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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE**

**NUMBER 2022 - 40**

**AN ORDINANCE AMENDING TITLE 11 (ZONING REGULATIONS),  
CHAPTER 7 ARTICLE D. (R-2 SINGLE-FAMILY RESIDENCE DISTRICT)  
SECTION D. (FLOOR AREA RATIO) OF THE VILLAGE CODE, PROVIDING  
A MAXIMUM SQUARE FOOTAGE EXCEPTION TO EXCLUDE ENCLOSED  
OFF-STREET PARKING FLOOR AREA FROM FLOOR AREA RATIO  
CALCULATION, THEREBY ALLOWING FOR AN INCREASE IN SINGLE-  
FAMILY DWELLING UNIT LIVING AREA**

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FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

VINCE ACKERMAN  
WILLIAM BELMONTE  
BILL BOLEN  
FRANK BUCARO  
PATRICK SHANNON  
JUDI VON HUBEN

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 10th day of October, 2022

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**AN ORDINANCE AMENDING TITLE 11 (ZONING REGULATIONS), CHAPTER 7  
ARTICLE D. (R-2 SINGLE-FAMILY RESIDENCE DISTRICT) SECTION D.  
(FLOOR AREA RATIO) OF THE VILLAGE CODE, PROVIDING A MAXIMUM  
SQUARE FOOTAGE EXCEPTION TO EXCLUDE ENCLOSED OFF-STREET  
PARKING FLOOR AREA FROM FLOOR AREA RATIO CALCULATION,  
THEREBY ALLOWING FOR AN INCREASE IN SINGLE-FAMILY DWELLING  
UNIT LIVING AREA**

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**WHEREAS**, the Village of Bloomingdale (hereinafter referred to as "Village") is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended (the "Village Code");

**WHEREAS**, Title 11 (Zoning Regulations) Chapter 7 (Residence Districts) Article D. (R-2 Single-Family Residence District) of the Village Code provides for certain site and structure requirements within the R-2 Zoning District;

**WHEREAS**, the Village Code requires each lot within the R-2 Single-Family Residence District have a minimum lot area of twelve thousand square feet;

**WHEREAS**, a majority of the existing lots within the R-2 Zoning District maintain a lot area less than what is required by Village Code, making it difficult for such lots to satisfy all other building requirements within said District without variance;

**WHEREAS**, to provide the Village additional advantages to attract and retain younger families critical to promoting the desirability and sustainability of the community, and reduce the aforementioned hardships presented to existing residents with undersized lots the Village President and Board of Trustees (collectively the "Corporate Authorities") have expressed their desire to amend the Village Code to provide certain relief to exclude a maximum square footage of enclosed off-street parking floor area from the floor area ratio calculation within R-2 Single-Family Residence Districts within the Village , as contemplated herein;

**WHEREAS**, the Village of Bloomingdale Planning and Zoning Commission held a public hearing pursuant to State Law on September 6, 2022 to discuss a text amendment to Title 11 (Zoning Regulations) Chapter 7 (Residence Districts) Article D. (R-2 Single-Family Residence District) of the Village Zoning Code to provide the aforementioned relief which resulted in a positive recommendation for the Corporate Authorities to consider;

**WHEREAS**, the Corporate Authorities find it necessary and proper pursuant to its Home Rule Powers to amend said Code, Chapter, and Section to allow for a square footage exception to exclude a maximum square footage of enclosed off-street parking floor area from floor area ratio calculation within R-2 residentially zoned property as provided herein; and

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village's Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

#### **Section One - Recitals**

The Corporate Authorities hereby find that all of the recitals herein stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

## **Section Two – Amendment to Title 11**

Title 11 (Zoning Regulations) Chapter 7 (Residence Districts) Article D (R-2 Single-Family Residence District) Section 11-7D-1 D. (Floor Area Ratio) shall be amended as follows:

D. Floor Area Ratio: Floor area ratio is not to exceed 0.3. For purposes of determining the Floor Area Ratio within this Section as it relates to the R-2 Single-Family Residence District, the calculation required to obtain the Floor Area shall not include the floor space devoted to enclosed off street parking and off street loading areas to the extent that such areas total five hundred (500) square feet or less. Any floor space devoted to enclosed off-street parking and off street loading area in excess of five hundred (500) square feet shall be included in Floor Area Ratio calculation.

## **Section Three – Codification**

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) when and during the codification of the Bloomingdale Municipal Code.

## **Section Four – Home Rule Preemption**

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

## **Section Five – Effective Date:**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

## **Section Six - Publication**

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Seven - Conflict Clause**

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

**Section Eight – Saving Clause**

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village's Municipal Code, which are hereby declared to be separable.

**Section Nine - Recording**

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

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**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro			X	
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 10th day of October 2022.

  
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Franco A. Coladipietro  
Village President

ATTEST:

  
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Pamela S. Hager  
Village Clerk