

ORDINANCE NO. A-834-11-22

AN ORDINANCE AMENDING SECTIONS VIII.A, VIII.B, VIII.C, and XIV.B  
OF THE ZONING ORDINANCE TO DEFINE "LIVE ENTERTAINMENT" AND TO  
PERMIT "LIVE ENTERTAINMENT" AS ACCESSORY TO CERTAIN USES IN THE  
BUSINESS DISTRICTS.

(Z-08-2022: Text Amendment - Live Entertainment)

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**WHEREAS**, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

**WHEREAS**, said Plan Commission of this Village held three public hearings on the question of granting said text amendment on April 18, June 6, and July 18, 2022, at the Burr Ridge Police Department and Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

**WHEREAS**, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in The Doings Weekly, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

**WHEREAS**, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to

this Mayor and Board of Trustees, and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

**NOW THEREFORE, Be It Ordained** by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

**Section 1:** All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

**Section 2:** That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Sections VIII.A, VIII.B, VIII.C, and XIV.B to define "live entertainment" and to permit "live entertainment" as accessory to certain uses in the Business Districts.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

**Section 3:** That Section VIII.A.12 Live Entertainment shall be added from the text included as **Exhibit A** in this Ordinance in their entirety as new guidelines for live entertainment.

**Section 4:** That a definition for live music be added to Section XIV.B which defines Live Entertainment as

LIVE ENTERTAINMENT: Any one or more of any of the following, performed live by one or more persons: (1) musical act (including karaoke); (2) theatrical act (including stand-up comedy or performance art); (3) play; (4) revue; (5) performance or theatrical dance; (6) magic act; (7) disc jockey; or (8) similar activity. Lewd or sexually suggestive acts or dance are prohibited. Live entertainment does not include television, radio, closed circuit or Internet broadcasts of live entertainment.

**Section 5:** That live entertainment shall be permitted as accessory to restaurant or wine boutique uses as detailed in Sections VIII.B and VIII.C and included in **Exhibit A**.

**Section 6:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 25<sup>TH</sup> day of JULY, 2022, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as

follows:

**AYES:** 5 - Trustees Snyder, Paveza, Mital, Smith, Franzese

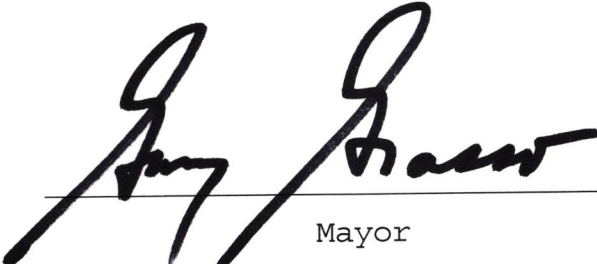
**NAYS:** 0 - None

**ABSENT:** 1 - Trustee Schiappa

**APPROVED** by the Mayor of the Village of Burr Ridge on this  
25<sup>TH</sup> day of JULY, 2022.

ATTEST:

  
\_\_\_\_\_  
Village Clerk

  
\_\_\_\_\_  
Mayor

STATE OF ILLINOIS )  
COUNTY OF C O O K ) SS.  
COUNTY OF DU PAGE )

**CLERK'S CERTIFICATE**

I, Sue Schaus, the duly elected, qualified, and acting Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

**ORDINANCE NO. A-834-11-22**

**AN ORDINANCE AMENDING SECTIONS VIII.A, VIII.B, VIII.C, and XIV.B OF THE ZONING ORDINANCE TO DEFINE "LIVE ENTERTAINMENT" AND TO PERMIT "LIVE ENTERTAINMENT" AS ACCESSORY TO CERTAIN USES IN THE BUSINESS DISTRICTS.**

**(Z-08-2022: Text Amendment - Live Entertainment)**

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which Ordinance was passed by the Board of Trustees of the Village of Burr Ridge at a special meeting held on the 25th day of July, 2022 which meeting a quorum was present, and approved by the Mayor of the Village of Burr Ridge on the 25th day of July, 2022.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Burr Ridge was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Burr Ridge, and that the result of said vote was as follows, to-wit:

**AYES: 5 - Trustees Snyder, Paveza, Mital, Smith, Franzese**

**NAYS: 0 - None**

**ABSENT: 1 - Trustee Schiappa**

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Burr Ridge, this 25th day of July, 2022.

  
\_\_\_\_\_  
Village Clerk

*(Faint circular seal of the Village of Burr Ridge is visible in the background)*

PAMPHLET  
FRONT OF PAMPHLET

ORDINANCE NO. A-834-11-22  
AN ORDINANCE AMENDING SECTIONS VIII.A, VIII.B, VIII.C, and XIV.B  
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Published in pamphlet form this 25th day of July, 2022 by Order of  
the Corporate Authorities of the Village of Burr Ridge, Cook and  
DuPage Counties, Illinois.

  
Village Clerk

PAMPHLET

BACK OF PAMPHLET

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Published in pamphlet form by Order of the Corporate Authorities  
of the Village of Burr Ridge, DuPage and Cook Counties, Illinois.

# EXHIBIT A



## BURR RIDGE ZONING ORDINANCE

### SECTION VIII BUSINESS DISTRICTS

#### A. GENERAL PROVISIONS

##### 1. Permitted Uses

- a. No building, structure, or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure, or tract of land shall be located, with the exception of the following:
  - (1) Uses lawfully established on the effective date of this Ordinance. Uses already lawfully established on the effective date of this Ordinance and rendered non-conforming by the provisions shall be subject to the regulations of Section XII.
  - (2) Special uses as allowed in each district.
- b. All business establishments shall be retail trade, office or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced; provided, however, if the premises are less than 3,000 square feet in size and both sells and produces such goods on the premises, such goods may also be sold off-premises as well.

##### 2. Bulk Requirements

Bulk requirements shall be as specified under each zoning district as described herein, except as otherwise specifically approved for a planned unit development. In addition, no building or structure shall be converted so as to conflict with, or further conflict with, the bulk requirements of the district in which such building or structure is located.

##### 3. Yard Requirements

Yard requirements shall be as specified under each zoning district as described herein, except as otherwise specifically approved for a planned unit development.

##### 4. Operation Within Enclosed Buildings

All business, service, storage, merchandise display, repair, and processing, where allowed, shall be conducted within a completely enclosed building, except as follows:

- a. Outdoor activities are permitted for uses which by definition require outdoor activities such as parking and loading areas, automobile service stations, car washes, or recreation areas for child care centers and nurseries.
- b. Outdoor activities listed as special uses, such as outdoor dining areas, drive-through windows, and outdoor displays of merchandise, may be approved by the Board of Trustees upon recommendation from the Plan Commission subject to Section XIII, herein.



- c. Temporary (for a limited duration of time) outdoor activities may be permitted subject to written approval by the Community Development Director. Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.

**5. Outdoor Dining**

Restaurant outdoor dining areas, when permitted as a special use, shall be subject, at a minimum, to the following:

- a. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
- b. Door to the dining area shall be self-closing;
- c. Tables shall be cleaned promptly following use;
- d. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- e. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- f. No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant;
- g. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- h. Outdoor food preparation, storage or display is prohibited;
- i. Hours of operation of an outdoor dining area shall be as specifically approved by the Village.

**6. Nuisances**

Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste, or any other environmental reason. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform with the performance standards established in this Ordinance for Manufacturing Districts, provided that performance standards shall in every case be applied at the boundaries of the lot on which such activity takes place.

**7. Parking and Loading**

- a. With the exception stated below regarding delivery trucks of a business establishment, parking of trucks in the open shall be prohibited. Trucks making deliveries to the business premises shall make deliveries only at loading docks where provided and, if there is no loading dock, such trucks may park only for such time as is necessary to complete the delivery.
- b. Delivery trucks for a business establishment may be parked overnight on a property within the B-1 or B-2 Districts subject to the following:
  - 1. Parking of delivery trucks shall be limited to two per business



establishment.

2. A delivery truck as defined for purposes of these regulations shall not exceed 24,000 pounds.
  3. Delivery trucks shall be parked in an employee parking lot designated at the time of the site plan approval or in the rear of the business establishment. However, if the rear of the business establishment adjoins a residential district, said delivery trucks shall be screened from view from the residential district or parked to the side of the principal building. Under no circumstances shall a delivery truck be parked between the principal building and the front or corner side property line.
- c. Off-street parking and loading shall be provided in accordance with the regulations established in Section XI of this Ordinance.

**8. Signs**

All signs shall comply with the applicable provisions of the sign regulations of the Burr Ridge Municipal Code (such Sign Ordinance shall not be construed as being incorporated herein).

**9. Building and Site Plan Review**

- a. Due to the need to protect valued natural resources and the integrity and environment of the Village's residential neighborhoods, traffic congestion and safety conditions and the land-use character of key intersections, areas containing unique natural features, transition areas adjacent to residential districts and areas at or near major intersections are identified as being of significant impact to the Village. Therefore, all petitions for rezoning to the B-1 or B-2 Districts, all requests for special use approval pursuant to Sections VIII.B.2 and VIII.C.2 herein, and all applications for building permits for the construction of new buildings, building additions, structures, parking lots, and fences within the B-1 or B-2 Districts, shall be subject to building and site plan review and approval. Any building, structure, and site development must comply strictly with the approved site plan, and any building or occupancy permit will not be issued, or will be revoked if already issued, if the development does not strictly comply with the approved site plan.
- b. The site plan shall indicate the locations of proposed and existing buildings and structures and any proposed new additions to the existing buildings and structures, properly arranged facilities, water detention and drainage facilities, landscaping, buffering to adjacent residential areas, and such other buffering or features as are necessary or appropriate to fit harmoniously with the character, use and zoning of adjoining and surrounding properties and to avoid any appreciable adverse effect upon such properties. Such site plan shall also include and/or be accompanied by the documents and information required under Section XIII of this Ordinance. The Plan Commission, in its discretion, may waive the requirement of submitting any or all such information in connection with applications for approval of site plans for uses in the Business Districts.
- c. Such building and site plan and any accompanying documents or information, shall be filed with the Community Development Director. The Community Development Director shall schedule the building and site plan for review by the Plan Commission and shall provide notice of the Plan Commission's scheduled review in compliance with established procedures



for notice of Plan Commission public hearings.

- d. The Community Development Director shall refer such building and site plan and documents to the Plan Commission and the Village Engineer, Village Forester, and Building Commissioner for review. The Plan Commission shall review the report of the Community Development Director and the findings of the Village Engineer, Village Forester and Building Commissioner at the first meeting following receipt of a report of their findings. After such review, the Plan Commission shall submit its recommendation to the Village Board of Trustees, who shall either approve or disapprove the proposed site plan, or approve it with modification, or shall refer the site plan back to the Plan Commission for reconsideration or modification. The Plan Commission's recommendation to approve and the Board's approval of building and site plans may be conditioned on future approval of revised landscaping plans or engineering, as may be needed due to required site plan modification.
- e. All exterior building facades in the Business Districts shall be of high quality materials that may include but are not limited to brick, natural stone, precast stone, architectural pre-cast panels, or glass. The use of plastic siding, vinyl siding, or aluminum siding and the use of engineered stucco systems, including but not limited to those commonly known as "Dryvit" or exterior insulation and finish systems (EIFS) are discouraged as exterior building façade materials for all buildings in the Business Districts. Traditional cement based stucco may be used as an exterior building material subject to the following restrictions:
  - 1. The majority of a building's façade should be brick, natural stone, pre-cast stone architectural pre-cast panels, or glass.
  - 2. The first 8 feet from the top of the building's foundation should be brick, natural stone, pre-cast stone, or architectural pre-cast panels with the intent of creating the appearance of a strong building foundation.
  - 3. Stucco shall be installed as per the manufacturer's specifications. (9e added by Ordinance A-834-01-12).

**10. Landscaping and Buffering**

- a. All required parking areas, yards or other required open spaces shall be appropriately landscaped in accordance with Section XI.C.11 and with landscaping plans submitted to and approved by the Village, and thereafter shall be maintained in such a manner as to retain the intended standards of the approved landscaping plan and to conform to the landscaping requirements of the Village. As part of Subsection VIII.A.9, Site Plan Review will include the review of proposed landscape design and improvements. The proposed landscaping plan shall be filed with the Community Development Director, who shall then refer it to the Plan Commission and the Village Forester for review. The Plan Commission shall review the report of the Community Development Director and the findings of the Village Forester at the first meeting following receipt of said report and findings. After such review, the Plan Commission shall submit its recommendation to the Village Board of Trustees, who shall either approve or disapprove the proposed plan, or approve it with modifications, or shall refer the plan back to the Plan Commission for reconsideration or modification.



- b. For any development of a property within a Business District which adjoins or is across the street from a Residential District, a fence or wall of architectural design approved by the Village and not less than five nor more than six feet in height, or a densely planted tree or shrub hedge, initially not less than five feet in height, shall be provided along the entire length of the property line which adjoins or is across the street from the Residential District. The proposed method of buffering shall be considered as part of the site plan review process herein set forth. The decision whether to require a wall, fence, trees, or shrub hedge shall be made by the Village based on site considerations. No occupancy permit shall be issued until the required screening has been completed in strict accordance with the approved plan.

**11. Hours of Operation for Business Uses**

- a. The hours of operation for all uses within the B-1 and B-2 Districts shall not exceed 7 A.M. to 10 P.M. except as otherwise allowed herein.
- b. Any business use in the B-1 or B-2 District may request special use approval in accordance with the procedures and requirements outlined in Section XIII of this Ordinance.
- c. The hours of operation for restaurants with liquor licenses shall be as follows and subject to the terms and conditions as follows:
  - 1) The closing time for restaurants with liquor licenses shall be 12:00 Midnight on Sundays, Mondays, Tuesdays, and Wednesdays; 1:00 AM on Thursdays (i.e. Friday at 1:00 AM); and 2:00 AM on Fridays and Saturdays (i.e. Saturday and Sunday at 2:00 AM). Except however, on December 31 of each year the permitted closing time shall be extended to 2:00 AM regardless of the day of the week (i.e. 2:00 AM on January 1).
  - 2) Restaurants with liquor licenses shall provide service of food prepared on-site up to a minimum of one hour before closing.
  - 3) Nothing herein shall supersede the requirements for such uses to obtain special use approval as required by Sections VIII.B.2 and VIII.C.2, herein.  
(Amended by Ordinance A-834-03-12).

**12. Live Entertainment**

- a. Live entertainment shall be a permitted accessory use for all restaurants and for all wine boutiques with ancillary service of wine and beer by the glass and with service of pre-packaged food for consumption on-site, located within a B1 or B2 District, including all existing restaurants or wine boutiques which have been approved by special use or PUD, regardless of whether the ordinance approving such special use or PUD specified differently.
- b. Live entertainment is prohibited from occurring within outdoor areas or from being broadcast to outdoor areas.
- c. Live entertainment shall comply with Zoning Ordinance Section IV, Noise Regulations.



d. A floor plan which illustrates both seating and the space dedicated to the live entertainment area shall be provided to the Community Development Director for review and approval before live entertainment is authorized. The live entertainment area cannot occupy greater than 10% or 100 sq. ft. of the total space dedicated to patrons, whichever is less.

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# EXHIBIT A



## BURR RIDGE ZONING ORDINANCE

### SECTION VIII.B B-1 BUSINESS DISTRICT

#### B. B-1 RETAIL BUSINESS DISTRICT

The B-1 District is intended to provide a location suitable to accommodate a combination of retail, service, and office uses in a commercial and business district.

##### 1. Permitted Uses

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses:

- a. Antique shops with less than 7000 square feet of floor area
- b. Art galleries
- c. Art and school supplies
- d. Bakeries (retail sales and not more than 70 percent of the floor area may be devoted to the production or processing of bakery goods)
- e. Barber shops
- f. Beauty and Health Services
- g. Bicycle sales, including rental and repair and service functions where incidental to retail sales or rentals
- h. Book stores and stationery shops
- i. Camera and photographic supply stores
- j. Candy stores
- k. Card and gift shops
- l. Carpet and rug stores (retail only)
- m. China, glassware and household goods stores
- n. Clothing, clothing rental, and clothing accessory stores
- o. Coin and philatelic stores
- p. Computer, business machine and office equipment stores, including repair and service functions where incidental to retail sales and with less than 7,000 square feet of floor area
- q. Craft, fabric, and sewing stores



- r. Delicatessens (packaged and/or prepared food for consumption on or off premises)
- s. Dry cleaning or laundry receiving establishment (processing to be done off-site)
- t. Florist shops
- u. Food Stores, including grocery stores, supermarkets, meat markets, health food stores, fruit and vegetable stores, bulk food stores, and other similar establishments
- v. Furniture stores with less than 7,000 square feet of floor area
- w. Furrier shops
- x. Hardware stores with less than 7,000 square feet of floor area
- y. Health and Athletic Club with less than 7,000 square feet of floor area (Amended by Ordinance A-834-25-15)
- z. Hobby shops (not including video game parlors or arcades)
- aa. Interior decorating shops
- bb. Jewelry stores, including watch repairs, design and production of custom jewelry
- cc. Leather goods and luggage stores
- ~~dd.~~ dd. Live entertainment accessory to a restaurant or to a wine boutique (VIII.B.2.nn), subject to compliance with Section VIII.A.12
- ~~dd.~~ee. Locksmith shops
- ~~ee.~~ff. Music stores including sheet music, recorded music, and musical instrument sales and repair
- ~~ff.~~gg. Office supply and service stores including copying and package delivery services with less than 7000 square feet of floor area
- ~~gg.~~hh. Paint and wallpaper stores with less than 7,000 square feet of floor area
- ~~hh.~~ii. Pharmacies and Drug Stores
- ~~ii.~~jj. Photography studios
- ~~jj.~~kk. Picture framing, when conducted for retail sales on the premises only
- ~~kk.~~ll. Post Offices accessory to a permitted or special use
- ~~ll.~~mm. Restaurants in multi-tenant buildings (including specialty restaurants such as donut shops and ice cream shops) and without any of the following: live entertainment, dancing, or sales of alcoholic beverages
- ~~mm.~~nn. Studios for teaching of art, martial arts, music, dance, and gymnastics
- ~~nn.~~oo. Shoe sales and shoe repair stores with less than 7,000 square feet of floor area
- ~~oo.~~pp. Sporting goods stores with less than 7,000 square feet of floor area
- ~~pp.~~qq. Tailor and dressmaking shops
- ~~qq.~~rr. Toy stores with less than 7,000 square feet of floor area



~~ff.ss.~~ Video rental stores

~~ss.tt.~~ Accessory uses customarily incidental to the above including but not limited to off-street parking and loading as regulated in Section XI of this Ordinance

**2. Special Uses**

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section XIII of this Ordinance, as appropriate:

- a. Antique shops with more than 7000 square feet of floor area
- b. Banks and Financial Institutions (Amended by Ordinance A-834-06-09)
- c. Banquet Halls
- d. Catering establishments
- e. Child care centers and nursery schools
- f. Clubs or Lodges, private, fraternal, or religious
- g. Computer, business machine and office equipment stores, including repair and service functions where incidental to retail sales, with more than 7,000 square feet of floor area
- h. Convenience Food Stores
- i. Department Stores
- j. Drive through facilities accessory to a permitted or special use
- k. Dry cleaners with on-site equipment for dry cleaning
- l. Financial Services Offices (Amended by Ordinance A-834-06-09)
- m. Funeral parlors
- n. Furniture stores with more than 7,000 square feet of floor area
- o. Hardware stores with more than 7,000 square feet of floor area
- p. Hours of operation exceeding 7 A.M. to 10 P.M. for any business listed as a permitted or special use except as otherwise permitted by Section VIII.A.11 (Amended by Ordinance A-834-03-12).
- q. Household appliance and electronics stores including repair and service functions where incidental to retail sales
- r. Insurance Offices (Amended by Ordinance A-834-06-09)
- s. Laundromats
- t. Liquor stores (package goods sales only)
- u. Medical, Dental, and Optical Offices and Clinics (Amended by Ordinance A-834-06-09)



- v. Office Supply and Service Stores including copying and package delivery services, with more than 7000 square feet of floor area
- w. Orthopedic and Medical Appliance Stores
- x. Outside dining area for a restaurant subject to compliance with Section VIII.A.5 herein
- y. Outside sales display accessory to a permitted or special use
- z. Paint and wallpaper stores with more than 7,000 square feet of floor area
- aa. Parking lots and structures where such uses are the principal use on a lot
- bb. Pet shops and pet service stores
- cc. Planned unit developments
- dd. Post offices, Federal Government
- ee. Real Estate Offices (Amended by Ordinance A-834-06-09)
- ff. Restaurants in single tenant buildings or with any one of the following: ~~live entertainment, dancing,~~ or sales of alcoholic beverages (Amended by Ordinance A-834-6-99).
- gg. Shoe sales and shoe repair stores with more than 7,000 square feet of floor area
- hh. Shopping centers (containing stores listed as permitted or special uses in this B-1 District) with less than 100,000 square feet of floor area
- ii. Sporting goods stores with more than 7,000 square feet of floor area
- jj. Theaters, performing arts, indoor only
- kk. Toy stores with more than 7,000 square feet of floor area
- ll. Travel Agencies (Amended by Ordinance A-834-06-09)
- mm. Tutoring center for pre-school, primary, and secondary education (Amended by Ordinance A-834-31-11).
- nn. Wine boutique with ancillary service of wine and beer by the glass and with service of pre-packaged food for consumption on-site (Amended by Ordinance A-834-01-11)

3. **Lot Size Requirements:**

	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
a. <b><u>Permitted Uses</u></b>	10,000 square feet	80 feet
b. <b><u>Special Uses</u></b>		
(1) All special uses except those listed below	10,000	80 feet



	square feet	
(2) Convents, monasteries, and theological schools	10 Acres	500 feet
(3) Child care centers and nursery schools	As approved by the Village	
(4) Funeral Parlors	30,000 square feet	150 feet
(5) Parking lots or Structures (as principal use)	10,000 square feet	100 feet
(6) Planned Unit Developments	6 acres	350 feet
(7) Post Offices	10,000 square feet	150 feet
(8) Shopping Centers	3 acres	250 feet

4. **Floor Area Ratio:**

Not to exceed 0.40.

5. **Building Height:**

Not to exceed two and one-half stories or 35 feet, whichever is less.

6. **Yard Requirements:**

- a. Front yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- b. Corner side yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- c. Interior side yard: None required, however, if a yard is provided, it must be at least 20 feet in width.
- d. Rear yard: 40 feet
- e. Transitional rear and side yards: all lots with rear or side lot lines abutting a residential district shall provide a 50 foot yard along such abutting lot line, with landscaping in accordance with Subsection VIII.A.10.

# EXHIBIT A



## BURR RIDGE ZONING ORDINANCE

### SECTION VIII.C B-2 BUSINESS DISTRICT

#### C. B-2 GENERAL BUSINESS DISTRICT

The intent of the B-2 District is to accommodate those uses which require substantial land area, are major travel destinations, require substantial support parking and draw their clientele or employees from the regional market. Many such uses require a high degree of access and roadside visibility or exposure from major thoroughfares.

##### 1. Permitted Uses:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses:

- a. Antique shops with less than 7000 square feet of floor area
- b. Art Galleries
- c. Art and School Supply Stores
- d. Automobile parts and accessory stores
- e. Bakeries (retail sales and not more than 70 percent of the floor area may be devoted to the production or processing of bakery goods)
- f. Barber Shops
- g. Beauty and Health Services
- h. Bicycle sales, including rental and repair and service functions where incidental to retail sales or rentals
- i. Book stores and stationery shops
- j. Camera and photographic supply stores
- k. Candy stores
- l. Card and gift shops
- m. Carpet and rug stores (retail only)
- n. Catalogue Sales
- o. Catering Establishments
- p. China, glassware and household goods stores
- q. Clothing, clothing rental, and clothing accessory stores
- r. Coin and philatelic stores



- s. Computer, business machine and office equipment stores, including repair and service functions where incidental to retail sales
- t. Craft, fabric, and sewing stores
- u. Delicatessens (packaged and/or prepared food for consumption on or off premises)
- v. Dry cleaning or laundry receiving establishment (processing to be done off-site)
- w. Florist shops
- x. Food Stores, including grocery stores, supermarkets, meat markets, health food stores, fruit and vegetable stores, bulk food stores, and other similar establishments
- y. Furniture stores
- z. Furrier shops
- aa. Garden, landscape, and patio stores
- bb. Hardware and home improvements stores
- cc. Hobby shops (not including video game parlors or arcades)
- dd. Household appliance stores (including repair and service functions where such activities are incidental to the retail sales function)
- ee. Interior decorating shops
- ff. Jewelry stores, including watch repairs, design and production of custom jewelry
- gg. Leather goods and luggage stores
- hh. **Live entertainment accessory to a restaurant use subject to compliance with Section VIII.A.12**
- ii. Locksmith shops
- ##jj. Music stores including sheet music, recorded music, and musical instrument sales and repair
- jjkk. Office supply and service stores including copying and package delivery services with less than 7000 square feet of floor area
- kkll. Orthopedic and Medical Appliance Stores
- Hmm. Paint and wallpaper stores
- mmnn. Pharmacies and Drug Stores
- nnoo. Photography studios
- oopp. Picture framing, when conducted for retail sales on the premises only
- ppqq. Playground equipment sales with indoor display



- ~~qqrr.~~ Post Offices, federal government, freestanding or accessory to a permitted or special use
- ~~ffss.~~ Restaurants in multi-tenant buildings (including specialty restaurants such as donut shops and ice cream shops) and without any of the following: ~~live entertainment, dancing, or sales of alcoholic beverages~~
- ~~sstt.~~ Studios for teaching of art, martial arts, music, dance, and gymnastics
- ~~ttuu.~~ Shoe sales and shoe repair stores
- ~~ttvv.~~ Sporting goods stores
- ~~vvww.~~ Tailor and dressmaking shops
- ~~wwxx.~~ Toy stores
- ~~xyyy.~~ Video rental stores
- ~~yyzz.~~ Accessory uses customarily incidental to the above including but not limited to off-street parking and loading as regulated in Section XI of this Ordinance

2. **Special Uses:**

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section XIII of this Ordinance, as appropriate:

- a. Amusement establishments, indoor and outdoor, including golf courses and ranges, miniature golf, batting cages, bowling alleys, tennis, racquetball, gymnasiums, swimming pools, and ice skating rinks but excluding arcades
- b. Animal hospitals and veterinary clinics
- c. Antique shops with more than 7000 square feet of floor area
- d. Automobile sales, new or used and including trucks
- e. Automobile gasoline sales stations
- f. Automobile service and repair
- g. Banks and financial institutions (Amended by Ordinance A-834-06-09)
- h. Banquet halls
- i. Building material sales
- j. Car washes, automatic, self-service, or hand wash
- k. Clubs or lodges, private, fraternal, or religious
- l. Colleges, universities, or business vocational schools
- m. Convents, monasteries, and theological schools
- n. Convenience Food Stores
- o. Child Care Centers and Nursery Schools



- p. Department Stores
- q. Drive through facilities accessory to any permitted or special use
- r. Dry cleaners with on-site equipment for dry cleaning
- s. Financial Services Offices (Amended by Ordinance A-834-06-09)
- t. Funeral parlors
- u. Golf Simulation Facility with Sales of Alcoholic and non-Alcoholic Beverages and pre-packaged food and snacks (Amended by Ordinance A-834-23-16)
- v. Greenhouses, retail sales only
- w. Health and athletic clubs and gymnasiums
- x. Hotels and motels (including dining and meeting rooms)
- y. Hours of operation exceeding 7 A.M. to 10 P.M. for any business listed as a permitted or special use except as otherwise permitted by Section VIII.A.11 herein (Amended by Ordinance A-834-03-12).
- z. Insurance Offices (Amended by Ordinance A-834-06-09)
- aa. Kennels
- bb. Laundromats
- cc. Liquor Stores (packaged goods sales only)
- dd. Medical, Dental, and Optical Offices and Clinics (Amended by Ordinance A-834-06-09)
- ee. Office supply and service stores including copying and package delivery services with more than 7000 square feet of floor area
- ff. Outside dining area for a restaurant subject to compliance with Section VIII.A.5 herein
- gg. Outside sales display accessory to a permitted or special use
- hh. Parking lots and structures where such uses are the principal use on a lot
- ii. Pet shops and pet service stores
- jj. Planned unit developments
- kk. Plumbing, heating, air conditioning, and lighting stores (retail sales and service only)
- ll. Real Estate Offices (Amended by Ordinance A-834-06-09)
- mm. Restaurants in single tenant buildings or with any one of the following: ~~live entertainment, dancing,~~ or sales of alcoholic beverages (Amended by Ordinance A-834-6-99)
- nn. Running Store/Fitness Apparel Store with Sales of Craft Beer or Wine (Amended by Ordinance A-834-14-16)



- oo. Shopping centers (containing stores listed as permitted or special uses in this B-2 District)
- pp. Theaters, indoor movie, not to exceed 4 screens or 800 seats, whichever is less, with no screen having more than 250 seats, and not located within 2500 feet (measured from property line to property line) of another theater facility.” Amended Ordinance A-834-7-97
- qq. Theaters, performing arts, indoor
- rr. Tobacco Shops
- ss. Travel Agencies (Amended by Ordinance A-834-06-09)
- tt. Tutoring center for pre-school, primary, and secondary education (Amended by Ordinance A-834-31-11)
- uu. Multiple buildings on a single lot if said building and lot are under common ownership and that all necessary infrastructure is provided for each of the buildings consistent with the Village’s subdivision regulations. (Amended Ordinance A-834-03-08)

3. **Lot Size Requirements:**

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
a. <b><u>Permitted Uses</u></b>	20,000 square feet	120 feet
b. <b><u>Special Uses</u></b>		
(1) All special uses except those listed below	20,000 square feet	120 feet
(2) Colleges, universities	80 Acres	1,000 feet
(3) Restaurants with drive-thru facilities	40,000 square feet	200 feet
(4) Banks and Financial Institutions with drive-through facilities	1 acre	200 feet
(5) Funeral parlors	30,000 square feet	150 feet
(6) Greenhouse, retail sales only	1 acre	200 feet
(7) Hotels and motels	2 acres	250 feet
(8) Planned Unit Developments	5 acres	250 feet
(9) Shopping Centers	5 acres	250 feet



4. **Floor Area Ratio:**

Not to exceed 0.40.

5. **Maximum Building Height:**

Not to exceed 35 feet.

6. **Yard Requirements:**

- a. Front yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- b. Corner side yard: 40 feet. The area extending from the front building line to within 15 feet of the front property line may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities (all of the area between the front property line and the front building line which is not occupied by such facilities, including the 15 feet adjoining the street, shall be landscaped in accordance with Subsection VIII.A.10).
- c. Interior side yard: None required, however, if a yard is provided it must be at least 20 feet in width.
- d. Rear yard: 40 feet.
- e. Transitional rear and side yards: all lots with rear or side lot lines abutting a residential district shall provide a 50 foot yard along such abutting lot line, with landscaping in accordance with Subsection VIII.A.10.

# EXHIBIT A



## BURR RIDGE ZONING ORDINANCE

### SECTION XIV RULES AND DEFINITIONS

#### A. RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction unless they are inconsistent with the manifest intent of the Board of Trustees of the Village of Burr Ridge or the context clearly requires otherwise:

1. Words used in the present tense shall include the past and the future tense.
2. Words used in the singular number shall include the plural number, and the plural the singular.
3. The word "shall" is mandatory and not discretionary.
4. The word "may" is permissive.
5. The masculine gender includes the feminine and neuter.
6. The word "person" shall include a firm, proprietorship, joint venture, association, agent, organization, partnership, trust, company or corporation, and any other form of legal entity, as well as an individual, so that where the word "person" is used it is clear that any entity which would be subject to the Zoning Ordinance would be defined as a person.
7. All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or more, the full foot next above shall be taken. Unless otherwise specified, all distances shall be measured horizontally.
8. The word "building" includes all other structures of every kind regardless of similarity to buildings.
9. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

#### B. DEFINITIONS

In further amplification and for clarity of interpretation of the context of this Ordinance, the following words and terms shall have the meaning set forth herein. Words contained in this Ordinance and not defined hereinafter shall assume such definitions as prescribed in the most recent edition of Webster's unabridged dictionary which apply in the context in which they are used herein.

**ABUTTING:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESSORY BUILDING OR USE:** An accessory building, structure or use is one which:

1. Is clearly incidental to, subordinate in purpose to, and serves the principal building or use.



**KENNEL:** Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals over six months of age are kept, or on which more than two such animals are maintained, boarded, trained, groomed, bred, or cared for in return for remuneration, or are kept for the purpose of sale. Any premise of five acres or more in area used for a single-family detached dwelling, agricultural, institutional or recreational use where more than three such domestic animals owned by the occupant of the principal use are kept, bred and offered for sale shall not be considered a kennel.

**LABORATORY:** A place devoted to experimental study such as testing and analyzing. Manufacturing and sale of product or products is not permitted within a laboratory.

**LAUNDERETTE:** A business that provides coin operated self-service machines for use by customers on the premises to wash, dry and/or iron clothing, provided that no pick-up or delivery service is maintained.

**LIVE ENTERTAINMENT:** Any one or more of any of the following, performed live by one or more persons: (1) musical act (including karaoke); (2) theatrical act (including stand-up comedy or performance art); (3) play; (4) revue; (5) performance or theatrical dance; (6) magic act; (7) disc jockey; or (8) similar activity. Lewd or sexually suggestive acts or dance are prohibited. Live entertainment does not include television, radio, closed circuit or Internet broadcasts of live entertainment.

**LIVESTOCK:** Horses, ponies, donkeys, sheep, goats and cattle.

**LIQUOR STORE, PACKAGE:** A business establishment where alcoholic beverages are kept and sold in their original containers and where such alcoholic beverages are not consumed on the premises.

**LOADING BERTH:** A space within the principal building or on the same lot as the principal building providing for the standing, loading or unloading of trucks and vans and with access to a street or alley.

**LODGING HOUSE (including BOARDING and ROOMING HOUSE):** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms which accommodate three or more persons who are not members of the keeper's family and where lodging, with or without meals, is provided for compensation on a weekly or monthly basis.

**LODGING ROOM (ROOMING UNIT):** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this Ordinance.

**LOT:** A single parcel of land which is legally described and recorded as such, or which is one of two or more numbered lots or parts of such lots legally described and recorded as a part of a recorded subdivision plat, and, in any case, is located within a single block (regardless of whether or not the "block" is recorded as such) and has its principal frontage on a street or an easement or other common-use right-of-way. No parcel shall be considered a lot, even though it is called or designated a lot, if it does not have a lot line which abuts a street for a distance of greater than fifty percent (50%) of the lot width. A lot is also one of two or more contiguous lots or parts of lots of record comprising the tract of land which is designated by the owner at the time of application for a building permit as the site to be used, developed, or built upon as a unit under single ownership or control. Therefore, a lot may or may not coincide with a single lot of record. The term "lot" shall also include any parcel of land under single ownership even though it is not recorded as a subdivided lot, including any parcels that result from a tax division of any land.