sec. 4.10</a> |

**KEY:** P = Permitted

**Sec. 4.05 Other Relevant Regulations**

Uses and structures in downtown zoning districts may be subject to other regulations and standards, including the following:

- (A) Nonconformities**  
See Article XIII.
- (B) Accessory and Temporary Uses and Structures**  
See Article VII.
- (C) Parking**  
See Article X.
- (D) Landscape and Site Design**  
See Article X.
- (E) Signs**  
See Article XI.

# DRAFT

## Sec. 4.06 Regulations Applicable to All Building Types

The regulations of this subsection apply to all building types, unless otherwise stated.

### (A) Measuring Building Type Regulations

See [Sec. 4.17](#) for guidance on measuring certain building type regulations.

### (B) Permanent Structures

All buildings within the downtown districts must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.

### (C) One Building Per Lot

One building is allowed per lot, unless otherwise expressly stated.

### (D) Treatment of Yards

All yards must consist of landscape planting areas, patio space, or sidewalk space, unless otherwise expressly stated as allowed vehicular areas. Vehicular (parking lots, loading areas, drives) areas are limited to certain yards per the specific building type regulations and per [Sec. 4.06\(H\)](#).

### (E) Trash, Recycling, Refuse, Loading Locations

All trash, recycling, loading, and other refuse areas for all buildings within the downtown districts must be located in the rear or interior side yard of the lot unless a minor adjustment is approved.

### (F) Front Street

Front streets establish the fronts of lots and buildings, and determine such requirements as the location of the principal entrance to the building. Per the building type regulations, front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

- (1) **Designation.** Front streets include Cass Avenue, Quincy Street, and W Burlington Avenue. Along E Burlington Avenue, DR-zoned lots must front Linden Avenue, Warwick Avenue, or Wilmette Avenue, consistent with the existing pattern.
- (2) **Determination Based on Context.** The zoning administrator may allow a different lot orientation based on the existing context of the lot and considering abutting lot orientation.
- (3) **Intersecting Front Streets.** Where two front streets intersect at a lot, the street with the most existing or planned front orientation on abutting or adjacent lots must be treated as the front frontage, as determined by the zoning administrator. The other street may be treated as a side street frontage.

### (G) Courtyards

Courtyards abutting or within the front build-to zone must comply with the following:

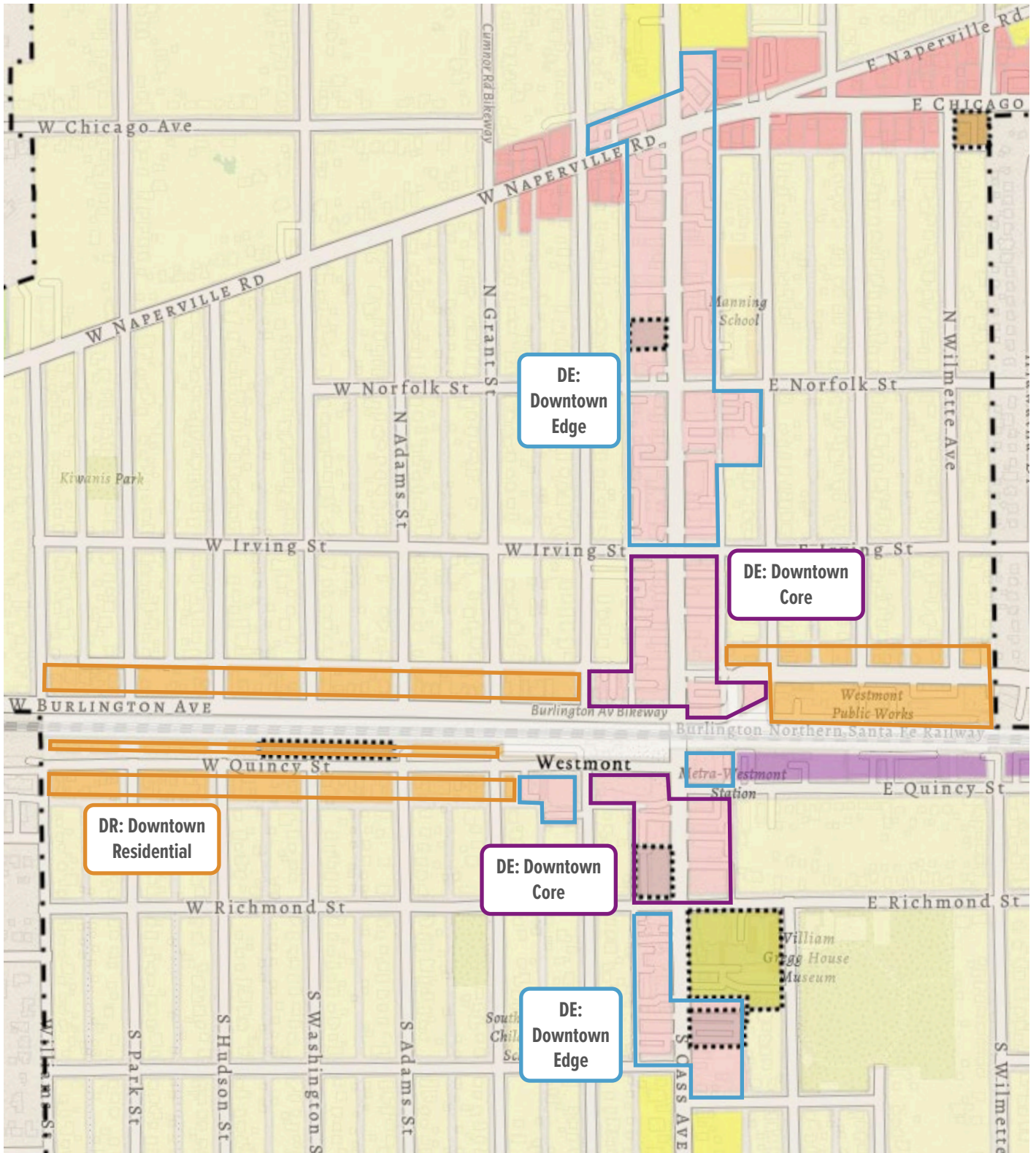
- (1) Adjustments to these courtyard regulations may be approved through approval of a major adjustment, provided the proposed alternative meets the intent of allowing open spaces between buildings while still achieving a consistent front streetwall.
- (2) The courtyard must be at least 25 feet in depth and width and generally enclosed on 2 or more sides by a building or multiple buildings.
- (3) The courtyard must be located within the build-to zone. Courtyards on the interior or in the rear of the lot behind the front facade are not subject to the regulations of this subsection).
- (4) Parking is not allowed in the courtyard.
- (5) Building frontages on courtyards must meet all regulations for street facades, including all the transparency and entrance regulations in the building type regulations and facade materials and facade elements regulations.
- (6) The width of the courtyard(s) at the street may not occupy more than 30% of a building's front facade and the courtyard opening in the build-to zone may count towards minimum front streetwall.

- (7) All ground surfaces in the front courtyard must be treated as either pedestrian paving or landscape bed. Pedestrian paving may include no more than 80% standard concrete.
- (8) Buildings abutting the courtyard must have an entrance on the street, unless a minor adjustment is approved.
- (9) Landscape materials, such as trees in grates or planters and/or landscape beds, are required and at least one tree is required per courtyard.
- (10) Fencing or walls are required along at least 50% of the build-to zone to continue the building streetwall. Fencing and walls must be a maximum of 50% opaque. Allowed fence materials include masonry and metal.
- (11) Temporary or permanent seating is required. Temporary seating must be available or in place between March 15 and November 15.
- (12) At least one other amenity such as a pergola, trellises, catenary or string overhead lighting, a fountain, or artwork such as a sculpture or mural must be included. Other amenities may be approved to meet this requirement through the minor adjustment process (see [Sec. 4.05](#)).

**(H) Parking and Loading Location on Lot**

All parking must be located as follows:

- (1) **Structured Parking within Building.** Parking within buildings is allowed only when located a minimum of 20 feet behind any front or courtyard facade. The first 20-foot building space behind the front or courtyard facade must include an allowed use for the district, regularly occupied, not including parking or any type of storage. Structured parking must meet all setbacks required for the building, unless otherwise approved as a major adjustment.
- (2) **Garage Doors.** Garage doors are not allowed on any street facades, except a side-street facade may be approved through a major adjustment.
- (3) **Rear Yard.** Surface parking is allowed in the rear yard on all sites.
- (4) **Limited Side Yard Parking.** In the DE district only, a surface parking lot may be located in the interior side yard when in accordance with the following:
  - (a) A limited side yard parking lot is located in the interior side yard and is configured as one double- or one single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.
  - (b) Limited side yard parking is not allowed on corners in any street yard.
  - (c) A maximum of one limited side yard parking lot per building is allowed along any street frontage.
  - (d) Limited side yard parking lots may not be located abutting another side yard parking lot.
  - (e) Limited side yard parking counts toward front streetwall as required by the building type regulations.
- (5) **Setbacks.** Parking lots must be set back a minimum of 5 feet from all side and rear lot lines, except to allow driveway connections between parking lots on separate, abutting parcels. Parking must not extend closer to any street lot line than the building or a courtyard.
- (6) **Landscaping.** Landscaping is required per [Article X Landscaping and Screening](#). Buffers are required between parking lots and streets, courtyards, and residential districts.
- (7) **Driveways.** One driveway allowed per per lot per the following:
  - (a) If an alley exists, drive access must be located off the alley. Side-street driveways may be approved through a minor adjustment.
  - (b) Limited side yard parking may have one access point off a front street.
  - (c) Shared driveways are encouraged. Driveways may cross perpendicularly through any yard.



Note: The new zones will be transferred to the zoning map upon adoption and this figure will be removed.

Figure (1) Proposed Downtown Zoning Map

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# DRAFT

## Sec. 4.08 Storefront Buildings

### (A) Description

The Storefront Building is a mixed-use building intended for shopping and dining districts. Oriented to the street with narrow or no side setbacks, this building's streetwalls help define the public space of the street, and ground-story storefront glass and entrances along the sidewalk make these buildings interesting and inviting to pedestrians. Parking is located in the rear accessed off alleys.

### (B) Images

The images shown in [Figure \(2\)](#) are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

### (C) Building Regulations

- (1) General Regulations.** See [Sec. 4.06](#) for regulations applicable to all building types, including designation of front streets, parking and loading, and to the regulations..
- (2) Regulations Specific to this Building Type.** The following tables and illustrations regulate this specific building type. See [Sec. 4.05](#) for adjustments to these regulations.
- (3) Measurements & Definitions.** See [Sec. 4.17](#) for measuring regulations and definitions.

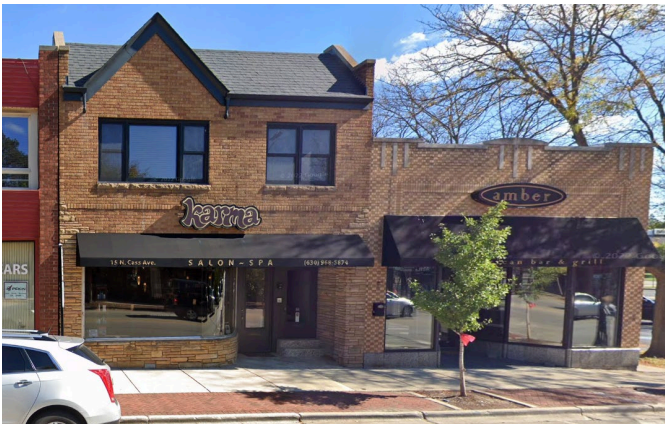
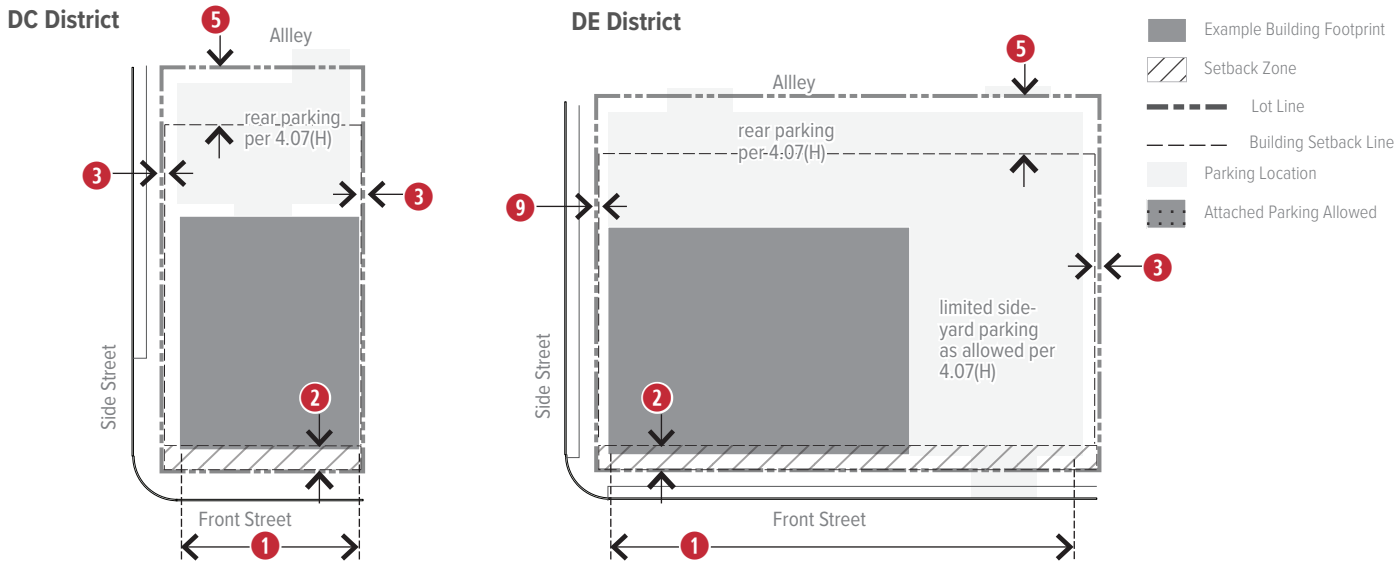


Figure (2) Examples of Storefront Buildings

Figure (3) Storefront Building Siting



|  |  | DISTRICTS  |           | Additional/References   |  |
|--|--|--|-----------|---|--|
|  |  | DC   | DE        |   |  |
| <b>(D) BUILDING SITING.</b> See Figure (3) |  |  |           |   |  |
| 1  | Minimum Front Streetwall (%)   | 90   | 90        | See <a href="#">4.07(G)</a> for allowances for courtyards abutting the build-to zone. |  |
| 2  | Front Street Build-to Zone (ft.), minimum to maximum                       | 0 to 5   | 0 to 5    |   |  |
| 3  | Minimum Side-Street Setback (ft.)  | 0  | 0         |   |  |
| 4  | Minimum Side Setback (ft.)   | 0 or, if set back at all: 5; if adjacent to an R district: 5   |           | Buffer required adjacent to R districts per <a href="#">XXX</a> .                     |  |
| 5  | Minimum Rear Setback (ft.)   | 20   |           |   |  |
|  | Minimum Private Outdoor Space <sup>1</sup>                                 | 50 sq. ft. per residential unit  |           |   |  |
| <b>(E) HEIGHT.</b> See Figure (4)          |  |  |           |   |  |
| 6  | Height (stories)   | minimum<br>maximum   | 2<br>5    | 1<br>3  | Stories measured floor to floor. See <a href="#">Sec. 4.17</a> for measuring height. |
| 7  | Ground-Story Height (ft.)  | minimum<br>maximum   | 12<br>16  |   |  |
| 8  | Upper-Story Height (ft.)   | minimum<br>maximum   | 8.5<br>11 |   |  |
| 9  | Top Story Set-Back on Buildings Over 3 Stories & 100 Feet or More in Width | At least 35% of the top story of the street facade must be set back a minimum of 7 feet from the facade. |           |   |  |

1 Open air space either attached to the unit in the form of a patio or balcony, or common space for residents only in the form of a garden, courtyard, roof deck, terrace.

Figure (4) Storefront Building Height

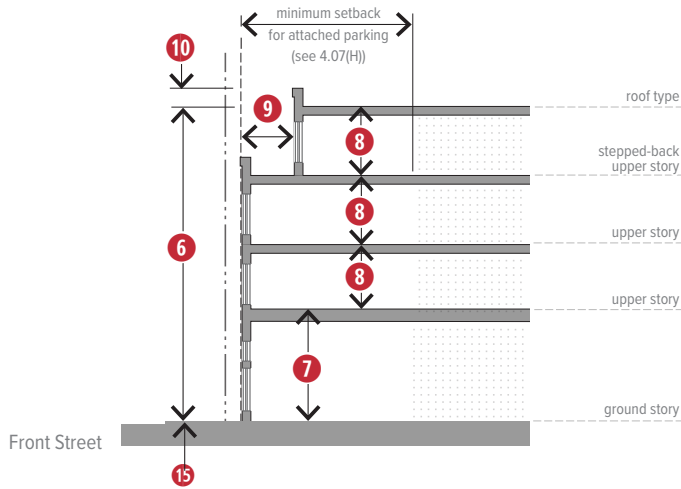


Figure (5) Storefront Building Street Facades



|   |  | DISTRICTS   |                                       | Additional/References  |
|---|--|---|---------------------------------------|--|
|   |  | DC  | DE                                    |  |
| <b>(F) ROOFS.</b> See <a href="#">Figure (4)</a>          |  |   |                                       |  |
| <b>10</b>   | Allowed Roof Types   | Flat, parapet   | Flat, parapet, pitched; tower allowed | See <a href="#">Sec. 4.13</a> for roof types and tower regulations.  |
| <b>(G) STREET FACADES.</b> See <a href="#">Figure (5)</a> |  |   |                                       |  |
| <b>11</b>   | Minimum Transparency: Ground Story on Front Facades (%)  | 70  | 60.                                   | See <a href="#">Sec. 4.17</a> for measuring transparency. Blank-wall segments apply.   |
|   |  | No bays, 15 ft. wide sections, or any rectangular areas greater than 30% of a story's front facade may be without transparency              |                                       |  |
|   |  | Ground-story transparency must extend min. 30 ft. around the corner down any street-side facades  |                                       |  |
| <b>12</b>   | Minimum Transparency: Upper Stories on Front Facades and All Stories on Side-Street Facades(%) | 20  |                                       | Measured per story, includes any half stories, visible basement, or towers with full height stories. See <a href="#">Sec. 4.17</a> for measuring transparency. |
|   |  | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency |                                       |  |
| <b>13</b>   | Building Entrance Location   | One per every 60 feet of front facade   |                                       | See <a href="#">Sec. 4.17</a> for measuring building entrance location.  |
| <b>14</b>   | Entrance Type  | Storefront  |                                       | See <a href="#">Sec. 4.12</a> for entrance types.  |
| <b>15</b>   | Ground-Story Elevation (in.)   | Between 0 and 24 of abutting public sidewalk elevation  |                                       |  |
| <b>16</b>   | Horizontal Divisions with Shadow Lines   | Within 3 ft. of the top of the first story  |                                       | Horizontal shadow lines to run a min. 80% of length of facade. See <a href="#">Sec. 4.18</a> for definition of shadow lines.                                   |
| <b>17</b>   | Vertical Divisions with Shadow Lines   | One per every 60 ft. of ground-story street facade  |                                       |  |

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# DRAFT

## Sec. 4.09 General Buildings

### (A) Description

The General Building is a basic urban building, typically housing multiple residential units, office, laboratory spaces, classrooms, and similar spaces, usually with a central main entrance off a lobby and with windows delineating each story. Parking is located in the rear yard with attached garages entered from the rear of the building. Buildings vary in height depending on the district, with allowed half stories located within a pitched roof or in a visible basement.

### (B) Images

The images shown in [Figure \(6\)](#) are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

### (C) Regulations

- (1) **General Regulations.** See [Sec. 4.06](#) for regulations applicable to all building types, including designation of front streets, parking and loading, and to the regulations..
- (2) **Regulations Specific to this Building Type.** The following tables and illustrations regulate this specific building type. See [Sec. 4.05](#) for adjustments to these regulations.
- (3) **Measurements & Definitions.** See [Sec. 4.17](#) for measuring regulations and definitions.

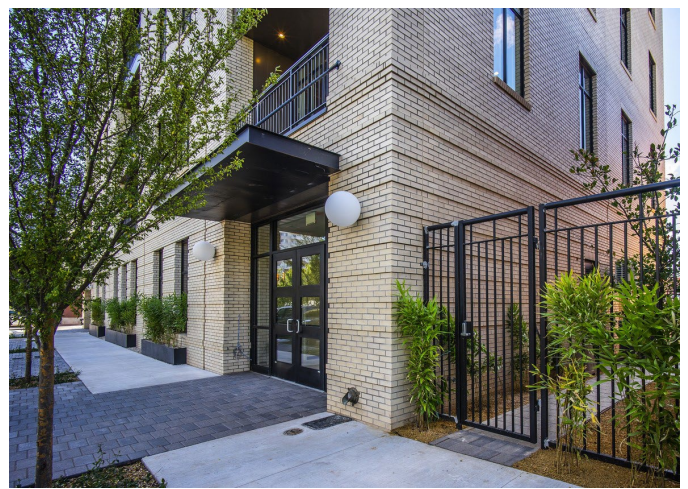
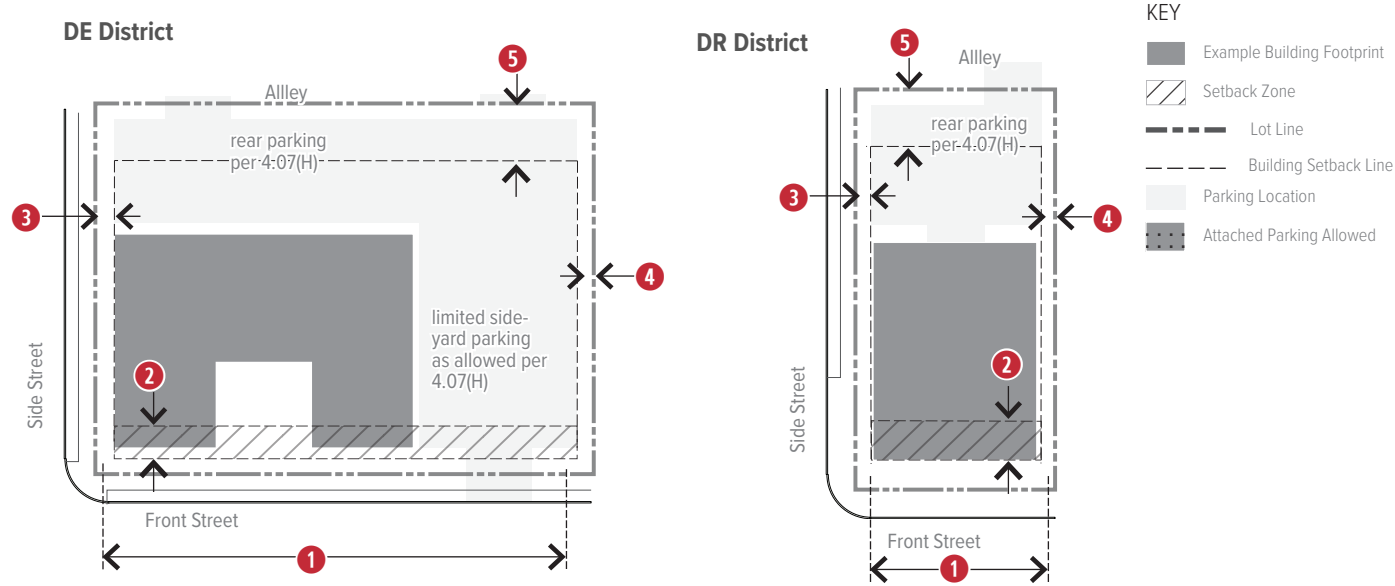


Figure (6) Examples of General Buildings

Figure (7) General Building Siting



DISTRICTS

|  |  | DE  | DR                                | Additional/References  |  |
|--|--|---|-----------------------------------|--|--|
| <b>(D) BUILDING SITING.</b> See Figure (7) |  |   |                                   |  |  |
| 1  | Minimum Front Streetwall (%)                         | 65  | –                                 |  |  |
|  | Maximum Building Width (ft.)                         | –   | 120                               |  |  |
|  |  | See 4.07(G) for allowances for courtyards abutting the build-to zone. |                                   |  |  |
| 2  | Front Street Build-to Zone (ft.), minimum to maximum | 5 to 20   | 10 to 25                          |  |  |
| 3  | Minimum Side-Street Setback (ft.)                    | 5   | 10                                |  |  |
| 4  | Minimum Side Setback (ft.)                           | 5   | 5; abutting R district, 10        | Landscape and fence buffer required adjacent to R districts per XXX. |  |
| 5  | Minimum Rear Setback (ft.)                           | 20  | 20, except 5 abutting rail r.o.w. |  |  |
|  |  | Minimum Private Outdoor Space   | 50 sq. ft. per unit               | 100 sq. ft. per unit   |  |
| <b>(E) HEIGHT.</b> See Figure (8)          |  |   |                                   |  |  |
| 6  | Height (stories)                                     | minimum   | 1                                 | 2  | Stories measured floor to floor. See Sec. 4.17 for measuring height and explanation of half stories. |
|  |  | maximum   | 3.5                               | 3.5  |  |
| 7  | Story Height (ft.)                                   | minimum   |                                   | 8.5  |  |
|  |  | maximum   |                                   | 11   |  |
| <b>(F) ROOFS.</b> See Figure (8)           |  |   |                                   |  |  |
| 9  | Allowed Roof Types                                   | Flat, parapet, pitched; tower allowed                                 | Flat, parapet, pitched            | See Sec. 4.13 for roof types and tower regulations.                  |  |
| <b>(G) STREET FACADES.</b> See Figure (9)  |  |   |                                   |  |  |

Figure (8) General Building Height

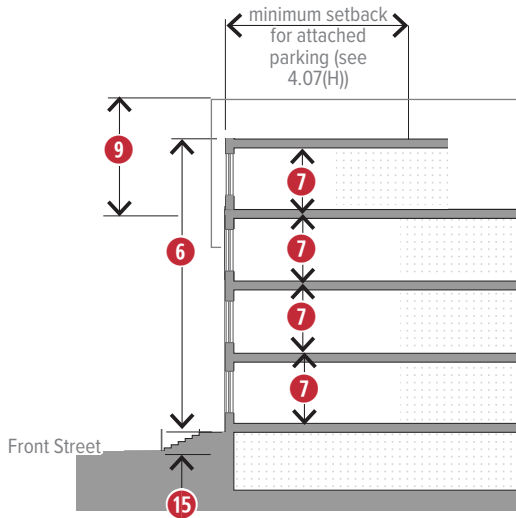


Figure (9) General Building Street Facades



|    |  | DISTRICTS  |              | Additional/References  |
|----|--|--|--------------|--|
|    |  | DE   | DR           |  |
| 10 | Minimum Transparency: Street Facades (%) | 20   |              | Measured per story, includes any half stories, visible basement, or towers with full height stories. See <a href="#">Sec. 4.17</a> for measuring transparency.                     |
|    |  | No 15-foot wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency |              |  |
| 13 | Building Entrance Location               | One per every 120 feet of front facade   |              | See <a href="#">Sec. 4.17</a> for measuring building entrance location.  |
| 14 | Entrance Type                            | Stoop  | Stoop, porch | See <a href="#">Sec. 4.12</a> for entrance types. See <a href="#">Sec. 4.18</a> for definition of a visible basement and <a href="#">Sec. 4.17</a> for definition of a half story. |
| 15 | Ground-Story Elevation (in.)             | Between 0 and 30 above grade or between 30 and 48 with a visible-basement half-story   |              |  |
| 16 | Horizontal Divisions with Shadow Lines   | Within 3 ft. of the top of the first story or any basement   |              | Horizontal shadow lines to run a min. 80% of length of facade. See <a href="#">Sec. 4.18</a> for definition of shadow lines.   |
| 17 | Vertical Divisions with Shadow Lines     | One per every 90 ft. of ground-story street facade   |              |  |

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# DRAFT

## Sec. 4.10 Row Buildings

### (A) Description

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk and can be solely residential or a live-work unit, as allowed by the district. Parking is located in the rear yard with either detached garages or attached garages entered from the rear of the building.

### (B) Images

The images shown in [Figure \(6\)](#) are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

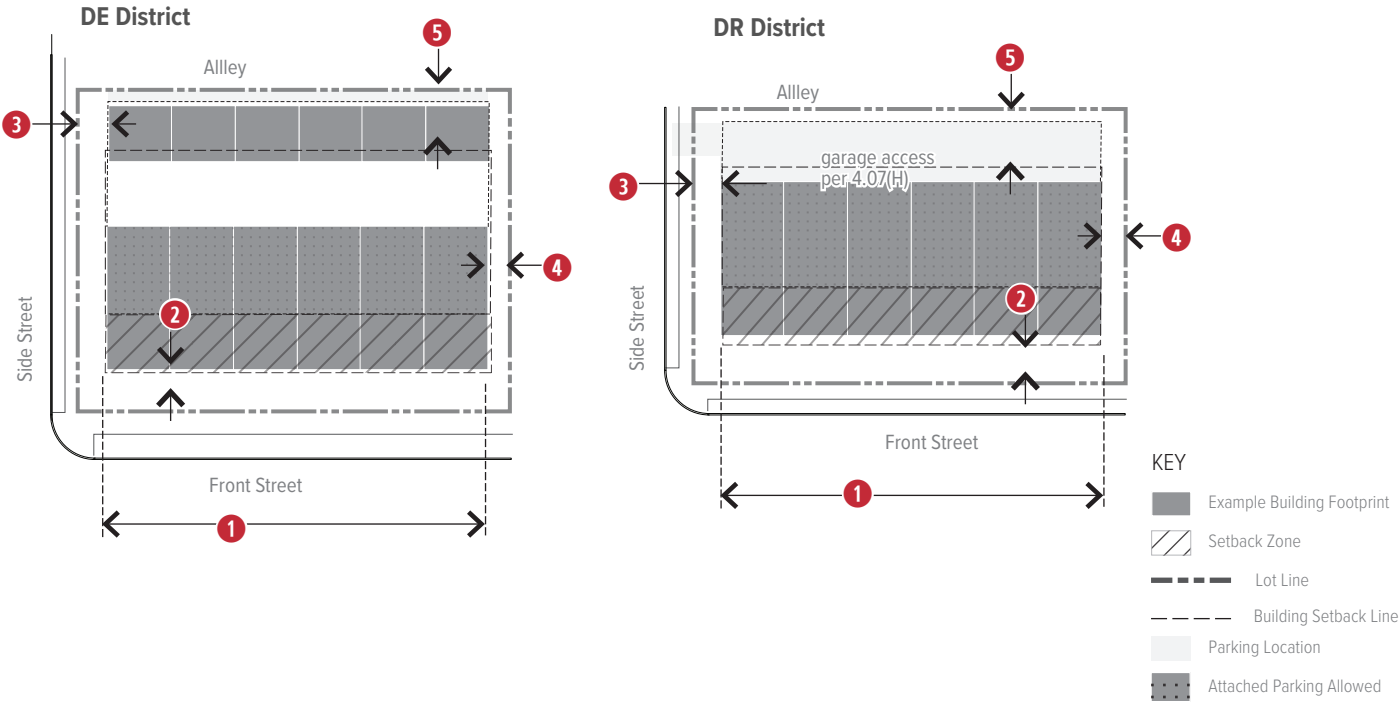
### (C) Building Regulations

- (1) **General Regulations.** See [Sec. 4.06](#) for regulations applicable to all building types, including designation of front streets, parking and loading, and to the regulations..
- (2) **Regulations Specific to this Building Type.** The following tables and illustrations regulate this specific building type. See [Sec. 4.05](#) for adjustments to these regulations.
- (3) **Measurements & Definitions.** See [Sec. 4.17](#) for measuring regulations and definitions.



Figure (10) Examples of Row Buildings

Figure (11) Row Building Siting



|   |  | DISTRICTS |                      |  |
|---|--|-----------|----------------------|--|
|   |  | DR        |                      | Additional/References  |
| <b>(D) BUILDING SITING.</b> See Figure (11) |  |           |                      |  |
| 1   | Maximum Building Width (units)             | minimum   | 2                    |  |
|   |  | maximum   | 8                    |  |
|   | Maximum Building Width (ft.)               |           | 120                  |  |
| 2   | Minimum Front Setback (ft.)                |           | 10                   |  |
| 3   | Minimum Side-Street Setback (ft.)          |           | 10                   |  |
| 4   | Minimum Side Setback (ft.)                 |           | 5                    |  |
| 5   | Minimum Rear Setback (ft.)                 |           | 20                   |  |
|   | Minimum Outdoor Private Space <sup>1</sup> |           | 100 sq. ft. per unit |  |
| <b>(E) HEIGHT.</b> See Figure (12)          |  |           |                      |  |
| 6   | Height (stories)                           | minimum   | 2                    | Stories measured floor to floor. See <a href="#">Sec. 4.17</a> for measuring height and explanation of half stories. |
|   |  | maximum   | 3.5                  |  |
| 7   | Story Height (ft.)                         | minimum   | 8.5                  |  |
|   |  | maximum   | 12                   |  |

1 Open air space either attached to the unit in the form of a patio, yard, balcony or roof deck, or common space for residents only in the form of a garden, courtyard, roof deck, terrace.

Figure (12) Row Building Height

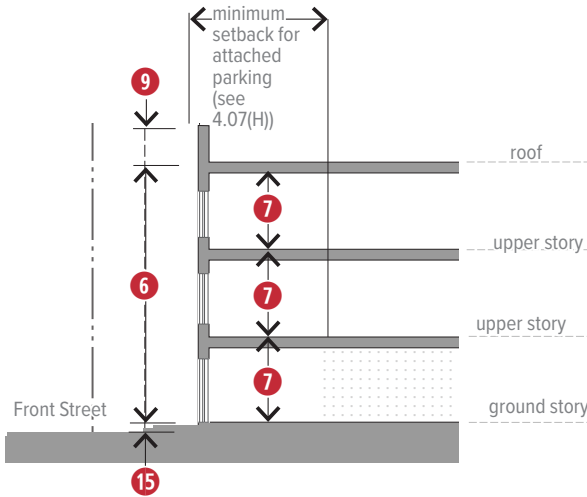
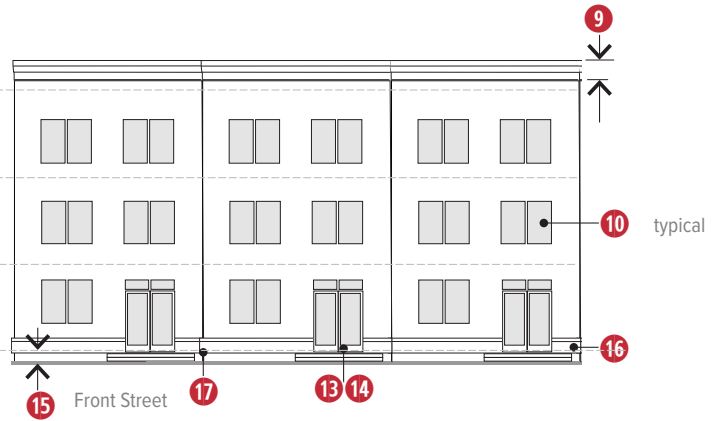


Figure (13) Row Building Street Facades



DISTRICTS

DR

Additional/References

| (F) ROOFS. See Figure (12)          |  |   |  |
|-------------------------------------|--|---|--|
| 9                                   | Allowed Roof Types                     | Flat, parapet, pitched; tower allowed, maximum one per building   | See <a href="#">Sec. 4.13</a> for roof types and tower regulations.  |
| (G) STREET FACADES. See Figure (13) |  |   |  |
| 10                                  | Minimum Transparency (%)               | 20<br><br>No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency | Measured per story, includes any half stories, visible basement, or towers with full height stories. See <a href="#">Sec. 4.17</a> for measuring transparency.                     |
| 13                                  | Building Entrance Location             | One per unit on front facade  | See <a href="#">Sec. 4.17</a> for measuring building entrance location.  |
| 14                                  | Entrance Type                          | Stoop, porch  | See <a href="#">Sec. 4.12</a> for entrance types. See <a href="#">Sec. 4.18</a> for definition of a visible basement and <a href="#">Sec. 4.18</a> for definition of a half story. |
| 15                                  | Ground-Story Elevation (in.)           | Between 0 and 30 above grade or between 30 and 48 with a visible-basement half-story  |  |
| 16                                  | Horizontal Divisions with Shadow Lines | –   | Horizontal shadow lines to run a min. 80% of length of facade. See <a href="#">Sec. 4.18</a> for definition of shadow lines.   |
| 17                                  | Vertical Divisions with Shadow Lines   | –   |  |

## Sec. 4.11 Facade Materials

### (A) Intent

The intent of the facade materials regulations is as follows:

- (1) **Durable, High Quality.** Ensure the use of well-tested, high quality, durable, weather-resistant, exterior grade materials on the majority of finished building surfaces, while permitting a wider range of materials for details. High quality materials can improve how well buildings weather, reduce material failure rate, require lower maintenance, have a longer life cycle and sense of permanence, and maintain longer term value.
- (2) **Human-Scaled Facades.** Promote clearly articulated, well-organized facades that are easy to understand, have a clear hierarchy, and yield building proportions and details comfortable to and in line with the scale of people and the character of the village.

### (B) Applicability

All street facades on all buildings in the downtown districts must meet the facade materials regulations in this [Sec. 4.11](#).

### (C) Other Materials

Materials other than those allowed per this [Sec. 4.11](#) may be approved through the major adjustment process (see [Sec. 4.05](#)).

### (D) Major Facade Materials

Major facade materials are intended to serve as the primary surface material of street facades.

- (1) **Minimum Amount.** Allowed major facade materials, listed in [Table IV-3](#), must be applied to a minimum of 65% of all street facades, not including window and door openings and trim.
- (2) **Simplicity of Facade Materials.** A single major facade material must be used for each building facade segment, as defined per building type.
- (3) **Side and Rear Facades.** Side and rear facades not visible from any street or civic space may use an approved minor facade material as a major material.
- (4) **Corners.** Major facade materials must extend around the corner of the street facade to a side or rear facade a distance of at least 12 inches.
- (5) **Original Facade Materials.** Where brick or stone is an existing building's original major facade material, the original brick or stone may be maintained if in good condition or repaired, or the brick or stone may be replaced by new brick or stone. A different major material may not be installed over the original brick or stone except as approved through the minor adjustment process (see [Sec. 4.05](#)).

### (E) Minor Facade Materials.

A maximum of 35% of street facades, not including window and door openings and trim, may be composed of minor facade materials per [Table IV-4](#).

### (F) Accents and Details

Additional materials are allowed for trim, accents, and details per [Table IV-5](#), not included in measuring facade surface areas.

### (G) Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, and engineered wood or slate.

### (H) Appropriate Grade of Materials

All doors, windows, and hardware must be of commercial grade quality with the exception of those on Rowhouse buildings.

### (I) Materials Installation

# DRAFT

The following materials installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

- (1) Changes in Facade Materials.** Changes in facade materials, whether major materials or minor materials, should occur mainly at concave (inner) corners or changes in facade planes.
- (2) Materials Hierarchy.** A hierarchy of materials must be maintained on the building facade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the facade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the facade.
- (3) Shadow Lines on Surfaces.** Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1.5 inches. For example, cast stone elements or brick may be offset or wood trim may be layered and offset to create a shadow.

**Table IV-3: Allowed Major Facade Materials by Building Type [minimum 65% of facade]**

| MAJOR FACADE MATERIAL (alphabetical) |  | STOREFRONT & GENERAL BUILDINGS | ROW BUILDINGS |
|--------------------------------------|--|--------------------------------|---------------|
| <b>A</b>                             | <b>Brick</b><br>full dimensional, economy, unit, face brick  | <b>A</b>                       | <b>A</b>      |
| <b>B</b>                             | <b>Concrete Masonry Units</b><br>architectural, minimum 3” depth, “artisan stone” look, varied sizes, (Eschelon Masonry or approved equal), “stone” face, “hewn stone”, rock cut | <b>A</b>                       | <b>A</b>      |
| <b>C</b>                             | <b>Fiber Cement Board</b><br>finished lap siding, board & batten, or shingles  | –                              | <b>A</b>      |
| <b>D</b>                             | <b>Stone</b><br>natural, units   | <b>A</b>                       | <b>A</b>      |
| <b>E</b>                             | <b>Wood</b><br>treated, painted or stained lap siding, shingles, board & batten  | –                              | <b>A</b>      |

**KEY:**    **A** = Allowed    -- = Not allowed

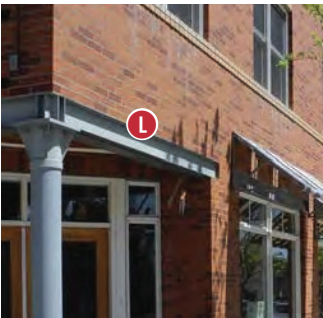
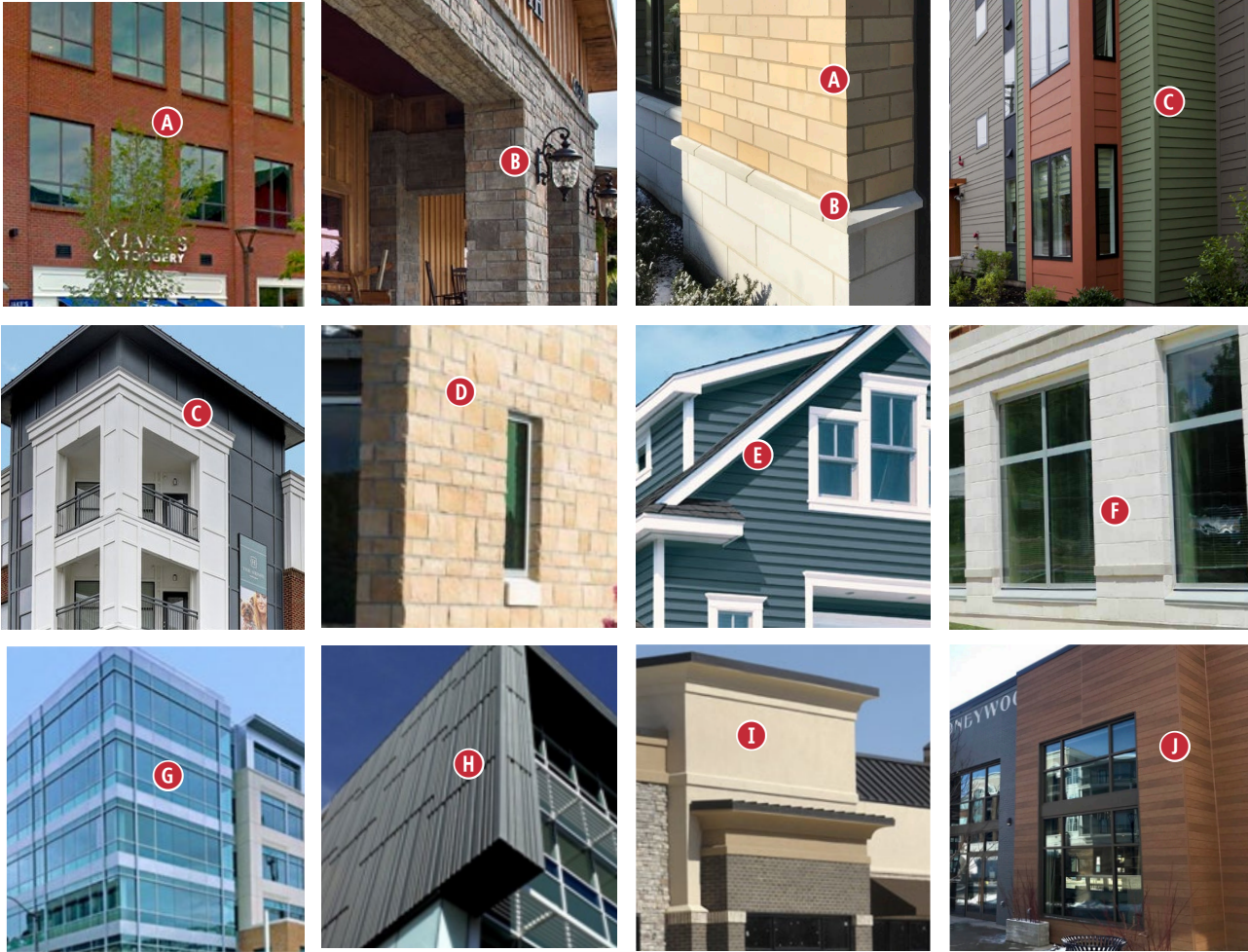
**Table IV-4: Allowed Minor Facade Materials [maximum 35% of facade]**

All major facade materials allowed on the building type per [Table IV-3](#) may be used for minor facade materials, unless expressly stated otherwise.

| MINOR FACADE MATERIAL (alphabetical)   | STOREFRONT & GENERAL BUILDINGS | ROW BUILDINGS | Limitations  |
|--|--------------------------------|---------------|--|
| <b>Concrete Surfaces</b><br>finished, stained, painted, treated  | <b>L</b>                       | <b>L</b>      | Below ground story & first 3 feet of ground story only                                     |
| <b>F</b> <b>Concrete Masonry Units</b><br>minimum 3” depth, split-faced, burnished/ground face, glazed, or honed | <b>A</b>                       | –             | –  |
| <b>G</b> <b>Glass</b><br>curtain wall  | <b>A</b>                       | <b>A</b>      | –  |
| <b>H</b> <b>Metal Architectural</b><br>architectural panel, cladding system (steel, titanium, zinc)              | <b>L</b>                       | <b>L</b>      | Allowed major masonry material is required at grade up to 2 feet and adjacent to entrances |
| <b>I</b> <b>Stucco</b><br>cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes             | <b>L</b>                       | <b>L</b>      | Only 2nd or higher stories   |
| <b>Terra Cotta or Ceramic</b><br>tiles or panels   | <b>A</b>                       | <b>A</b>      | –  |
| <b>Vinyl &amp; PVC Siding</b><br>minimum .040 inch thickness   | –                              | <b>A</b>      | –  |
| <b>J</b> <b>Wood, Composite</b><br>lap siding, shingles, board & batten, rainscreen system                       | <b>A</b>                       | <b>A</b>      | –  |

**KEY:**    **A** = Allowed    **L** = Limited    -- = Not allowed

# DRAFT



**Table IV-5: Allowed Detail & Accent Materials**

All allowed major and minor facade materials may be used for details, trim, and accents.

|          |   |
|----------|---|
| <b>K</b> | <b>Concrete Details</b><br>precast stone ornamentation, lintels, sills, banding, columns, beams |
|          | <b>Fiber Cement Details</b><br>trim, soffits  |
| <b>L</b> | <b>Metal Details</b><br>trim, soffits, ornamentation, lintels, beams, columns                   |
|          | <b>Wood and Wood Composite Details</b><br>painted/treated trim, soffits, other approved details |
| <b>M</b> | <b>Vinyl Details</b><br>limited to soffits, window trim; minimum .04 inches thick               |

**Sec. 4.12 Entrance Types**

Entrance types provide the transition between the public sidewalk in front of the building into the ground story of the building. Each front entrance shall meet the requirements of one of the entrance types permitted per the building type regulations.

**(A) Storefront Entrance type**

- (1) Intent.** Storefront entrance types are intended to provide at or close to grade access between the store and adjacent sidewalk creating a high level of permeability. See [Figure \(14\)](#).
- (2) Recessed Entrance.** Where the sidewalk outside the storefront is less than 7 feet in width, measured perpendicular to the facade, entrances must be recessed as follows:
  - (a)** The door must be recessed between 3 and 8 feet deep, measured from the facade.
  - (b)** The maximum width of the recess is 10 feet.
  - (c)** A minor adjustment may be approved for a different sized recess, provided the recess does not extend more than 65% of the street facade.
- (3) Transparency.** A minimum amount of ground story storefront glass is required per the building type regulations.
  - (a)** The storefront entrance must meet the minimum transparency requirements.
  - (b)** The glass shall turn the corner of the recessed entry as shown in [Figure \(14\)](#).
  - (c)** Transom windows above doors and storefront windows are encouraged.
  - (d)** See [Sec. 4.14](#) for general window regulations.
- (4) Bulkhead.** Where a bulkhead is incorporated, the maximum height is 30 inches. A bulkhead is the lower set of panels or low wall upon which the storefront windows rest. See [Figure \(14\)](#). The bulkhead may be constructed of wood, metal, concrete, spandrel glass, or masonry. Concrete masonry units may not be exposed. See [Sec. 4.11](#) for allowed facade materials.

**(B) Stoop Entrance Type**

A stoop is a small, open platform that may include a permanent canopy or roof cantilevered off the building. See [Figure \(15\)](#).

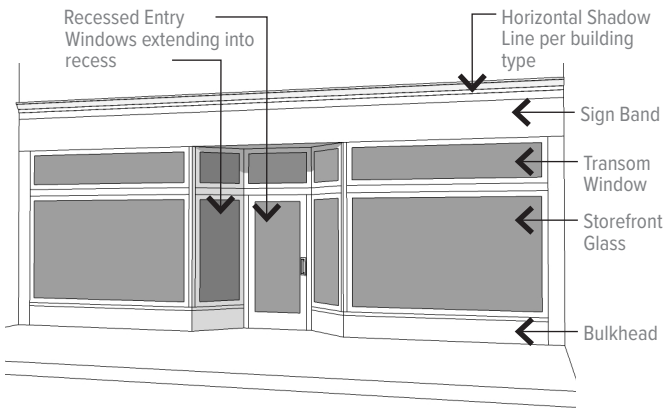
- (1) Stoop Size.** Stoops must be a minimum of 4 feet wide and 3 feet deep.

**(C) Porch Entrance Type**

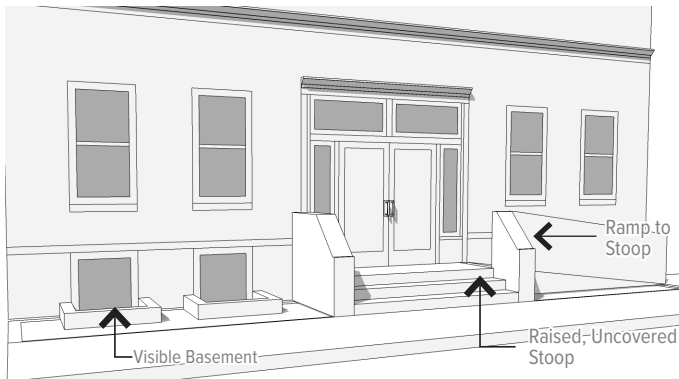
A porch is an open raised, platform with a perimeter railing or wall and a porch supported by columns. See [Figure \(16\)](#).

- (1) Porch Size.** The porch shall be a minimum of 5 feet deep and 8 feet wide.
- (2) Height.** Porches must meet the minimum and maximum story height for the building type and may be 2 stories in height to provide a second porch off the second floor.

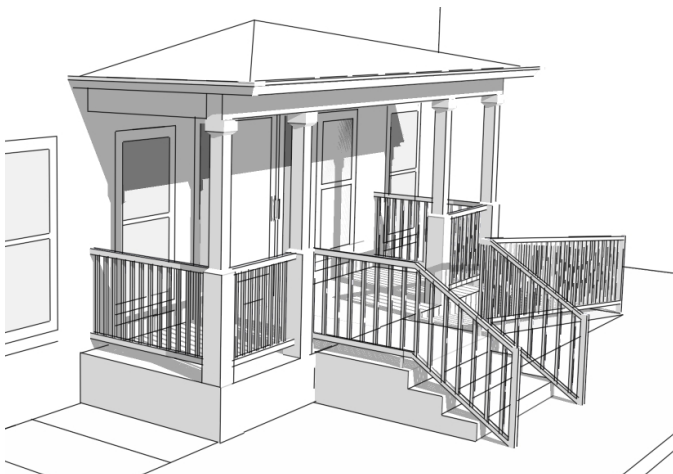
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**Figure (14) Example of a Storefront Entrance**



**Figure (15) Example of Stoop Entrance**



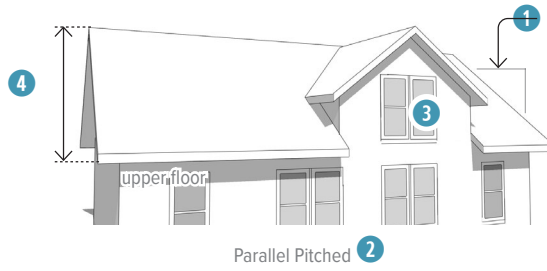
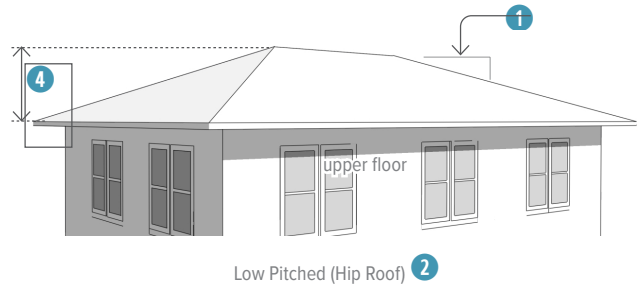
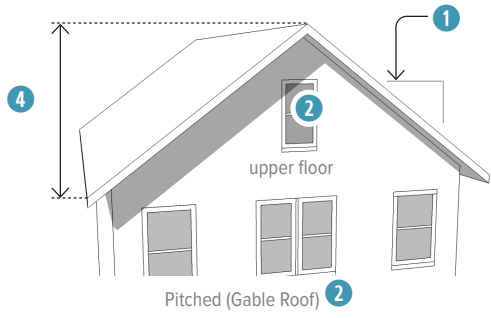
**Figure (16) Example of Porch Entrance**

**Sec. 4.13 Roof Types**

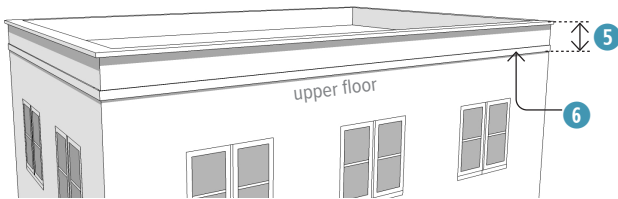
The major components of any roof must meet one of the roof types allowed by the building type per Table XX. The roof design is required where the roof is visible from any street. Roofs for bay or bow windows, entrance canopies, and dormers are not required to meet a cap type. Any combination of allowed roof types is allowed.

**Table IV-6: Roof Type Regulations**

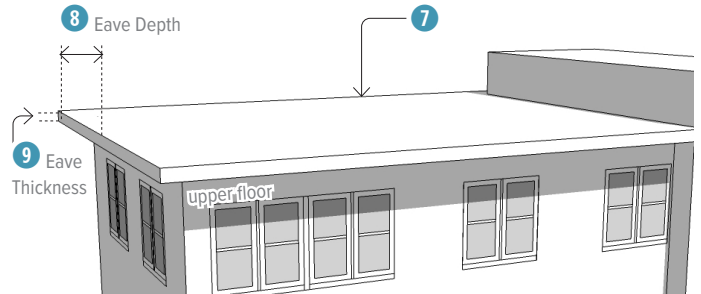
| <b>(1) GENERAL ROOF TYPE REGULATIONS.</b>   |   |
|---|---|
| Other Roof Types  | Other cap types may be approved by major adjustment per <a href="#">Sec. 4.05</a> .   |
| Occupiable Space  | Occupiable space is not allowed in any cap except for pitched roof type and tower.  |
| Terraces, Green Roofs, Rooftop Gardens, Other Similar Outdoor Rooftop Facilities  | Allowed on any roof, unless otherwise stated. Any unenclosed permanently roofed area is a story and when visible from any public way, the cover shall comply with a roof type. The tower may be applied to these outdoor areas.   |
| <b>(2) PITCHED ROOF TYPE. See Figure (17).</b>  |   |
| <b>1</b> Minimum Permitted Pitch (rise:run)<br>Maximum Permitted Pitch (rise:run)   | 6:12 (rise:run); 3:12 allowed above 3 stories<br>16:12  |
| <b>2</b> Permitted Configurations   | Hipped, gabled, and gambrel roofs are allowed. Butterfly roofs (inverted gable roof) and shed roofs are not allowed except by approval of a major adjustment.   |
| <b>3</b> Ridgelines Parallel to Front Facade  | Where the parallel ridgeline longer than 100 feet, a gabled end is required on the front facade and one dormer is required for every 15 feet of parallel ridgeline.   |
| <b>4</b> Maximum Cap Height   | Single story: no more than 1.5 times the height of the upper story<br>2 or more stories: no more than the height of the upper story   |
| <b>(3) PARAPET ROOF TYPE . See Figure (18).</b>   |   |
| <b>5</b> Parapet Height (feet)  | Min. 2; max. 6, measured from the top of the uppermost story to the top of the parapet.   |
| <b>6</b> Horizontal Divisions   | A shadow line must define the parapet from the upper stories of the building and must also define the top of the parapet, for at least 80% of the width of each facade  |
| <b>(4) FLAT ROOF TYPE. See Figure (19).</b>   |   |
| <b>7</b> Configuration  | No visible slope from the street and eaves required on along all street-facing facades.   |
| <b>8</b> Minimum Eave Depth (inches)  | 14, measured from the building facade to the outside edge of the eave   |
| <b>9</b> Minimum Eave Thickness (inches)  | 8, measured at outside edge of the eave, from the bottom to the top of the eave   |
| <b>(5) TOWER. See Figure (20). A tower is a vertical element in addition to the roof type(s) applied to the building.</b> |   |
| <b>7</b> Degree of Enclosure  | A tower occurring on a street facade must be fully enclosed. Any interior building tower may be partially or fully enclosed. A fully open structure, such as a rooftop pergola is not a tower.  |
| <b>8</b> Quantity   | One tower, located within 15 feet of any street facade, is permitted on any building, and one additional tower is allowed, located a minimum of 30 feet from any street facade.   |
| Tower Footprint   | Maximum width in any direction of the footprint of any tower is 1/3 the width of any street or primary facade or 20 feet, whichever is less.  |
| <b>9</b> Maximum Height   | Maximum tower height is the equivalent of the height of one upper floor of the building to which the tower is applied. Height is measured from the top of the uppermost floor of the building to the top of the tower shaft, not including the tower roof.<br><br>A tower allows up to one additional story of height within the tower footprint to any building type where permitted and is not included in the overall maximum height of the building allowed by the building type. |
| <b>9</b> Tower Roof   | The tower must be roofed by a roof type defined in this <a href="#">Sec. 4.13</a> .   |



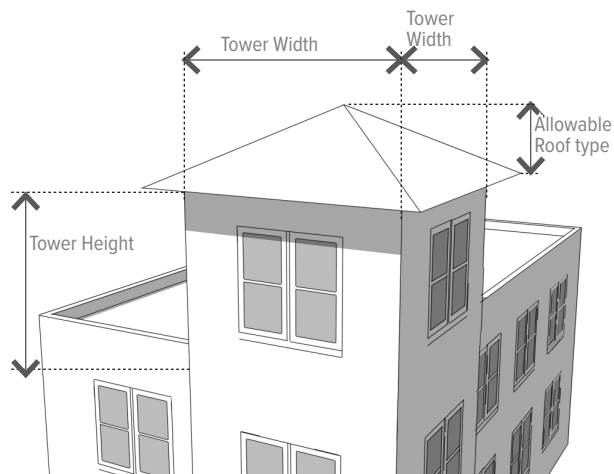
**Figure (17) Pitched Caps**



**Figure (18) Parapet Cap**



**Figure (19) Flat Cap**



**Figure (20) Example of Tower**

## Sec. 4.14 Facade Elements

The regulations of this [Sec. 4.14](#), along with the building type regulations in [Sec. 4.08](#) through [Sec. 4.10](#), are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the small-town scale of the village.

### (A) Windows

Windows on all street and other front facades of all buildings shall be constructed consistent with the following requirements:

- (1) **Amount.** Each building must meet the transparency requirements per the building type regulations. See [Sec. 4.08](#) through [Sec. 4.10](#). Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass.
- (2) **Recessed.** All windows, with the exception of ground story storefront systems and glass curtain wall systems, shall be recessed with the glass a minimum of 2 inch from the masonry facade surfaces material or adjacent trim or 1 inch on other materials.
- (3) **Vertically Oriented.** Street facade windows must be vertically oriented. A series of individually vertically oriented windows abutting to create a bank of windows is acceptable.
- (4) **Visibility Through Glass.** Reflective glass and glass block are prohibited on street and other front facades. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.
- (5) **False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior is prohibited on a front facade. False windows may be approved as a minor adjustment to any non-front street facade; however, do not fulfill any minimum window requirement.

### (B) Removable Awnings and Canopies

Removable awnings and canopies attached to buildings must be constructed consistent with the requirements of this section. See [Figure \(22\)](#) for examples of awnings.

- (1) **Material.** All awnings and removable canopies must be canvas or metal. Plastic awnings are prohibited.
- (2) **Shape.** Dome, waterfall, and convex awnings are not allowed, except with approval of a minor adjustment.
- (3) **Lighting.** Backlighting is allowed only on metal awnings.
- (4) **Structures.** Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or lobby entrances.
- (5) **Canopies and Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this [Subsec. \(B\)](#).
- (6) **Clearance.** All portions of any awning or canopy shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.
- (7) **Signs.** Refer to [Article XI](#) for signs on awnings and canopies.

### (C) Balconies

Balconies on a street or other front facade must be consistent with the requirements of this subsection. See [Figure \(23\)](#) for examples of balconies.

- (1) **Definitions.** For the purpose of this [Subsec. \(C\)](#), the following definitions apply:
  - (a) Balconies include any roofed or unroofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include balconettes, otherwise known as Juliet balconies or false balconies.
  - (b) Balconettes are false balconies, sometimes referred to as Juliet balconies, consisting of a rail and door, either



**Figure (21) Vertically Oriented Windows or Series of Windows**

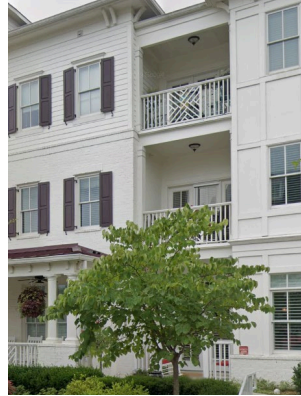


Metal Awning



Canvas Awning

**Figure (22) Examples of Awnings**



Balcony walls abutting at least 50% of the facade.



Stacked balconies with visible support structures.



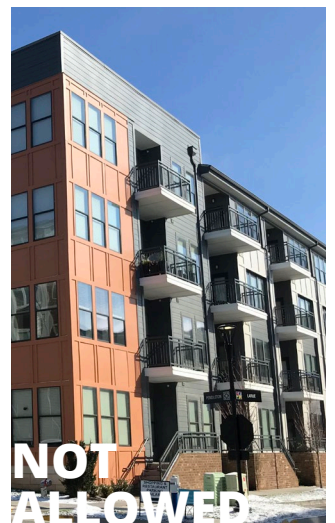
Balcony as an extension of the building, sharing roof structure.



Balconies abutting at least 50% of the facade.



**NOT ALLOWED**  
Balconies: Covers More than Allowed Facade Area



**NOT ALLOWED**  
Balconies: Extending Off (Tacked onto) Facade

**Figure (23) Examples of Balconies**

without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are allowed and not subject to any of the balcony regulations in this subsection.

- (2) Size.** Balconies must be a minimum of 4 feet deep and 5 feet wide.
- (3) Facade Coverage.** A maximum of 35 percent of any street or front facade, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle on the facade elevation around the following: the platform or floor of the balcony; any rails, walls, columns, or indentations; and any ceiling, roof, or upper balcony.
- (4) Integrated Design.** Balconies are intended to be integrated within the design of the facade, avoiding tacking onto or hanging the balconies off the facade. One of the following methods of integrating balconies must be utilized:
  - (a)** A minimum of 50 percent of the perimeter of each balcony abuts an exterior wall of the building, partially enclosing the balcony; or
  - (b)** The balcony is designed as an extension of the building, sharing the roof structure of the abutting portion of the building; or
  - (c)** Two or more balconies stacked with visible, structural supports connecting the stacked balconies; or
  - (d)** A major adjustment is approved for another balcony system achieving the intent.
- (5) Platform.** The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any street or public way shall be finished.
- (6) Front Setback Requirement.** When the balcony meets the integrated design requirement and is located within the front build-to zone of the lot, the portion of the facade behind the balcony is exempt from meeting the maximum build-to zone setback.

#### **(D) Shutters**

When shutters, whether functional or not, are utilized on a street or other front facade of any building type, the shutters shall meet the following requirements. See [Figure \(25\)](#).

- (1) Size.** All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
- (2) Materials.** Shutters must be wood, metal, composite or engineered woods, or fiber cement.

#### **(E) Security Grills & Bars**

- (1)** Exterior bars and security grills are prohibited on any street facade opening.
- (2)** Security grills must be fully retractable and located completely within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

#### **(F) Principal Entryway**

See [Figure \(24\)](#) for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

- (1) Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.
- (2) Porch.** The entryway is through a porch, minimum 5 feet by 8 feet in size. A porch is a raised, permanently roofed structure, transitioning from the public sidewalk into the building.
- (3) Sidelights and Transom.** Sidelights or transom windows are included around the entryway.
- (4) Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.
- (5) Other.** Other methods of articulating the principal entryway may be approved by a major adjustment.

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Inappropriately Scaled Shutters.



Figure (25) Examples of Shutters



Figure (24) Examples of Defined Principal Entryways

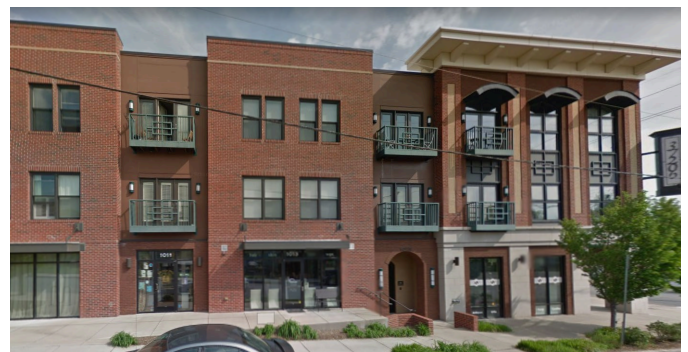


Figure (26) Examples of Building Articulation

**Sec. 4.15 Building Articulation**

See [Figure \(26\)](#) for examples of building facade variety.

- (A) Building Variety.** Street and front facades 120 feet in length or longer must be varied in segments less than or equal to the required vertical division in the building type street facade regulations. Each facade segment must vary by at least one of the following:
  - (1)** The proportion of recesses and projections within the build-to zone;
  - (2)** The location of the entrance and window placement, unless storefronts are utilized;
  - (3)** Roof type, plane, or material, unless otherwise stated in the building requirements;
  - (4)** Building height.
- (B) Articulation of Stories.** Stories must be articulated on street and other front facades per the following:
  - (1) Fenestration.** Fenestration or window placement on street facades must be organized by stories per the building type facade transparency regulations.
  - (2) Shadow Lines.** Minimum shadow lines are required per building type. Additional horizontal shadow lines and lintels over openings may be used to delineate stories.
  - (3) Mezzanines.** Mezzanines that fall within the range of floor-to-floor heights of the building type must be articulated on the facade and require separate calculation for transparency per [Sec. 4.17\(F\)](#) on tall stories.
  - (4) Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type must be articulated as multiple stories on the street facade.

**Sec. 4.16 Mechanical Equipment**

Mechanical and utility equipment and appurtenances are necessary for any building, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical and utility equipment and appurtenances is considered during the design phase of the building and minimized to the extent practicable.

- (A) "Mechanical Equipment" Defined**

When the following regulations refer to "mechanical equipment", any mechanical equipment or utility appurtenance, such as but not limited to HVAC systems, boilers, condensers, transformers, vents, meters, ducts, are being referenced. Solar and wind energy systems are not included.
- (B) Rooftop Mechanical Equipment**

See [Figure \(27\)](#). Any rooftop mechanical equipment must be:

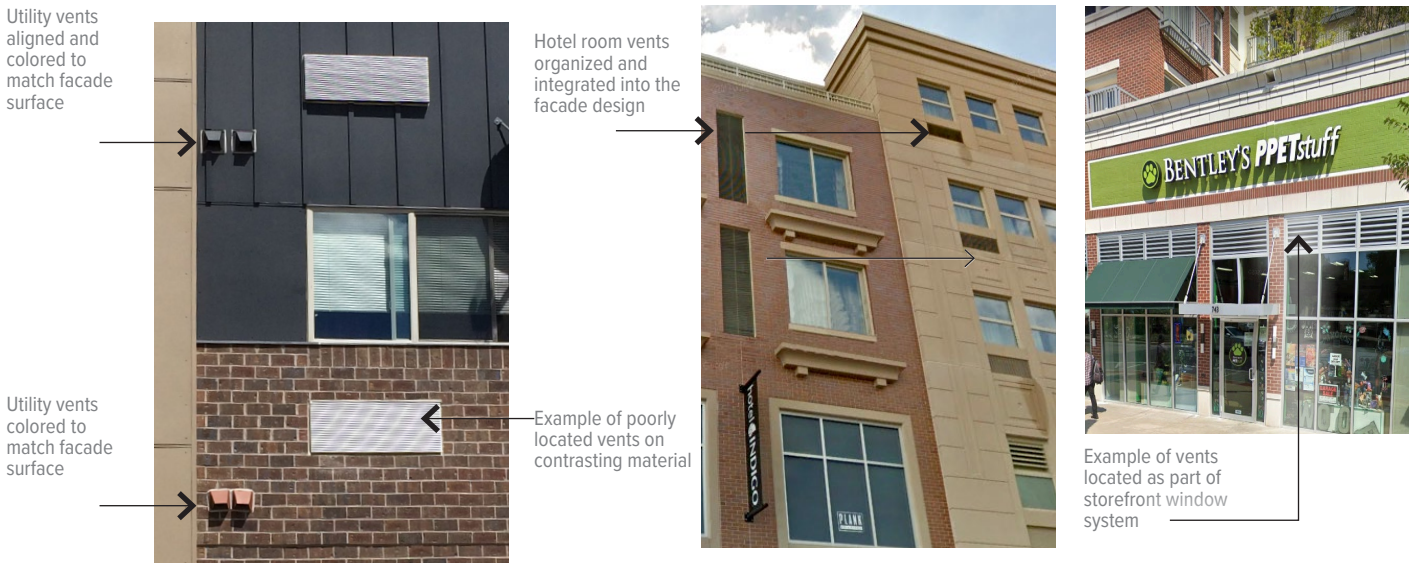
  - (1)** Incorporated into the roof design consistent with the applicable standards of roof types in [Sec. 4.13](#).
  - (2)** Set the equipment back a minimum of 10 feet from any street or public way facade.
  - (3)** Painted to blend with the structural roof and limit its visibility, to the extent practicable.
- (C) Mechanical Equipment on Street Facades**

See [Figure \(28\)](#). Mechanical equipment and utility appurtenances shall not be located on any street facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade shall be located consistent with the following standards:

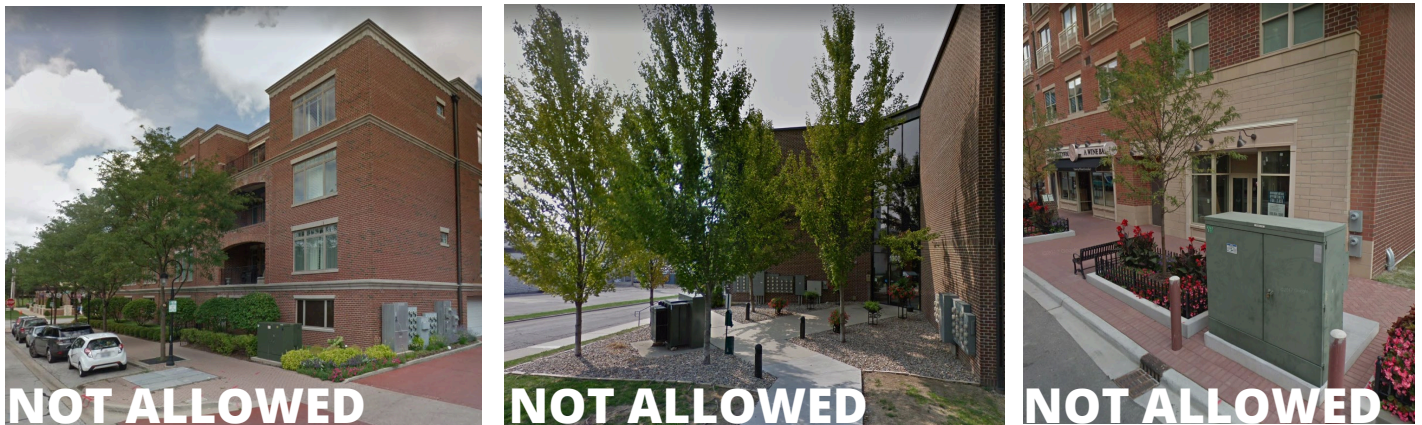
  - (1) Street Facade.** The mechanical equipment may be located on a street facade only if the following requirements are met:
    - (a)** The equipment is located on a surface perpendicular (and not parallel) to the adjacent street. The zoning administrator may approve the location of appurtenances on surfaces parallel to the street if all other requirements of this subsection, [\(C\)](#), are met and no other option is available.



**Figure (27) Rooftop Utilities Screened from the Public Way by a Parapet**



**Figure (28) Utility Appurtenances located on Facades**



**Figure (29) Examples of Poorly Located Utility Appurtenances on Front Streets**

- (b) The equipment extends from the facade surface no more than 3 inches; and
- (c) The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.

- (2) **Air Vents or Grills.** Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.
- (3) **Alignment.** Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on all submitted elevations for village approval.
- (4) **Material Coordination.** To the extent practicable, facade-mounted mechanical appurtenances shall be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

**(D) Mechanical Equipment on Other Horizontal Surfaces**

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof shall be located consistent with the following standards:

- (1) **No Encroachment.** Mechanical equipment shall not extend into any right-of-way or easement, unless otherwise approved by the planning and zoning commission.
- (2) **Allowed Yard Location.** See [Sec. 4.18](#) for definition of yards.
  - (a) **Front (Street) Yard.** Mechanical equipment and appurtenances shall not be located in the front street yard, except when no other option exists, with approval of the zoning administrator, and meeting all regulations of this [Sec. 4.16](#) without additional mechanical equipment location exceptions.
  - (b) **Side Street Yard.** Mechanical equipment may be approved in the side street yard, provided the equipment is screened from the street per the screening requirements of this [Sec. 4.16\(D\)\(3\)](#).
  - (c) **Rear and Side Yard.** Mechanical equipment may be located in any rear or side yard.
- (3) **Screening from streets, open spaces, or civic spaces.** All equipment must be screened from view from any streets, open space, or civic space per the following:
  - (a) Walls for screening must be consistent with the building design, colors, and materials, faced with an allowed major facade material.
  - (b) Where landscaping only is employed, the following must be met:
    - [1] The utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.
    - [2] A single row of evergreen shrubs shall fully screen the equipment within 1 year of installation.
    - [3] The zoning administrator may require additional landscape materials.

**(E) Street Frontage or Front Yard Location**

Equipment located in a street yard or other front yard may be approved only if all of the following are met:

- (1) The applicant demonstrates that the equipment cannot be located in a rear or interior side yard.
- (2) Equipment may be located in a front street yard only if the applicant demonstrates that the equipment cannot be located in a side street yard.
- (3) No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
- (4) The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the required sight vision clearance at intersections.
- (5) The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and

# DRAFT

of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See [Figure \(29\)](#) for examples of poorly located, unscreened equipment on front streets.

**Sec. 4.17 Measurements**

**(A) Minimum Front Streetwall**

The minimum percentage of front streetwall must be equal to or greater than the width of the principal structures, as measured within the front build-to zone, divided by the length of the lot line parallel to the front street, minus the minimum side setbacks. See [Figure \(33\)](#).

$$\frac{\text{Width of Building within Build-to Zone}}{\text{Length Front Lot Line Minus Minimum Side Setbacks}} = \text{Front Streetwall \%}$$

- (1) Height. The streetwall or building facade being measured must meet the minimum height required for the building type.
- (2) Courtyard and Other Allowances. Courtyards and other allowances may be listed in the supplemental regulations for the building type as required or allowed. The length of the courtyard opening or expanded build-to zone may be counted towards front streetwall.

**(B) Maximum Building Width**

The maximum building width is the total measurement along all front facades that are generally parallel and facing the front lot line, measured from the edge of the facade horizontally to the opposite edge of the facade. Courtyard facades facing the front street do not count towards maximum streetwalls.

**(C) Front Build-to Zone**

Front build-to zones are defined by a minimum and a maximum setback generally parallel and measured from the front street lot line or actual right-of-way line. All facades of the building facing that frontage must be located between the minimum and maximum setbacks unless otherwise approved by a minor adjustment.

- (1) Upper-story recessed balcony facades and courtyard facades are not required to be located within the build-to zone.
- (2) See [Sec. 4.06\(F\)](#) for additional information on front streets.
- (3) The building facade within the build-to zone must meet the minimum height required for the building type.

**(D) Minimum Private Outdoor Space**

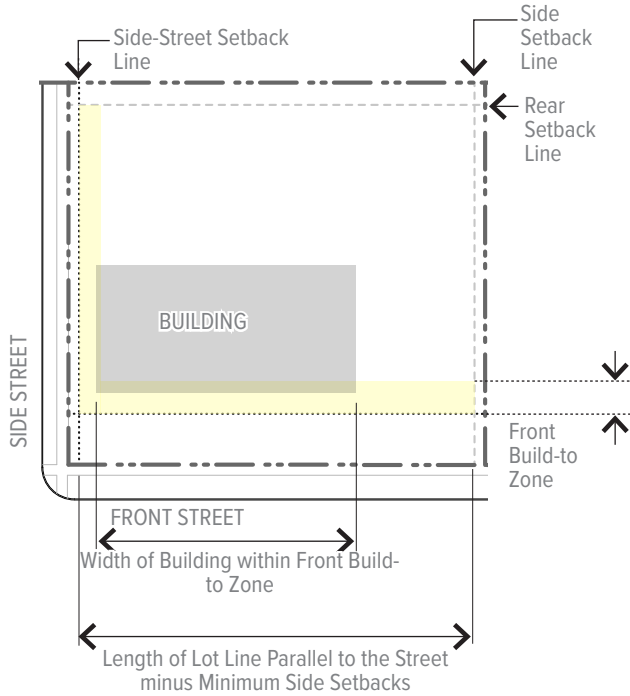
Minimum outdoor private space required per unit must be open air and available specifically for the use of the building occupants. The form of the space must meet one of the following:

- (1) The space must be attached to the unit in the form of a patio, balcony, or terrace, located in any abutting yard, with a minimum dimension of 6 feet in any direction, meeting the minimum total size required by the building type; or
- (2) The space must contribute to a common space for residents only in the form of one or more of the following: a garden, courtyard, roof deck, or terrace; each with a minimum dimension of 10 feet in any direction. The total common space must equal the total required space for all units that do not provide private space attached to the unit. The common space must be accessible and available to all residents of the contributing units.

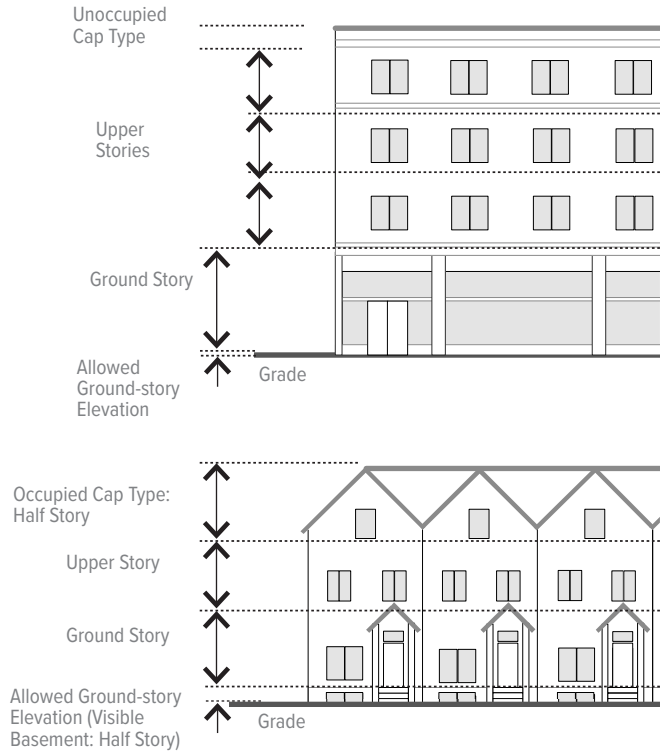
**(E) Building Height in Stories**

See [Figure \(30\)](#). The building height is measured in stories plus any visible basement, exposed basement, and roof type.

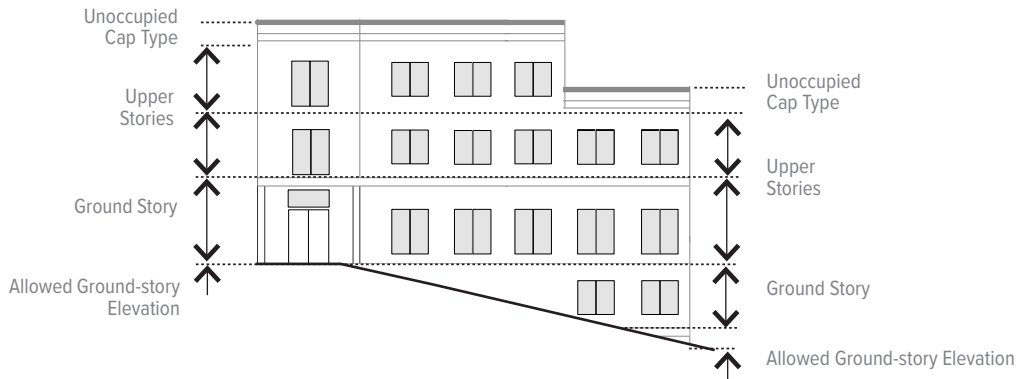
- (1) **Minimum Height.** Each building type requires a minimum number of stories.
  - (a) The building must meet the minimum required height along all front street facades and for a depth of at least 30 feet into the building.
  - (b) All building facades located within the street setbacks must meet the required minimum building height.
- (2) **Maximum Height.** Maximum heights specified in number of stories applies to the entire building.
  - (a) The maximum number of stories may not be exceeded due to sloped sites without an minor adjustment.



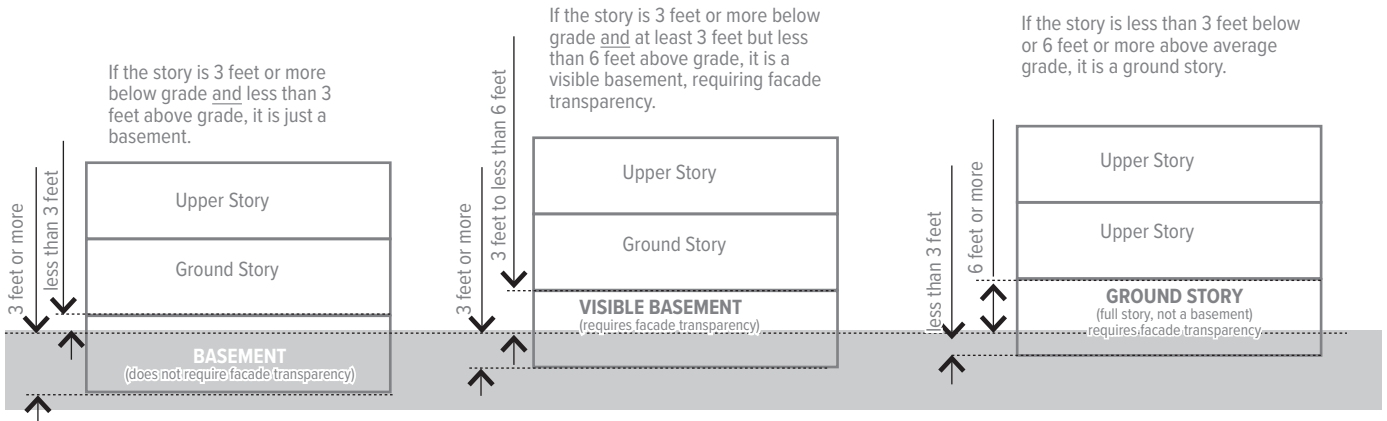
**Figure (33) Measuring Front Streetwall**



**Figure (30) Measuring Building Height**



**Figure (31) Measuring Height along a Sloped Street**



**Figure (32) Basements & Visible Basements**

(b) Heights must step with the grade in order to not exceed the maximum allowable height. See [Figure \(31\)](#).

**(3) Roof Type.** Roof types are allowed by building type regulations (see [Sec. 4.13](#)).

**(4) Half Stories.** Half stories are stories either located fully within the roof type or in a visible basement.

(a) Roof. Occupied building space is allowed within the pitched roof type, any space within the roof and within the floor to floor height of the building type counts as a half story towards the overall allowable height.

(b) Visible Basement. See [Figure \(32\)](#) for diagram and explanation of a visible basement.

(c) Two Half Stories. If a building has both a half story within the roof and a half story that is a visible basement, the combined height of the 2 half stories is considered one full story.

**(5) Basements.** See [Figure \(32\)](#) for illustration of basements. See [Sec. 4.18](#) for definitions of basements and visible basements.

(a) Any building may have a basement, unless expressly prohibited in this ordinance.

(b) Visible basements count as a half story towards the minimum or maximum height of a building. Basements that are not visible basements do not count as a half story.

(c) A basement may contain any use allowed within the building, including those allowed only in upper stories.

**(6) Story Height.** Each story is measured with a range of permitted floor-to-floor heights. See [Figure \(30\)](#).

(a) Measurement. All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required along a minimum of 80% of each facade's horizontal length for each story.

(b) Ground Story. When noted as a separate story height, the ground-story height must extend from the front street facade into the building a minimum of 20 feet. The remainder of the ground-story may meet either the front street frontage ground-story heights or the height range permitted for all stories.

(c) Single-Story Buildings and Top-Story Measurement. For single-story buildings and the uppermost story of a multi-story building, the floor-to-floor height is measured from the floor of the story to the ceiling, unless a specific height is provided for a single-story building.

(d) Mezzanines. Mezzanines may be included within the allowed floor-to-floor height of any story. Mezzanines occupying more than 30% of the floor area below and extending above the story's allowable floor-to-floor height must count as an additional story and must comply with minimum transparency requirements for the subject building type.

(e) Taller Spaces. Spaces exceeding the allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of street facades.

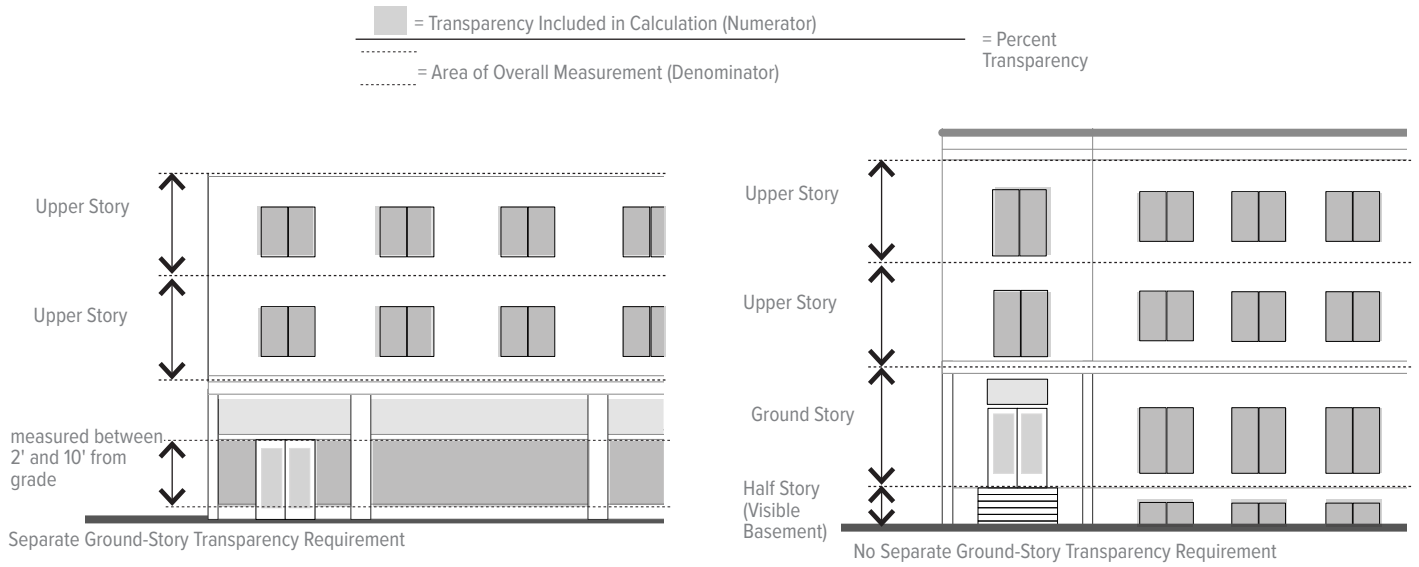
**(F) Transparency**

Transparency is the measurement of the percentage of a facade that windows and doors with highly transparent, low-reflectance glass. Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.

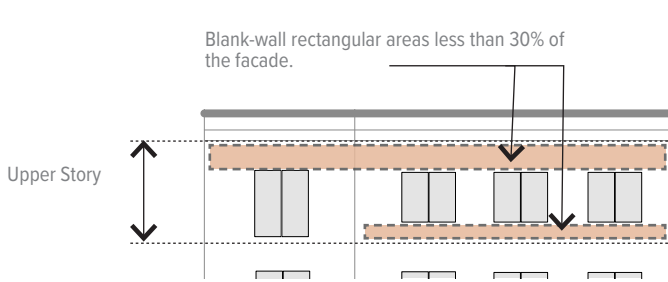
**(1) False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.

**(2) Measurement.** See [Figure \(34\)](#). Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below.

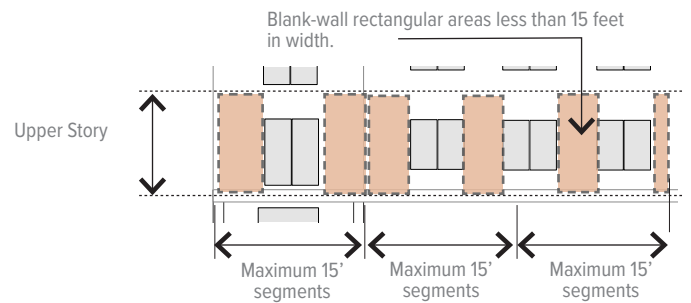
(a) Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.



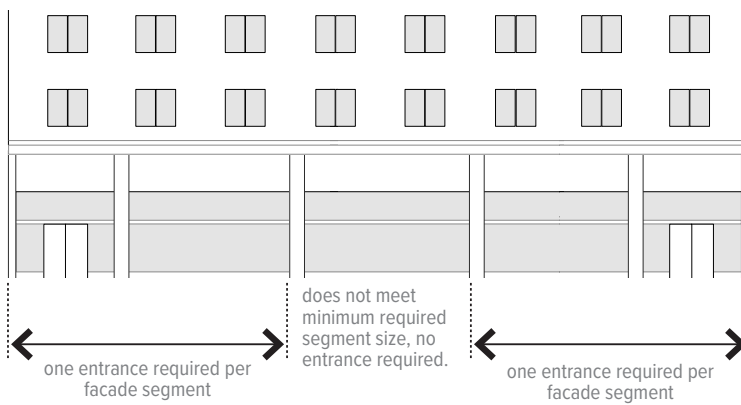
**Figure (34) Measuring Transparency Floor-to-Floor**



**Figure (35) Blank-Wall Segments (1)**



**Figure (36) Blank-Wall Segments (2)**



**Figure (37) Entrances**

- (b) The measurement may include the frame, mullions, and muntins, but may not include trim or casing.
- (3) **Blank Wall Segments.** Where applicable per the building type regulations, blank wall segments on all facades must meet the following:

  - (a) No rectangular areas greater than 30% of a story's facade, as measured floor to floor, may be blank wall, without transparency. See [Figure \(35\)](#).
  - (b) No horizontal segments of a story's facade greater than 15 feet in width may be blank wall, without transparency. See [Figure \(36\)](#).
- (4) **Minimum Ground-Story Transparency.** When a separate minimum ground-story transparency is required per the building type regulations, ground-story transparency is measured between 2 feet and 10 feet from the average grade at the base of the facade.
- (5) **Mezzanines.** Mezzanines are treated as a separate story and must include the required upper-story transparency amounts.
- (6) **Half Stories.** All half story facades located within the roof structure and within visible basements must meet the minimum required transparency for the facade.
- (G) **Building Entrances**  
Entrances must be provided consistent with the entrance location and number requirements established for the building type and consistent with [Figure \(37\)](#).

# DRAFT

## Sec. 4.18 Definitions

The following definitions apply.

**BASEMENT.** That portion of a building having more than 3 feet of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of 7.5 feet or more. See [Figure \(32\)](#).

**BASEMENT, VISIBLE.** A basement having more than 3 feet of its floor-to-ceiling height above the average finished grade of the adjoining ground. See [Figure \(32\)](#).

**COURTYARD.** A courtyard is any open air, uncovered landscape, sidewalk, terrace, and/or deck area, enclosed on at least 2 sides and with a maximum opening of 50% of any street facade.

**FACADE, NON-FRONT.** A building facade generally parallel to and facing the right-of-way line along a non-front or side street. Also called a side-street facade.

**FACADE, FRONT.** A building facade generally parallel and facing the right-of-way line along a front street.

**FACADE, REAR.** Any facade of a building generally parallel to and facing the rear lot line.

**FACADE, SIDE-STREET.** Any facade of a building generally parallel to and facing a side street lot line.

**FACADE, (INTERIOR) SIDE.** Any facade of a building generally parallel to and facing an interior side lot line.

**FACADE, STREET.** Any facade of a building generally parallel to and facing any street right-of-way and including bays or minor walls perpendicular to the facade. A street facade may be a front or side-street facade, depending on whether it is facing a front or side street, respectively.

**FRONTAGE, STREET.** The portion of a lot or building abutting or directly adjacent to a street right-of-way.

**OCCUPIED BUILDING SPACE.** Interior building space occupiable by people, not including storage, mechanical, utility, or garage or parking space.

**SHADOW LINE.** An architectural feature consisting of a typically decorative, 3-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.5 inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the length or height of the designated story. Examples may include cast stone cornices or lintels, pilasters, or stepped brick coursing.

**STORY, GROUND.** Also called ground floor. The story closest to the ground level that does not meet the definition of a basement.

**STORY, HALF.** See measuring of building height, [Figure \(30\)](#).

**STORY, UPPER.** Any story that is above the ground story.

**STREET LOT LINE.** A line dividing a lot from a public right-of-way.

For the purposes of the downtown districts, all "yard" definitions are as follows:

**YARD.** An actual (as opposed to "required") open, unoccupied space that exists on a lot between a building and a lot line.

**YARD, INTERIOR.** On lots with multiple buildings, a yard between any buildings that does not abut any lot line.

**YARD, SIDE-STREET.** A street yard extending between the principal building and a non-front or side street right-of-way and lying between the front yard and the rear lot line.

**YARD, FRONT.** A street yard extending along the full width of the lot and lying between the principal building and a front street right-of-way.

**YARD, REAR.** A yard extending along the full width of the lot, except any street yard, and lying between the rear of the principal building and the rear lot line.

**YARD, (INTERIOR) SIDE.** A yard extending from the front yard to the rear yard and lying between the side of the principal building and the side lot line.

**YARD, STREET.** Any yard between the principal building and a street right-of-way.



**Village of Westmont**  
**Zoning Ordinance Update**  
CDC Briefing No. 2 May 2024

# DOWNTOWN ZONING

## New approach recommended in **Comprehensive Plan** and **Downtown Design Guidelines**

## Downtown Design Guidelines

### DOWNTOWN CORE

The Downtown Core includes Cass Avenue from Irving Street to Richmond Street, as well as small segments of Burlington Avenue and Quincy Street. This is the most intact traditional portion of the Village center, and development in this area should strive to restore and/or support the unique historic character of the community.

### DOWNTOWN EDGE

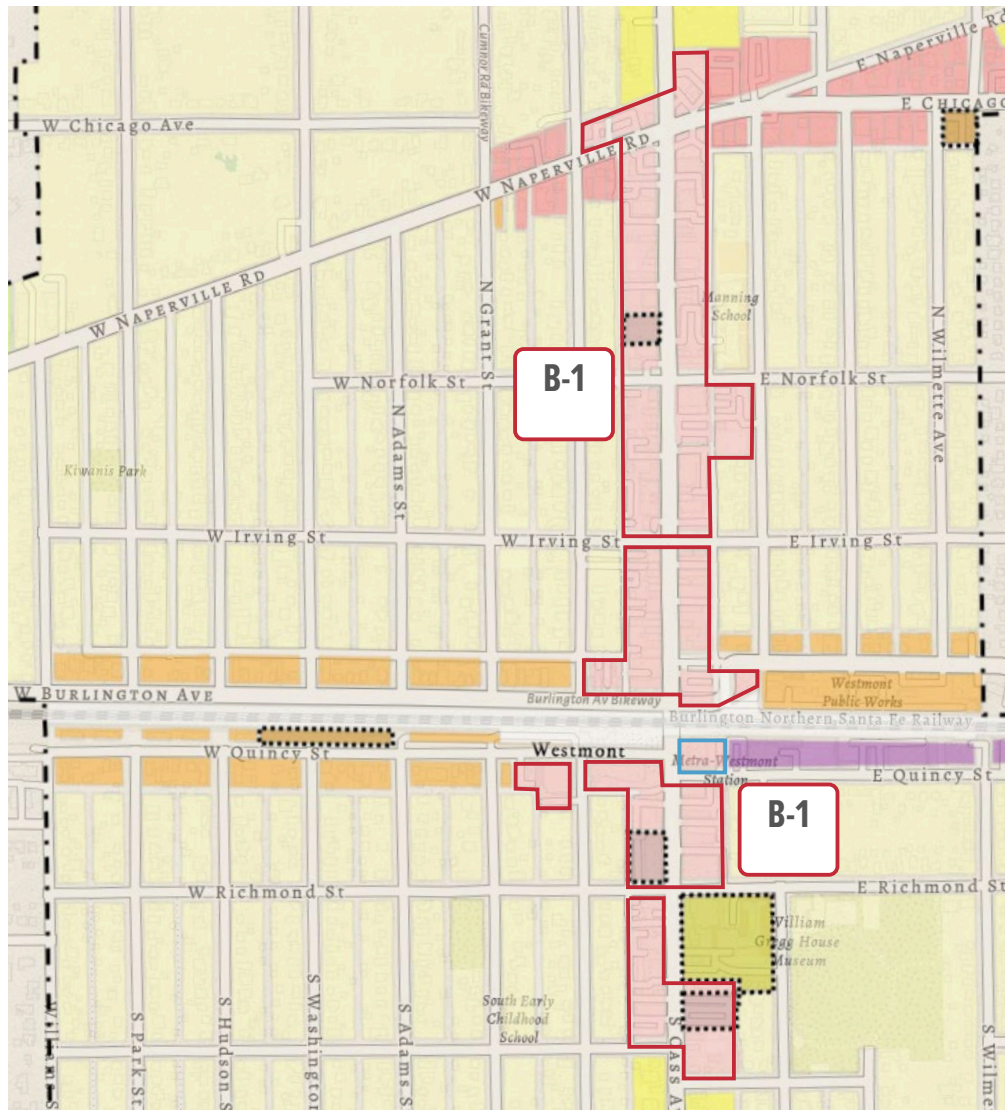
The Downtown Edge includes development extending beyond the Downtown Core on Cass Avenue, Burlington Avenue, and Quincy Street. In these areas, development may transition to and reflect the character of adjacent residential areas, while remaining compatible with the Downtown Core.



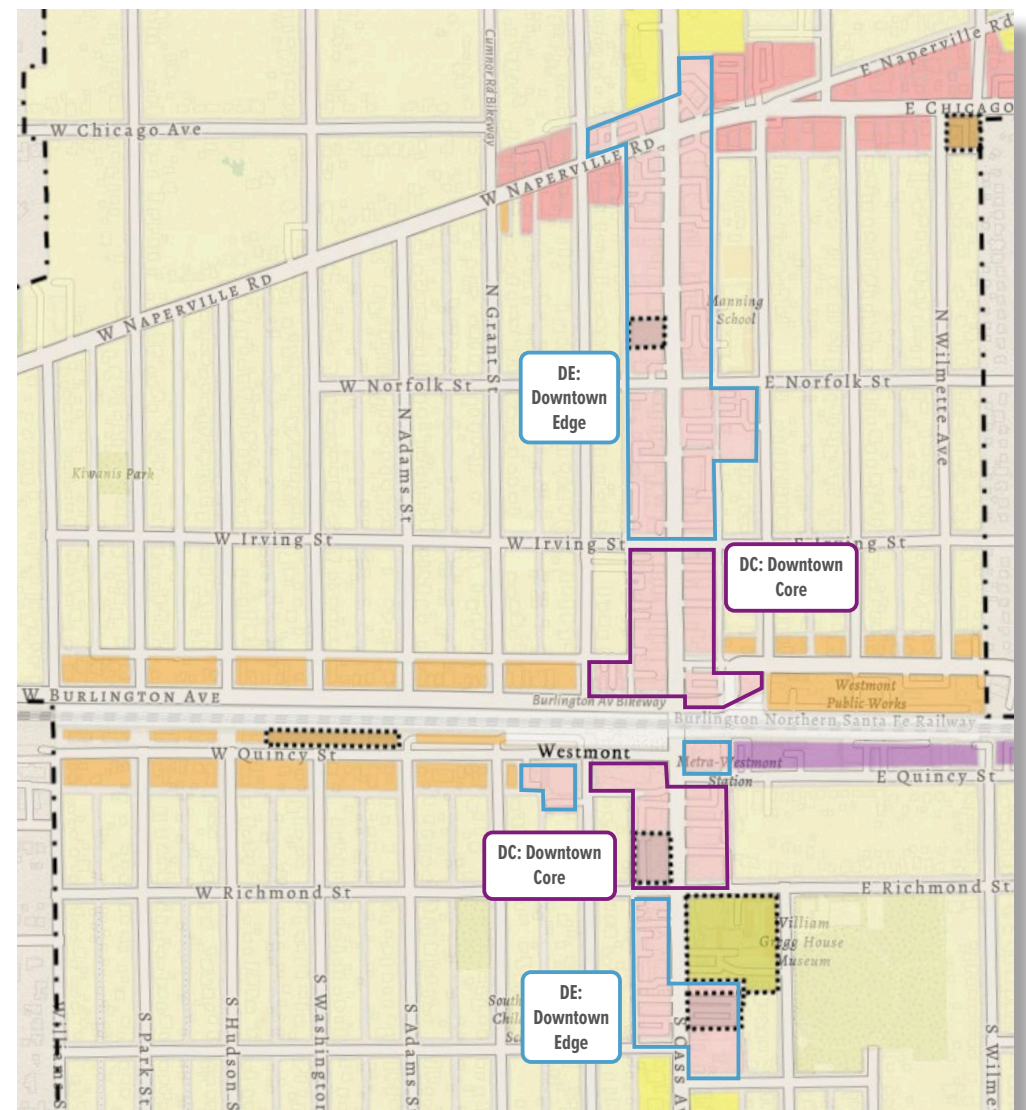
# DOWNTOWN ZONING

New Downtown Core (DC) and Downtown Edge (DE) zoning would replace B-1

## Existing Zoning



## Proposed Zoning\*



Preliminary boundaries\*

# DOWNTOWN ZONING

Table IV-2: Allowed Building Types by District

| Building Types      | ZONING DISTRICT |    |    | Reference                 |
|---------------------|-----------------|----|----|---------------------------|
|                     | DC              | DE | DR |                           |
| Storefront Building | P               | P  | –  | <a href="#">Sec. 4.08</a> |
| General Building    | –               | P  | P  | <a href="#">Sec. 4.09</a> |
| Row Building        | –               | –  | P  | <a href="#">Sec. 4.10</a> |

**KEY:** P = Permitted

## Storefront Building



## General Building



# DOWNTOWN ZONING

## Regulations vary by building type and zoning district

### Sec. 4.08 Storefront Buildings

#### (A) Description

The Storefront Building is a mixed-use building intended for shopping and dining districts. Oriented to the street with narrow or no side setbacks, this building's streetwalls help define the public space of the street, and ground-story storefront glass and entrances along the sidewalk make these buildings interesting and inviting to pedestrians. Parking is located in the rear accessed off alleys.

#### (B) Images

The images shown in Figure (2) are intended to illustrate the general character of the building type; the buildings and sites in each image may not fulfill all of the building type regulations.

#### (C) Building Regulations

(1) **General Regulations.** See [Sec. 4.07](#) for regulations applicable to all building types, including designation of front streets, parking and loading, and to the regulations.

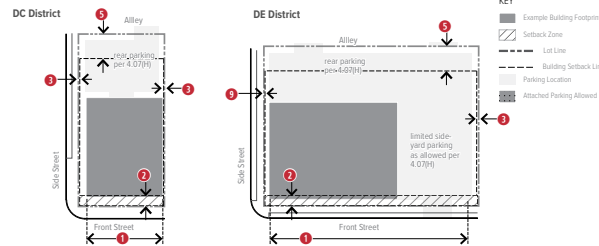
(2) **Regulations Specific to this Building Type.** The following tables and illustrations regulate this specific building type. See [Sec. 4.05](#) for adjustments to these regulations.

(3) **Measurements & Definitions.** See [Sec. 4.17](#) for measuring regulations and definitions.



Figure (2) Examples of Storefront Buildings

Figure (3) Storefront Building Siting



|  | DISTRICTS  |        | Additional/References  |
|--|--|--------|--|
|  | DC   | DE     |  |
| <b>(D) BUILDING SITING.</b> See Figure (3)                                   |  |        |  |
| 1 Minimum Front Streetwall (%)   | 90   | 90     |  |
|  | See 4.07(6) for allowances for courtyards abutting the build-to zone.                                    |        |  |
| 2 Front Street Build-to Zone (ft.), minimum to maximum                       | 0 to 5   | 0 to 5 |  |
| 3 Minimum Side-Street Setback (ft.)  | 0  | 0      |  |
| 4 Minimum Side Setback (ft.)   | 0 or, if set back at all: 5; if adjacent to an R district: 5   |        | Buffer required adjacent to R districts per XXX.                                     |
| 5 Minimum Rear Setback (ft.)   | 20   |        |  |
| Minimum Private Outdoor Space <sup>1</sup>                                   | 50 sq. ft. per residential unit  |        |  |
| <b>(E) HEIGHT.</b> See Figure (4)  |  |        |  |
| 6 Height (stories)   | minimum  | 2      | Stories measured floor to floor. See <a href="#">Sec. 4.17</a> for measuring height. |
|  | maximum  | 5      |  |
| 7 Ground-Story Height (ft.)  | minimum  | 12     |  |
|  | maximum  | 16     |  |
| 8 Upper-Story Height (ft.)   | minimum  | 8.5    |  |
|  | maximum  | 11     |  |
| 9 Top Story Set-Back on Buildings Over 3 Stories & 100 Feet or More in Width | At least 35% of the top story of the street facade must be set back a minimum of 7 feet from the facade. |        |  |

<sup>1</sup> Open air space either attached to the unit in the form of a patio or balcony, or common space for residents only in the form of a garden, courtyard, roof deck, terrace.

Figure (4) Storefront Building Height

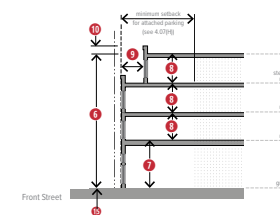


Figure (5) Storefront Building Street Facades

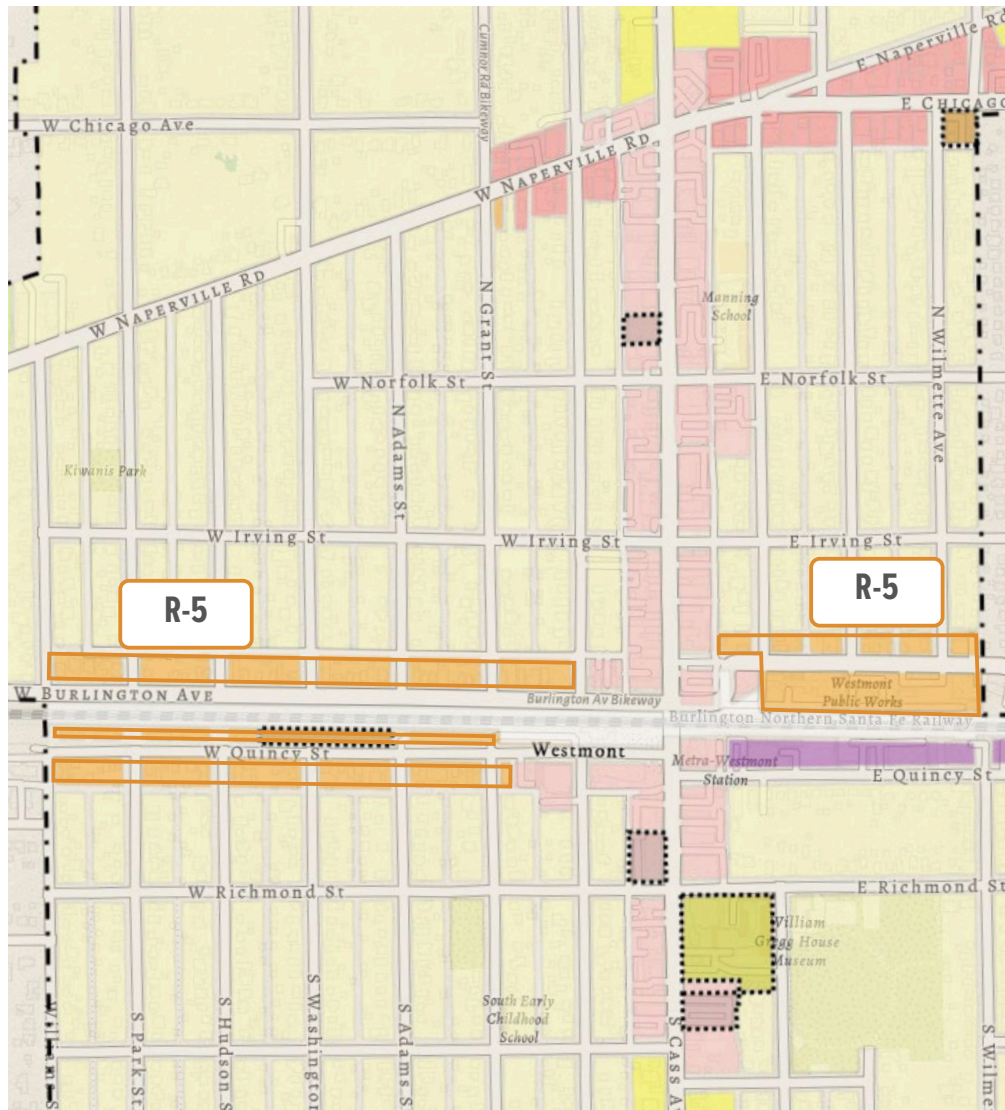


|   | DISTRICTS   |                                       | Additional/References  |
|---|---|---------------------------------------|--|
|   | DC  | DE                                    |  |
| <b>(F) ROOFS.</b> See Figure (4)  |   |                                       |  |
| 10 Allowed Roof Types   | Flat, parapet   | Flat, parapet, pitched; tower allowed | See <a href="#">Sec. 4.13</a> for roof types and tower regulations.  |
| <b>(G) STREET FACADES.</b> See Figure (5)   |   |                                       |  |
| 11 Minimum Transparency: Ground Story on Front Facades (%)  | 70  | 60.                                   | See <a href="#">Sec. 4.17</a> for measuring transparency. Blank-wall segments apply.   |
|   | No bays, 15 ft. wide sections, or any rectangular areas greater than 30% of a story's front facade may be without transparency              |                                       |  |
|   | Ground-story transparency must extend min. 30 ft. around the corner down any street-side facades  |                                       |  |
| 12 Minimum Transparency: Upper Stories on Front Facades and All Stories on Side-Street Facades(%) | 20  |                                       | Measured per story, includes any half stories, visible basement, or towers with full height stories. See <a href="#">Sec. 4.17</a> for measuring transparency. |
|   | No bays or 15 ft. wide sections or any rectangular areas greater than 30% of a story's facade on a front facade may be without transparency |                                       |  |
| 13 Building Entrance Location   | One per every 60 feet of front facade   |                                       | See <a href="#">Sec. 4.17</a> for measuring building entrance location.  |
| 14 Entrance Type  | Storefront  |                                       | See <a href="#">Sec. 4.12</a> for entrance types.  |
| 15 Ground-Story Elevation (in.)   | Between 0 and 24 of abutting public sidewalk elevation  |                                       |  |
| 16 Horizontal Divisions with Shadow Lines   | Within 3 ft. of the top of the first story  |                                       | Horizontal shadow lines to run a min. 80% of length of facade. See <a href="#">Sec. 4.18</a> for definition of shadow lines.                                   |
| 17 Vertical Divisions with Shadow Lines   | One per every 60 ft. of ground-story street facade  |                                       |  |

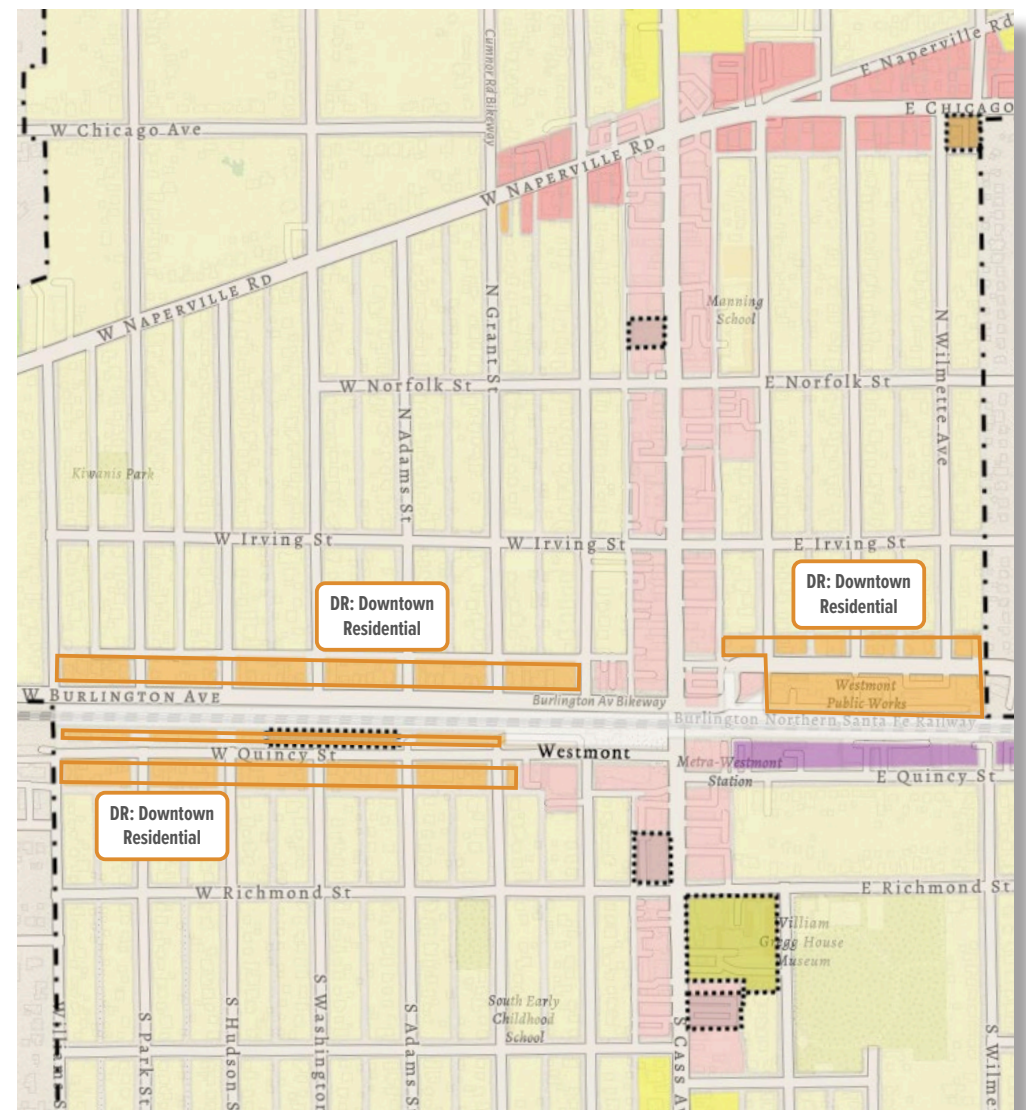
# DOWNTOWN ZONING

New Downtown Residential (DR) zoning would replace R-5 in station area

## Existing Zoning



## Proposed Zoning\*



Preliminary boundaries\*

# DOWNTOWN ZONING

Table IV-2: Allowed Building Types by District

| Building Types      | ZONING DISTRICT |    |    | Reference                 |
|---------------------|-----------------|----|----|---------------------------|
|                     | DC              | DE | DR |                           |
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| General Building    | –               | P  | P  | <a href="#">Sec. 4.09</a> |
| Row Building        | –               | –  | P  | <a href="#">Sec. 4.10</a> |

KEY: P = Permitted

## Row Building



# DOWNTOWN ZONING

- **Replaces sometimes vague guidelines with clear, objective standards**
- **Builds on existing positive characteristics**
- **Updates “bulk” regulations to promote walkable, mixed-use development and recognize existing built patterns**
- **Eliminates “development permit” requirement**

## Existing Design “Guideline” Criteria

“Adequate relationship” between structures and land uses

“Adequate space, light, air, use and bulk limitations”

Avoidance of “substantial injury to the value of other property”

Protection of “aesthetics and function of the natural environment”

# DOWNTOWN ZONING

**“Adjustments” to Downtown zoning regulations may be approved during the site plan review process**

## **Minor Adjustments (staff level)**

- Increase or decrease of dimensional standards by up to 10%
- Any other minor adjustments expressly authorized in ordinance

## **Major Adjustments (PZC + BoT)**

Major adjustments are expressly identified ordinance

Intended to authorize the granting of relief from strict compliance with certain design-related regulations in the following instances:

- Specific building or site characteristics, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable; or
- When an alternative design would result in equal or better implementation of the regulation’s intended purpose and consistency with the comprehensive plan and any other adopted plans for the area.



## Village of Westmont COMMUNITY DEVELOPMENT

31 West Quincy Street, Westmont, Illinois 60559

cd@westmont.il.gov | 630-981-6250  
westmont.illinois.gov | 630-981-6200

**TO:** Community Development Committee  
**FROM:** Joseph Hennerfeind, AICP, Community Development Director  
**DATE:** May 30, 2024  
**RE:** **DISCUSSION: Downtown Incentive Program (DIP) FY25(A)**

### **Downtown Incentive Program (DIP)**

- In the FY25(A) eight month budget, a total of \$190,000 has been allocated to the program, with the following breakdown:
  - \$40,000 of carryover from the FY2024 program for grant awards that have not yet requested reimbursement; and
  - \$150,000 for new applications
- With each budget cycle, the Board can elect which funding tiers are appropriate and have the ability to adjust the percentage of grant match for certain eligible activities if certain improvements want to be targeted.
- As a refresher, the Tiers are defined as follows:
  - Tier 1 - minimum projects of \$5,000; grants up to \$20,000
  - Tier 2 - minimum projects of \$25,000; grants up to \$50,000
  - Tier 3 - minimum projects of \$50,000; grants up to \$100,000
- For FY25(A), staff forwards the following recommendations for discussion:
  - Funded Tiers for FY25(A)
    - Tier 1: \$50,000  
For reference, three Tier 1 projects were approved in FY24 and totalled \$35,104. This indicates that FY25(A) will fund 3-5 new projects based on project averages.
    - Tier 2: \$100,000  
Previously unfunded, a maximum grant amount of \$50,000 indicates a maximum of two projects could be funded.
    - Tier 3: \$0.00 (unfunded)
  - Funding Cycles
    - Tier 1: Open funding cycle.  
An open funding cycle allows for applications to be received, reviewed, recommended, and approved in the order received. The advantage of an open funding cycle is that awards can be done timely as applications are made.
    - Tier 2:  
With a high grant award and limited funds, Tier 2 is recommended to have a prescribed application window. Applications will be received for a period of time, and reviewed together. Each project will be scored (ranked) and presented to the Board. Highest scoring projects will receive awards in the event funding requests exceed available budgeted amounts.

- Application Schedules
  - Tier 1: Applications open July 1, 2024 through the end of the FY25(A) budget.
  - Tier 2: Applications accepted from July 1 to September 3, 2024. If funding remains, applications will continue to be accepted through the end of the FY25(A) budget.
- Tier Flexibility:
  - In an effort to provide the most benefit and expend annual funds, any remaining fund in the DIP program may be redistributed after October 1, 2024.
  - For example, if \$13,000 remains in the carryover budget, \$25,000 remains in the Tier 1 budget, and Tier 2 funds have been exhausted, staff may forward additional Tier 2 projects for consideration.
  - The Board may consider any unfunded Tier 2 application for Tier 1 funding if funds are available.
- Targets:
  - No modifications to the listed targets are proposed, but can be considered if warranted.
- Approval Procedures
  - The Board may make conditional awards to any project that must obtain approval by the Planning and Zoning Commission, subject to project revisions in compliance with any corresponding entitlement approval (Site Plan, Variations, Special Uses, etc.).
  - Conditional approval shall include a reasonable approval expiration to complete the entitlement process.

# DRAFT RECOMMENDATIONS

## DOWNTOWN INCENTIVE PROGRAM (“DIP”) ANNUAL BUDGET AND ACTIVITY TARGETS FY25(A)

### **FY25(A):**

The funding cycle for the FY25(A) DIP shall run from the date of this ordinance adoption to the end of the fiscal year, December 31, 2024.

**BUDGETED TIER FUNDING:** Total Budgeted \$190,000.00

Budgeted funding is established for the FY25(A) DIP as follows:

Carry Over: \$40,000.00 (awarded projects from 2024 awaiting completion)

Tier 1: \$50,000.00

Tier 2: \$100,000.00

Tier 3: \$0.00 (unfunded)

### **GRANT FUNDING CYCLE:**

Tier 1: Open funding cycle on a first come, first served basis provided funds are available.

Tier 2: A prescribed application period will be used for initial funding, with an open funding cycle following initial awards.

### **APPLICATION SCHEDULE:**

Both Tier 1 and Tier 2 applications will be accepted after a period of advertisement and promotion of the program, which is anticipated to be no later than July 1, 2024.

Tier 1 applications can be processed immediately; Tier 2 applications will have a published deadline for consideration, which will occur no earlier than September 3, 2024.

### **APPROVAL PROCEDURES:**

Approval procedures will generally follow those as described in the DIP Manual. Qualified Tier 1 applications will be forwarded for consideration by the Board in the order received; Qualified Tier 2 applications received by the initial application deadline will be presented to the Board as a group with a corresponding score. After this initial cycle, any remaining Tier 2 funds may be awarded on a first come, first served basis.

### **TIER AND FUNDING FLEXIBILITY:**

In an effort to provide the most benefit and expend annual funds, any remaining funds in the DIP program may be redistributed after October 1, 2024.

The Board may consider any unfunded Tier 2 application for Tier 1 funding if funds are available.

## DRAFT RECOMMENDATIONS

### TIER 1 PROGRAM PARAMETERS:

| <b>TIER 1</b>               |          |                       |  |
|-----------------------------|----------|-----------------------|--|
| Min Project Total Cost      | \$5,000  | (combined activities) |  |
| Max Grant (per application) | \$20,000 |                       |  |
| Repayment/Clawback          | None     |                       |  |

| <b>Funded Activities</b> | <b>Type</b>                  | <b>% Base Funded</b> | <b>% Cap Match*</b> |
|--------------------------|------------------------------|----------------------|---------------------|
| Facade Improvements      | Any                          | 20%                  | 50%                 |
| Signage                  | Any                          | 10%                  | 30%                 |
| ADA (exterior)           | Exterior Entry Accessibility | 25%                  |                     |
| Fire Life Safety         | Any                          | 25%                  | 50%                 |

| <b>Incentive Bonus *</b> | <b>Type</b>  | <b>Add % Match</b> |
|--------------------------|--|--------------------|
| Facade Improvements      | Exterior Lighting  | 5%                 |
|                          | Brick / Stone  | 10%                |
|                          | Architectural Detailing<br>(improvements that contribute to a creative design, and higher quality interest in the building façade) | 15%                |
| Signage                  | Backlit Wall   | 10%                |
|                          | Projecting   | 10%                |
| Fire Life Safety         | Water Line / East Side of Cass   | 25%                |

\* To achieve the maximum percentage match, the applicant would need to apply for all incentive bonuses. For example, for a façade improvement the maximum grant is 20% of project cost. With all bonuses applied for, the maximum grant will be increased to 50% of the project costs.

## DRAFT RECOMMENDATIONS

### TIER 2 PROGRAM PARAMETERS:

| <b>TIER 2</b>               |          |                       |
|-----------------------------|----------|-----------------------|
| Min Project Total Cost      | \$25,000 | (combined activities) |
| Max Grant (per application) | \$50,000 |                       |
| Repayment/Clawback          | None     |                       |

| <b>Funded Activities</b> | <b>Type</b>                  | <b>% Base Funded</b> | <b>% Cap Match*</b> |
|--------------------------|------------------------------|----------------------|---------------------|
| Facade Improvements      | Any                          | 20%                  | 50%                 |
| Signage                  | Any                          | 10%                  | 30%                 |
| ADA (exterior)           | Exterior Entry Accessibility | 25%                  |                     |
| Fire Life Safety         | Any                          | 35%                  | 50%                 |
| ADA (interior)           | Bathrooms                    | 20%                  |                     |
| Code Compliance Update   | Electric / Plumbing          | 10%                  |                     |
| Parking Lot              | Any                          | 20%                  | 50%                 |
| Stormwater               | Best Management Practices    | 50%                  |                     |

| <b>Incentive Bonus *</b> | <b>Type</b>  | <b>Add % Match</b> |
|--------------------------|--|--------------------|
| Facade Improvements      | Exterior Lighting  | 5%                 |
|                          | Brick / Stone  | 10%                |
|                          | Architectural Detailing<br>(improvements that contribute to a creative design, and higher quality interest in the building façade) | 15%                |
| Signage                  | Backlit Wall   | 10%                |
|                          | Projecting   | 10%                |
| Fire Life Safety         | Water Line / East Side of Cass   | 15%                |
| Parking Lot              | Landscape Areas  | 10%                |
|                          | Lighting   | 10%                |
|                          | Screening  | 10%                |

\* To achieve the maximum percentage match, the applicant would need to apply for all incentive bonuses. For example, for a façade improvement the maximum grant is 20% of project cost. With all bonuses applied for, the maximum grant will be increased to 50% of the project costs.

## DRAFT RECOMMENDATIONS

### Sample Tier 1 Scorecard

| PROJECT SCORE  |                           |                          |                            |
|--|---------------------------|--------------------------|----------------------------|
| <b>BUSINESS TYPE</b>   |                           |                          |                            |
| New Restaurant / Retail  | 5                         | <input type="checkbox"/> | <b>CHECK ONE</b>           |
| Restaurant / Retail Retention  | 4                         | <input type="checkbox"/> |                            |
| Vanilla Box Vacant Space   | 3                         | <input type="checkbox"/> |                            |
| Office   | 2                         | <input type="checkbox"/> |                            |
| Service  | 2                         | <input type="checkbox"/> |                            |
| <i>Fills historically vacant space<br/>(vacant more than 1 year)</i>             | 1<br><small>BONUS</small> | <input type="checkbox"/> |                            |
| <b>BUSINESS TYPE SUBTOTAL</b>  |                           |                          |                            |
| <b>CORE ACTIVITIES</b>   |                           |                          |                            |
| Facade Improvements  | 5                         | <input type="checkbox"/> | <b>MARK ALL APPLICABLE</b> |
| <i>Exterior Lighting*</i>  | 0.5                       | <input type="checkbox"/> |                            |
| <i>Brick / Stone*</i>  | 1                         | <input type="checkbox"/> |                            |
| <i>Architectural Detailing*</i>  | 1.5                       | <input type="checkbox"/> |                            |
| Fire Life Safety   | 4                         | <input type="checkbox"/> |                            |
| <i>Includes water line installation to<br/>east side of Cass*</i>                | 1                         | <input type="checkbox"/> |                            |
| ADA  | 3                         | <input type="checkbox"/> |                            |
| <b>CORE ACTIVITIES SUBTOTAL</b>  |                           |                          |                            |
| <i>add subtotals</i>   |                           |                          |                            |
| <b>PROJECT SCORE TOTAL</b>   |                           |                          |                            |
| <small>*Incentive activities must be verified to meet minimum standards.</small> |                           |                          |                            |