

# ARTICLE 9. BUSINESS DISTRICTS

CURRENT CODE	REORGANIZED CODE PROVISIONS
§5-101	<p><b>9.1 PURPOSE</b></p> <p>Three (3) zoning districts are provided for business and commercial uses. When taken together, these districts are intended to permit development of property for the full range of business and commercial uses needed to serve the citizens of Hinsdale and surrounding areas in a suburban setting.</p> <p>The districts, while distinct, permit a harmonious spectrum of general suburban shopping and service opportunities, ranging from a relatively low intensity (B-1 District), through a higher intensity business zone intended to accommodate local shopping needs in a "downtown" setting (B-2 District), to a more generalized commercial district designed for established areas of heavier vehicular traffic (B-3 District).</p> <p><b>A. Purpose of the B-1 Community Business District</b></p> <p>Specifically, the B-1 Community Business District is intended to serve the everyday shopping needs of Village residents as well as to provide opportunities for specialty shops attractive to the suburban residential community around the Village. It permits uses that are necessary to satisfy most basic, frequently occurring shopping needs. Also allowed are compatible uses that, while not used as frequently, would be desirably located in close proximity to potential users. This district is designed to accommodate development of community shopping centers with planned off-street parking and loading, as well as existing individual shops or small groups of local stores. The district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards that provide for compatibility with nearby residential uses.</p> <p><b>B. Purpose of the B-2 Central Business District</b></p> <p>The B-2 Central Business District is intended to serve the entire Hinsdale suburban community with a wide variety of retail and service uses. It is intended to serve as the primary shopping area of the Village. This district is located in the center of the Village, adjacent to commuter facilities, and at the convergence of primary thoroughfares. The bulk standards are intended to reflect the generally more intense development of property in this area.</p> <p><b>C. Purpose of the B-3 General Business District</b></p> <p>The B-3 General Business District is intended to serve the Hinsdale suburban community with a full range of locally-oriented business uses commonly located along established traffic routes.</p>

The Article's purpose statements for each of these districts should be refined to better reflect the character of each, so that users of the Code understand what type of development (scale, intensity and use) is desired within each. This is important for business districts because, many times, the uses are not all that different between districts but the scale, character and intensity of use are.

CURRENT CODE	REORGANIZED CODE PROVISIONS		
§5-102 §5-105 §5-109	<b>9.2</b>	<b>USES</b>	
		<p><b>A.</b> <u>The permitted and special uses allowed in the business districts are set forth in the following table.</u></p> <p><b>B.</b> No use other than permitted and specially permitted retail trade uses and bank and other credit agency uses shall be allowed on the ground floor of any structure in the B-2 District.</p> <p><b>C.</b> No manufacturing, processing, or treatment of products shall be conducted on any premises in any business district, except those that are incidental to a principal retail business use. At least seventy-five percent (75%) of all products produced on the premises shall be sold at retail on the premises.</p> <p><b>D.</b> Except when <del>specially</del> <u>specifically</u> permitted in the B-3 District <u>by this Code pursuant to subsection 5-105D2 of this article</u>, no storage or warehousing of any product shall be permitted in any business district except such as is incidental to a principal retail use.</p>	
		<p><b>Permitted Uses</b>  <del>The following uses and no others are permitted as of right in the business districts indicated in the following table. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.</del></p>	
		<p><b>Special Uses</b>  <del>Except as specifically limited in the following table, the uses listed in the following table may be permitted in the business districts indicated subject to the issuance of a special use permit as provided in section 11-602 of this code. In interpreting the use designations, reference should be made to the "Standard Industrial Classification Manual" (see appendix A of this code) and section 11-501 of this code. SIC codes are given in parentheses following each use listing.</del></p>	

Items 9.2C and D: These regulations can be addressed within an update use structure.

BUSINESS DISTRICTS PERMITTED & SPECIAL USES VILLAGE OF HINSDALE				
P = Permitted // S= Special				
USE	B-1	B-2	B-3	USE STANDARDS
<b>Construction, Special Trade Contractors</b>				
Carpentry and floor work contractors (175)		P	P	
Electrical work contractors (173), but not highway lighting and electrical signal construction		P	P	
General building contractors; residential buildings (152)			P	
Glass and glazing work contractors (1793)		P	P	
Masonry, stone setting, and other stone work contractors (1741)			P	
Operative builders (153)			P	
Painting and paper hanging contractors (172)		P	P	

**BUSINESS DISTRICTS  
PERMITTED & SPECIAL USES  
VILLAGE OF HINSDALE**

P = Permitted // S= Special

USE	B-1	B-2	B-3	USE STANDARDS
Plastering, drywall, acoustical, and insulation work contractors (1742)		P		
Plumbing, heating and air conditioning contractors (171)		P	P	
Roofing, siding, and sheet metal work contractors (176)			P	
Special trade contractors not elsewhere classified (1799)		P		
Terrazzo, tile, marble, and mosaic work contractors (1743)			P	
<b>Printing, Publishing and Allied Industries</b>				
Commercial printing (275)			P	
<b>Retail Trade</b>				
Auto and home supply stores (553), but not including service bays	P	P	P	
Auto and home supply stores (553), with service bays			S	
Bookstores (5942)	P	P	P	
Camera and photographic supply stores (5946)	P	P	P	
Candy, nut, and confectionary stores (544)	P	P	P	
Carryout eating places (5812)	S	S	S	
Children's and infants' wear stores (564)	P	P	P	
Dairy products stores (545)	P	P	P	
Department stores (531)	P	P	P	
Drinking places (5813) accessory to permitted eating places			P	
Drugstores and proprietary stores (591)	P	P	P	
Eating places (5812), including accessory outdoor seating, but not including live entertainment or drive-in establishments	P	P	P	
Expansion of existing new and used motor vehicle dealers (551), but only on lots abutting Ogden Avenue and subject to the provisions of subsection 5-109F of this article			S	
Family clothing stores (565)	P	P	P	
Florists (5992)	P	P	P	
Fruit and vegetable markets (543)	P	P	P	
Gasoline service stations (554)			S	
Gift, novelty and souvenir shops (5947)	P	P	P	
Grocery stores (541)	P	P	P	
Hardware stores (525)	P	P	P	
Hobby, toy, and game shops (5945)	P	P	P	
Home furniture and furnishing stores (571)	P	P	P	
Household appliance stores (572)	P	P	P	
Jewelry stores (5944)	P	P	P	
Live entertainment accessory to permitted eating places	S	S	S	
Luggage and leather goods stores (5948)	P	P	P	
Lumber and other building materials dealers (521)			P	
Meat and fish markets (543)	P	P	P	
Men's and boy's clothing and accessory stores (561)	P	P	P	
Miscellaneous apparel and accessory stores (569)	P	P	P	
Miscellaneous food stores (549)	P	P	P	
Miscellaneous general merchandise stores (539)	P	P	P	
Miscellaneous retail stores (5999), but not including auction rooms, firework sales, gravestone sales, sales barns, or tombstone sales	P	P	P	
New and used motor vehicle dealers (551), but only on lots abutting Ogden Avenue			P	
News dealers and newsstands (5994)	P	P	P	
Optical goods stores (5995)	P	P	P	
Paint, glass, and wallpaper stores (523)	P	P	P	
Radio, television, consumer electronics and music stores (573)	P	P	P	
Retail bakeries (546)	P	P	P	

**BUSINESS DISTRICTS  
PERMITTED & SPECIAL USES  
VILLAGE OF HINSDALE**

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<b>USE</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>USE STANDARDS</b>
Retail nurseries, lawn, and garden supply stores (526)	S		S	
Sewing, needlework, and piece goods stores (5949)	P	P	P	
Shoe stores (566)	P	P	P	
Sporting good stores and bicycle shops (5941)	P	P	P	
Stationery stores (5943)	P	P	P	
Tobacco and cigar stores and stands (5993)	P	P	P	
Used merchandise stores (593)	P	P	P	
Variety stores (533)	P	P	P	
Women's accessory and specialty stores (563)	P	P	P	
Women's clothing stores (562)	P	P	P	
<b>Finance, Insurance and Real Estate</b>				
Automatic teller machines when not attached to the principal structure on the lot	S	S	S	
Depository and non-depository credit institutions (60-61), but not on the first floor of any structure in the B-2 District except expansion of such an institution existing on such a first floor as of January 1, 1994, into additional first floor space owned by such an institution as of January 1, 1994, in the same structure or an abutting structure, and not including drive-through establishments or automatic teller machines, except automatic teller machines attached to the principal structure on the lot		P		See Section 13.5
Depository and non-depository credit institutions (60-61), not including drive-through establishments or automatic teller machines, except automatic teller machines attached to the principal structure on the lot	S		S	See Section 13.5
Drive-in depository and non-depository credit institutions (60-61) with drive-through	S	S	S	See Section 13.6
Holding and other investment offices (67), but not on the first floor of any structure in the B-2 district.	P	P	P	
Insurance carriers, agents, brokers, and service (63-64), but not on the first floor of any structure in the B-2 district.	P	P	P	
Real estate offices (65), but not on the first floor of any structure in the B-2 district.	P	P	P	
Security and commodity brokers, dealers, exchanges, and services (62), but not on the first floor of any structure in the B-2 district.	P	P	P	
<b>Services</b>				
Accounting, auditing, and bookkeeping services (872), but not on the first floor of any structure in the B-2 district	P	P	P	
Advertising services (731), but not on the first floor of any structure in the B-2 district	P	P	P	
Automobile parking (752), but not tow in parking lots	S	S	S	
Automotive repair shops (753), but not including tire retreading (7534)	S		S	
Barber shops (724)	P	P	P	
Beauty shops (723)	P	P	P	
Business associations (861), but not on the first floor of any structure in the B-2 district		S	S	
Car washes (7542)	S		S	
Child daycare services (835), but not on the first floor of any structure in the B-2 district		S	S	
Civic, social, and fraternal associations (864), but not on the first floor of any structure in the B-2 district		S	S	
Computer programming, data processing, and other computer related services (737), but not on the first floor of any structure in the B-2 district	P	P	P	
Correspondence and vocational schools (824)			S	
Dance studios, schools, and halls (7911), but not on the first floor of any structure in the B-2 district		S	S	

**BUSINESS DISTRICTS  
PERMITTED & SPECIAL USES  
VILLAGE OF HINSDALE**

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USE	B-1	B-2	B-3	USE STANDARDS
Electrical repair shops (762), but not including refrigeration and air conditioning service and repair shops (7632)	P	P	P	
Employment agencies (7361), but not on the first floor of any structure in the B-2 district	P	P		
Engineering, architectural, and surveying services (871), but not on the first floor of any structure in the B-2 district	P	P	P	
Grooming services for pets (0752)		S	P	
Help supply services (7363), but not on the first floor of any structure in the B-2 district	P	P	P	
Kidney dialysis centers (8092)			P	
Labor organizations (863), but not on the first floor of any structure in the B-2 district		S	S	
Laundry and dry cleaning plants (7211/7216)	S		S	
Laundry, cleaning, and garment services (721), but not including dry cleaning plants (7216) or industrial launderers (7218).	P	P	P	
Legal services (81), but not on the first floor of any structure in the B-2	P	P	P	
Mailing, reproduction, commercial art and photography, and stenographic services (733)	P	P	P	
Management and public relations services (874), but not on the first floor of any structure in the B-2 district	P	P	P	
Medical and dental laboratories (807), but not on the first floor of any structure in the B-2 district		S	S	
Medical and miscellaneous equipment rental and leasing (7352/7359)		S	S	
Membership organizations not elsewhere classified (869), but not on the first floor of any structure in the B-2 district		S	S	
Membership sports and recreation clubs (7997), but not on the first floor of any structure in the B-2 district	S	S	S	
Miscellaneous business and professional offices uses not listed herein, but not on the first floor of any structure in the B-2 district		P	P	
Miscellaneous personal services (729), but not including coin operated service machine operation, comfort station operation, dating services, escort services, locker rental, massage parlors, restroom operation, steam baths, tattoo parlor, turkish baths, or wedding chapels	S	S	S	
Miscellaneous services (89), but not on the first floor of any structure in the B-2 district		P	P	
Motion picture theaters, except drive-in establishments (7832)		S	S	
Offices and clinics of doctors of medicine, dentists, osteopaths, chiropractors, optometrists, podiatrists, and other health practitioners (801-804), but not on the first floor of any structure in the B-2 district	P	P	P	
Passenger car rental and leasing (7514-7515)			S	
Photographic studios, portrait (722)	P	P	P	
Physical fitness facilities (7991), but not on the first floor of any structure in the B-2 district		S	S	
Political organizations (865), but not on the first floor of any structure in the B-2 district		S	S	
Professional membership organizations (862), but not on the first floor of any structure in the B-2 district		S	S	
Reupholstery and furniture repair (764)			P	
Services to dwellings and other buildings (734)			P	
Shoe repair shops and shoeshine parlors (725)	P	P	P	
Small parcel store (733 and 4783)	P			
Tax preparation services (7291), but not on the first floor of any structure in the B-2 district	P	P	P	

**BUSINESS DISTRICTS  
PERMITTED & SPECIAL USES  
VILLAGE OF HINSDALE**

P = Permitted // S= Special

USE	B-1	B-2	B-3	USE STANDARDS
Veterinary services and animal specialties (0742)			P	
Videotape rental (784)	P	P	P	
Watch, clock, and jewelry repair (763)	P	P	P	
<b>Transportation and Utility Services</b>				
Airline, bus, and railroad ticket offices (4729)	P	P	P	
Households goods warehousing (4225), self-service only, but only on lots abutting Ogden Avenue			S	
Local and suburban passenger transportation terminals and stations (41), but not including vehicle yards or garages		S	S	
Offices of communications and utility companies (48-49), but not on the first floor of any structure in the B-2 district and not including antennas in excess of the district height limit	P	P	P	
Offices of local and suburban transit and interurban highway passenger transportation companies (41), but not including terminals, stations, vehicle yards, or garages and not on the first floor of any structure in the B-2 district		P	P	
Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and equipment structures (481) – Stealth Design		S		See Section 13.10.A
<b>The Code does not explicitly state that these are permitted except that they are listed in the permitted use table. Therefore, the implication is that – subject to use restrictions – these are permitted in all three districts.</b>				
Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and equipment structures (481)		S	S	See Section 13.10
<b>The Code does not explicitly state that these are special uses anywhere except for listing “additional standards” in the B-3 District. Therefore, the implication is that – subject to use standards – these are a special use in the B-3 District.</b>				
Tour operators (4725), but not on the first floor of any structure in the B-2 district	P	P	P	
Travel agencies (4724)	P	P	P	
<b>Dwelling Units</b>				
Dwelling units, above the ground floor (subject to the provisions applicable to the R-5 district) provided, however, that no dwelling unit shall be located on the first floor of any structure		P	P	
Hotels (7011)			S	
Lifestyle housing	S		S	See Section 13.7
Planned developments	S	S	S	

The lengthy lists of uses need to be updated and condensed to utilize “generic” uses. Currently the Standard Industry Classification Manual from 1987 is used to describe permitted and special uses in all zoning districts, but has particular impact on business and office districts which have the most uses listed. The SIC Manual is not a planning document, but rather used for industry classifications and created by the US Department of Labor. By utilizing the manual, the Village allows the Labor Department and industry to control its uses, whereas the Village should really own and control its uses. In addition, because the Code has not been comprehensively revised and because the referenced manual is from 1987, some of the uses are relatively obsolete or inappropriate for their districts.

Modern zoning practice has moved toward a “generic” use approach. This technique has two main benefits. First, it eliminates the need for extensive and detailed lists, and the permitted and special use sections of

the Code become shorter and easier to use. Secondly, the generic use approach provides staff with greater flexibility to review and permit those uses that may be desirable for the community, but not specifically listed, within the broad context of a generic use definition.

We recommend that a generic use approach be used for Hinsdale’s Code. This approach is described further in the Technical Review Report.

CURRENT CODE	REORGANIZED CODE PROVISIONS
§5-109 §5-110	<p><b>9.3 BULK AND SETBACK REQUIREMENTS</b></p> <p>The building height, lot, <del>yard</del>, setback, floor area ratio, and coverage requirements applicable in the business districts are set forth in the following table.</p> <p><del>No construction or development requiring a building permit and affecting the exterior appearance of any structure shall be permitted in any business district except upon approval of the building permit application by the board of trustees pursuant to section 11-606 of this code and site plan approval by the board of trustees pursuant to section 11-604 of this code. This subsection shall not be construed as a limit on any other requirement for site plan approval pursuant to section 11-604 of this code</del></p>

Building permit and site plan review language was stricken because it is redundant.

BUSINESS DISTRICTS BULK & SETBACK STANDARDS VILLAGE OF HINSDALE			
STANDARDS	DISTRICT		
	B-1	B-2	B-3
<b>BULK REQUIREMENTS</b>			
<b>Minimum Lot Area</b>	6,250sf, except planned developments where there is no minimum	2,500sf, except planned developments where there is no minimum	6,250sf, except planned developments where there is no minimum
<p>The current bulk requirements require a minimum lot area, lot width and lot depth within each of the commercial districts. Many communities do not require these minimums in many commercial districts because lot sizes vary between different types of commercial users within each. In the B-3 District, a significant amount of parking is required so lots must be larger to accommodate parking areas. In the B-2 District, infill will be the primary type of development so new development will take advantage of any sites available, which could be hampered by nonconforming development sites. A bigger concern is the current minimums in the historic B-2 District. Even though they are not very large, they may make current structures nonconforming. Eliminating minimum lot size requirements for certain districts could encourage development of older or vacant parcels and prevent the creation of nonconformities.</p>			
<b>Minimum Lot Width</b>	50 ft	20 ft	50 ft
<b>Minimum Lot Depth</b>	125 ft	125 ft	125 ft
<b>Maximum Building Height</b>	30 ft and 2 stories	35 ft and 3 stories, unless otherwise permitted by Section 9.4	30 ft and 2 stories
<p>Building heights within the districts are restrictive, with 30 feet and two stories allowed in the B-1 and B-3 Districts, and 35 feet and three stories in the B-2 District. Because of these low heights, the FAR regulations may be unnecessary.</p>			
<b>Maximum Building Coverage</b>		80%, unless otherwise permitted	

**BUSINESS DISTRICTS  
BULK & SETBACK STANDARDS  
VILLAGE OF HINSDALE**

STANDARDS	DISTRICT		
	B-1	B-2	B-3
		by Section 9.4	
<b>Maximum Lot Coverage</b>	90%	100%	90%
<p>The lot coverage and building coverage requirements could be eliminated because their controls are minimal. Essentially, lot coverage requirements permit 90% coverage in the B-1 and B-3 Districts and 100% in the B-2 District; building coverage in the B-2 District is 80%. The yard requirements are the controlling element on the site and so the additional layer of control is unnecessary. Commercial districts typically do not include these controls because of the intensity of commercial development.</p>			
<b>Maximum FAR</b>	0.35	2.5, unless otherwise permitted by Section 9.4	0.50
<p>When analyzing the other bulk regulations, the use of FAR should also be assessed. Because the regulations on commercial development are restrictive, it is assumed that the predominant controlling factors are height and setbacks. The FAR may only complicate design. This is because FAR was developed for significantly taller buildings than those permitted within any of the business districts. (See Residential Districts Technical Memorandum for FAR discussion.)</p>			
<b>SETBACK REQUIREMENTS<sup>1</sup></b>			
<p>A key clarification for the bulk standards of the business districts is the use of both a yard and a setback requirement, which are identical numbers. Modern ordinances use only one term and restriction. Below, because the standards were identical, only the term “setback” was used.</p>			
<b>Minimum Front Setback</b>	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline	0'	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline
<p>Requiring front setbacks within commercial districts forces buildings further away from the street and makes access to parking areas at the rear of the building more difficult. In the B-1 and B-3 Districts there is a front setback requirement of 25 feet. This requirement should be analyzed to see if it encourages front yard parking, particularly in the B-1 District where sites are smaller and development more constrained.</p> <p>There is also the question of a 100 foot setback from the centerline of Ogden Avenue in the B-1 and B-3 Districts. A requirement like this is typically used like an easement for right-of-way expansion. If it is part of right-of-way concerns, there is an issue as to why it only applies to the business and office districts and not to the other districts along Ogden Avenue. If the intent is aesthetic, then that should be clarified and supplemented with some landscaping standards along this area. It is unclear why this provision is included here and should be supplemented with a purpose statement.</p>			
<b>Minimum Interior Side Setback</b>	10'	0'	10' unless abutting a railroad right-of-way, then no setback required
<b>Minimum Corner Side Setback</b>	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline	0'	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline
<b>Minimum Rear Setback</b>	20'	20'	20' unless abutting a railroad right-of-way, then no setback required
<p>Rear setback requirements in all three districts, including the B-2 District, may contradict the building coverage regulations, which allow for almost the entire lot to be developed. In areas like the B-2 District, where there is almost no on-site parking – the Central Business District is primarily served by on-street public parking – there is no need for a required rear yard, where parking could be directed.</p>			

<sup>1</sup> Any use in the business districts that does not have a structure on a zoning lot, such as a parking lot, must comply with all setback

requirements. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.

**BULK & SETBACK TABLE WITHOUT NOTES**

<b>BUSINESS DISTRICTS BULK &amp; SETBACK STANDARDS VILLAGE OF HINSDALE</b>			
<b>STANDARDS</b>	<b>DISTRICT</b>		
	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
<b>BULK REQUIREMENTS</b>			
<b>Minimum Lot Area</b>	6,250sf, except planned developments where there is no minimum	2,500sf, except planned developments where there is no minimum	6,250sf, except planned developments where there is no minimum
<b>Minimum Lot Width</b>	50 ft	20 ft	50 ft
<b>Minimum Lot Depth</b>	125 ft	125 ft	125 ft
<b>Maximum Building Height</b>	30 ft and 2 stories	35 ft and 3 stories, unless otherwise permitted by Section 9.4	30 ft and 2 stories
<b>Maximum Building Coverage</b>		80%, unless otherwise permitted by Section 9.4	
<b>Maximum Lot Coverage</b>	90%	100%	90%
<b>Maximum FAR</b>	0.35	2.5, unless otherwise permitted by Section 9.4	0.50
<b>SETBACK REQUIREMENTS<sup>1</sup></b>			
<b>Minimum Front Setback</b>	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline	0'	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline
<b>Minimum Interior Side Setback</b>	10'	0'	10' unless abutting a railroad right-of-way, then no setback required
<b>Minimum Corner Side Setback</b>	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline	0'	25' unless abutting Ogden Avenue, then 100' from Ogden Avenue centerline
<b>Minimum Rear Setback</b>	20'	20'	20' unless abutting a railroad right-of-way, then no setback required

<sup>1</sup> Any use in the business districts that does not have a structure on a zoning lot, such as a parking lot, must comply with all setback requirements. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.

## B-2 DISTRICT DESIGN CONTROLS/FORM-BASED ZONING

The character of the B-2 District is firmly established. However, the Code is silent on the design of new structures within the district. This increases the likelihood of out of character development and a break in the established design fabric of downtown. One way to preserve the character of downtown is to include elements of form-based coding in the B-2 District. Camiros has worked on a number of hybrid codes – more traditional zoning codes that incorporate form-based elements (design standards) into specific districts to control the appearance of new development. A hybrid code would be ideal for Hinsdale’s Central Business District because it would work to preserve what is there. The Code would document those architectural features that define the B-2 District, allowing them by-right without having to create a series of exceptions in the Code or hear numerous variance requests just to match existing development.

Form-based coding is recommended for the B-2 District.

CURRENT CODE	REORGANIZED CODE PROVISIONS
Art. 5 Footnotes	<p data-bbox="344 730 1427 762"><b>9.4 EXEMPTIONS TO B-2 DISTRICT BULK AND SETBACK REQUIREMENTS</b></p> <p data-bbox="451 793 1427 825"><b>A. Height Increase for Exceptional Architectural Merit</b></p> <p data-bbox="500 856 1427 1161">The Village Board may increase the maximum building height for a principal structure in the B-2 District by no more than twenty percent (20%). Such increase shall apply only to the exterior facade of the building and shall be limited to such architectural features as turrets, parapets, spires, finials, clock towers, cupolas, weather vanes and similar features. An architectural feature for which a height increase is granted must be integral to the design excellence of the building as a whole. If a height variation has been granted, then the maximum percentage of increase in height authorized by this section shall be reduced from twenty percent (20%) in an amount proportionate to the increase that has been authorized by such variation.</p> <p data-bbox="451 1192 1427 1224"><b>B. Building Coverage Exception</b></p> <p data-bbox="500 1255 1427 1497">1. As of ____ (need date) ____, when an existing building maintains a building coverage percentage in excess of the eighty percent (80%) permitted, the maximum building coverage permitted for that lot shall be the percentage of building coverage existing as of that date. <del>The maximum total lot coverage permitted for lots in the B-2 District and covered by a building to a percentage greater than eighty percent (80%) shall be the percentage of building coverage existing as of the effective date of this Code.</del></p> <p data-bbox="500 1528 1427 1686">2. Any elevator required by the Illinois Accessibility Code, 71 Illinois Administrative Code 400 et seq., shall not be included in the maximum total <del>lot</del> <u>building</u> coverage calculation in the B-2 District. Any required elevator shall be subject to exterior appearance review and site plan review pursuant to <del>subsection 5-109A of this article.</del></p> <p data-bbox="451 1717 1427 1749"><b>C. Floor Area Ratio Exception</b></p> <p data-bbox="500 1780 1427 1896">As of ____ (need date) ____, when an existing building maintains a floor area ratio in excess of the two and one-half (2½) permitted, the maximum floor area ratio permitted for that lot shall be the floor area ratio existing as of that date. <del>for lots in the B-2 District and developed to a floor area ratio</del></p>

~~exceeding two and one half (2½) shall be the floor area ratio existing as of the effective date of this code.~~

**Item 9.4.A:** A building height increase of 20% is permitted in the B-2 District if a development shows “exceptional architectural merit.” It also appears to apply to architectural features and not the building height generally. This is a very vague standard and one that should be explicitly described or eliminated. One way is to specify permissible exemptions by creating a list of appurtenances that would qualify. Also, the language of “such increase shall apply only to the exterior facade of the building” is unclear.

**Items 9.4.B & 9.4.C:** Certain exemptions exist for existing buildings (of a certain date, which must be specified) that seem to grandfather-in larger structures indefinitely. This is a questionable intent. For the building coverage grandfathering, because the building coverage requirements are quite large, and the effects may be less significant. However a grandfathered FAR may be more significant.

§5-103  
§5-104  
§5-106  
§5-107  
§5-108

## 9.5 GENERAL STANDARDS OF APPLICABILITY

### A. Accessory Structures and Uses

See Section \_\_\_\_ (Accessory Structures and Uses) for standards covering accessory structures and uses.

~~Accessory structures and uses are permitted in all business districts subject to the provisions of section 9-101 of this code.~~

### B. Landscaping, Buffering and Screening

See Article \_\_\_\_ (Landscaping) for standards governing landscaping, buffering and screening.

~~The requirements relating to buffering and landscaping of certain uses and structures in business districts are set forth in section 9-107 of this code.~~

### C. Off-Street Parking and Loading

See Article \_\_\_\_ (Off-Street Parking and Loading) for standards governing off-street parking and loading.

~~The parking and loading requirements applicable in all business districts are set forth in sections 9-104 and 9-105 of this code.~~

### D. Permitted Encroachments

See Section \_\_\_\_ (Permitted Encroachments) for standards governing encroachments.

### E. Temporary Uses

See Section \_\_\_\_ (Temporary Uses) for standards governing temporary uses.

### F. Signs

See Article \_\_\_\_ (Signs) for standards governing signs.

~~The sign regulations applicable in all business districts are set forth in section 9-106 of this code.~~