

VILLAGE OF DOWNERS GROVE
Report for the Village
12/10/2019

SUBJECT:	SUBMITTED BY:
Zoning Ordinance Text Amendments	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The Village is requesting approval of text amendments to various sections of the Zoning Ordinance related to Adult Use Cannabis Business Establishments and to update and clarify other sections of the Zoning Ordinance.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include a *Strong, Diverse Local Economy* and *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 17, 2019 active agenda per the Plan Commission's 8:0 positive recommendation. The Plan Commission found that the proposed text amendments met the review and approval criteria in Section 28.12.020.F.

BACKGROUND

The Village is requesting review of multiple text amendments to the Zoning Ordinance. The proposed text amendments fall into two categories: (1) amendments related to Adult use Cannabis Business Establishments and (2) minor modifications to the Zoning Ordinance.

Category 1 - Adult Use Cannabis Business Establishments

The State of Illinois recently passed the Cannabis Regulation and Tax Act which legalized the use of recreational marijuana beginning January 1, 2020. Between August and October 2019, the Village Council considered regulations and taxes on cannabis based businesses across multiple meetings. At their October 8th meeting, the Village Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) of the Downers Grove Municipal Code, effectively prohibiting adult use cannabis business establishments. The proposed Zoning Ordinance amendments are intended to ensure consistency amongst the Zoning Ordinance (Chapter 28) and Business and Activity Licenses and Regulations (Chapter 8).

Category 2 - Minor Modifications to the Zoning Ordinance

The second category of amendments updates and clarifies various sections of the Zoning Ordinance. Over time and through practice, staff has identified sections where further clarification, minor adjustments in

language, and visual diagrams would prove useful to both the practitioner and residents. The changes proposed are intended to further improve the review process while also ameliorating common questions and inquiries that staff receives repeatedly.

Public Comment

Prior to and during the Plan Commission meeting, staff did not receive any inquiries regarding this proposal.

ATTACHMENTS

Ordinance

Staff Report with attachments dated November 4, 2019

Draft Minutes of the Plan Commission Hearing dated November 4, 2019

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
ZONING ORDINANCE PROVISIONS**

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

Section 1. That Section 28.5.010 (Table 5-1) of the Zoning Ordinance is hereby amended to read as follows:

See Table 5-1

Article 5 | Allowed Uses • Sec. 5.010 | Allowed Uses

USE CATEGORY		R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R	M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
Subcategory		P = use permitted as of right S = special use approval required — = not allowed																			
Specific use (See Sec. 5.020)																					
Veterinary care		—	—	—	—	—	—	—	—	—	P	S	S	S	[18]	—	—	P	P	—	—
Assembly and Entertainment (except for the following uses)		—	—	—	—	—	—	—	—	—	P	S	S	—	—	—	—	—	—	—	—
Auditorium		—	—	—	—	—	—	—	—	—	P	S	S	—	—	—	—	—	—	—	—
Cinema		—	—	—	—	—	—	—	—	—	P	S	S	—	—	—	—	—	—	—	—
Theater		—	—	—	—	—	—	—	—	—	P	S	S	—	—	—	—	—	—	—	—
Broadcast or Recording Studio		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—
Commercial Service		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Building service		—	—	—	—	—	—	—	—	—	S	P	—	—	—	—	—	P	P	—	—
Business support service		—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	P	—	—	—
Consumer maintenance and repair		—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	P	—	—	—
Personal improvement service		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
General personal improvement services		—	—	—	—	—	—	—	—	—	P	P	P	P	P	[13]	—	—	—	—	—
Health and fitness services		—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	S	—	—
Studio or instructional services		—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—	—
Fortune-telling or psychic service		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—
Massage therapy		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—
Research service		—	—	—	—	—	—	—	—	—	P	S	S	S	[18]	P	P	P	P	—	—
Day Care		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Day care home		P	P	P	P	P	P	—	—	—	—	—	—	P	—	—	—	—	—	—	—
Day care center		—	—	—	—	S	S	P	P	P	—	S	S	P	P	P	P	P	S	—	—
Eating and Drinking Establishment		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Restaurant		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Wine and/or Beer Boutique		—	—	—	—	—	—	—	—	—	P	P	P	P	S	[18]	P	—	—	—	—
Financial Service		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Funeral or Mortuary Service		—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—
Lodging		—	—	—	—	—	—	—	—	—	P	P	—	—	—	P	—	—	—	—	—
Bed and Breakfast		—	—	—	—	—	—	—	—	—	—	—	S	—	—	—	—	—	—	—	—
Office		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Business and professional office		S	S	S	S	S	S	P	P	P	P	P	P	S	P	P	P	P	P	—	—
Medical, dental and health practitioner		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	—	—
Parking, Non-Accessory		—	—	—	—	—	—	—	—	—	S	S	—	S	S	S	S	S	S	—	—
Retail Sales		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Convenience goods		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Consumer shopping goods		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Guns and firearm supplies		—	—	—	—	—	—	—	—	—	[11]	[11]	[11]	—	—	—	—	S	—	—	—
Building supplies and equipment		—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Self-service Storage Facility		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—
Trade School		—	—	—	—	—	—	—	—	—	P	P	P	S	S	S	S	S	S	—	—

[illegible]

Section 2. That Section 28.5.100 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 5.100 Other Use Category

This category includes uses that do not fit the other use categories.

A. Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.

B. Medical Cannabis Cultivation Center

As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

C. Medical Cannabis Dispensing Organization

As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

D. Adult Use Cannabis Establishments

Adult Use Cannabis Establishments are defined in Chapter 8 of the Downers Grove Municipal Code.

Section 3. That Section 28.6.010 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 6.010 Accessory Uses

* * *

M. Solar Energy Systems

1. General

- a. Accessory solar energy systems must comply with all applicable building and electrical code requirements.
- b. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

2. Building-Mounted Solar Energy Systems

- a. Building-mounted solar energy systems may be mounted on principal and accessory structures.
- b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with Article 12.040G. Additionally, building-mounted solar energy systems may be installed up to the lawfully established building line of a principal structure, in cases where homes lawfully encroach into the required yard setback.
- c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations and may not extend further than the lawfully established street facing building line of the principal structure.

* * *

Section 4. That Section 28.6.170 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 6.170 Wireless Telecommunications

* * *

F. Telecommunications Tower Requirements

1. Lot Size

For purposes of determining whether the installation of a telecommunications tower complies with the lot and building regulations of the subject zoning district, the dimensions of the entire lot must be used, even though the telecommunications tower may be located on leased parcels within such lot.

2. Appearance

Telecommunications towers must be maintained in a clean condition, free from corrosion or rust, and subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. At a telecommunications tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. Lighting and Illumination

Telecommunications towers may not be illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting design must cause the least disturbance to surrounding views.

4. State or Federal Requirements

All telecommunications towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications towers. If such standards and regulations are changed, then the owners of the telecommunications towers governed by this section must bring the telecommunications tower into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications towers into compliance with such revised standards and regulations constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

5. Building Codes; Safety Standards

To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower must ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for telecommunications towers that are published by the American National Standards Institute. If, upon inspection, the village concludes that a telecommunications tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the telecommunications tower, the owner will have thirty (30) days to bring

such telecommunications tower into compliance with such standards. Failure to bring the telecommunications tower into compliance within the thirty (30)-day period constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

6. Signs

Advertising signs are prohibited on an antenna or telecommunications tower.

7. Buildings and Support Equipment

Buildings and support equipment associated with antennas or telecommunications towers must comply with all applicable regulations. For building mounted antennas and equipment screening shall be provided in accordance with Sec. 8.040C.

Section 5. That Section 28.7.030 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 7.030. Minimum Motor Vehicle Parking Ratios

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with [Table 7-1](#).

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory	
Specific use (See Sec 5.020)	
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB or DC zoning district	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per 7.040G
College or University	per 7.040G
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per 7.040G
Hospital	per 7.040G
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per 7.040G
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per 7.040G

USE CATEGORY	
Subcategory	Minimum Motor Vehicle Parking
Specific use (See Sec 5.020)	
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per 7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per employee + 0.33 per student <u>1 space per 4 occupants</u> (maximum capacity)
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	2 spaces plus 0.5 spaces per employee <u>1 per wash bay</u> , plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.

USE CATEGORY	
Subcategory	Minimum Motor Vehicle Parking
Specific use (See Sec 5.020)	
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	Per 7.040G
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per 7.130

(Ord. 5760, 7/10/18)

Section 6. That Section 28.7.060 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 7.060 Bicycle Parking

A. Minimum Requirements

Bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 7-3.

Table 7-3: Minimum Bicycle Parking Ratios

USE CATEGORY	
Subcategory	Minimum Bicycle Parking Spaces (% of Motor Vehicle Parking)
Specific use (See Sec 5.020)	
PUBLIC, CIVIC AND INSTITUTIONAL	
Community Center	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Library	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Museum or Cultural Facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Parks and Recreation	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
School	
Elementary and Junior High	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Senior High	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
COMMERCIAL	
Assembly and Entertainment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Commercial Service	
Health club, fitness facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Eating and Drinking Establishment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Financial Service	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Office	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Retail Sales	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Studio, Instructional or Service	None for first 19 vehicle spaces, then 10% or 2 spaces, whichever is greater

B. Maximum Requirement

The minimum bicycle parking ratios of Table 7-3 notwithstanding, no use is required to provide more than 25 bicycle parking spaces.

C. Location

Bicycle parking spaces must be located in highly visible, illuminated areas that do not interfere with pedestrian movements. Bicycle parking spaces must be located within 100

feet of a customer entrance. Bicycle parking spaces must be set back in accordance with Sec. 14.100.B.

D. Design

Bicycle parking spaces must:

1. consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
4. be designed so as not to cause damage to the bicycle;
5. facilitate easy locking without interference from or to adjacent bicycles; and
6. have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

Section 7. That Section 28.7.120 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 7.120. Accessible Parking for People with Disabilities

A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.

B. Accessible spaces must be provided in accordance with the Illinois Accessibility Code.

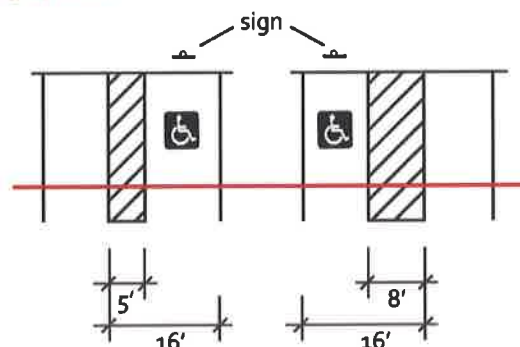
~~Table 7-5~~
Table 7-5: Minimum Accessible Parking Space Ratios

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

C. Accessible parking spaces count towards the total number of parking spaces required.

D. Each accessible parking space must be designed as required by the Illinois Accessibility Code., except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See Figure 7-10.

Figure 7-10: Accessible Parking Spaces



E. Accessible parking spaces must be signed in compliance with applicable state law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by the Village Council.

F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

Section 8. That Section 28.10.010 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 10.010 Fences

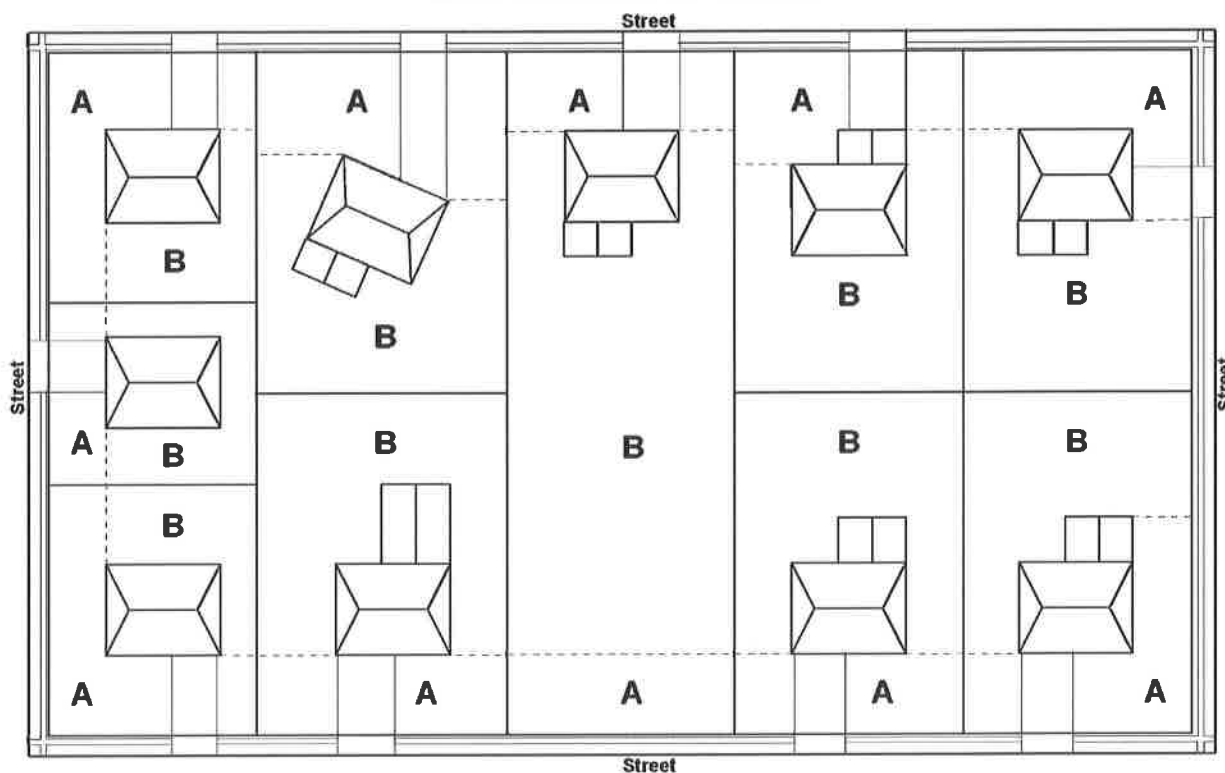
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2. Side and Rear Yards

The regulations of this subsection apply to fences in the side and rear yards of lots located in R districts.

- a. Fences, including chain-link and woven mesh designs, are permitted in side and rear yards and required setbacks. Fences in side and rear yards may not exceed 6 feet in height. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and all directly abutting lots share this layout, the yard along that street frontage is considered a rear yard for purposes of these fence regulations. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and one or more directly abutting lots has the front of a principal structure that faces the same street, the fence must adhere to the yard requirements of the front facing principal structure.
- b. On corner lots with 3 lot lines abutting a street, fences up to 6 feet in height, including chain-link and woven mesh designs, are permitted only within the 2 street-facing side yard areas located from the rear building line to the rear lot line. Any fences outside this area are subject to a maximum height limit of 4 feet.

Figure 10-1: Residential Fence Regulations

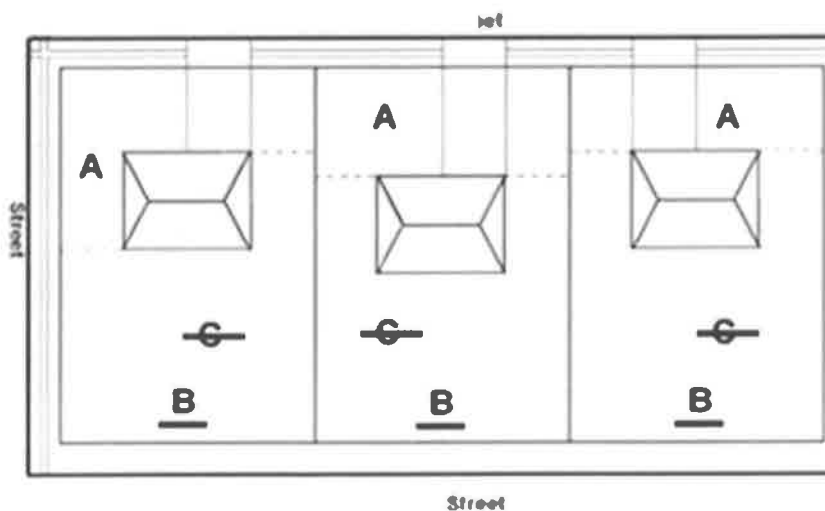


Fence Regulations Quick Guide

A – Fences may be open and not exceed four feet in height.

B and C – Fences may be open or solid and not exceed six feet in height.

Figure 10-2: Residential Multi-Frontage Fence Regulations



* * *

Section 9. That Section 28.11.020 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 11.020 Nonconforming Lots

A. Description

A nonconforming lot is a lot that was lawfully created in accordance with lot area and lot width regulations in effect at the time of the lot's establishment but that does not comply with currently applicable lot area or lot width regulations.

B. Use of and Building on Nonconforming Lots

1. A nonconforming lot in an R district may be used as a building site for a single detached house or accessory structure, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width, except that when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements. Except that lot consolidations are not required for decks, front porches and stoops or when:

- c. an addition does not exceed 350 square feet; or
- d. an addition does not include the installation of a foundation, footers or piers; or
- e. the construction of an accessory structure is less than 800 square feet.

* * *

Section 10. That Section 28.12.010 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 12.010. Common Provisions

* * *

L. Preapplication Meeting.

Before submitting an application for review and approval as noted in Table 12-1, the applicant must schedule a meeting with the Community Development Director to discuss the proposed project and the required process. The Community Development Director is responsible for coordinating the involvement of other related Village departments in the preapplication meeting.

Section 11. That Section 28.12.040 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 12.040 Planned Unit Developments

A. Overview

- 1. Planned Unit Development (PUD) overlay zoning districts are established through the concurrent approval of:
 - a. a PUD overlay district map amendment, in accordance with the zoning map amendment procedures of Sec. 12.030; and

- b. a PUD development plan application in accordance with the procedures of this section.
2. PUD site plan approval is required after approval of the PUD zoning map amendment and PUD development plan. This section describes the required review and approval procedures for PUD development plans and PUD site plans.

B. Development Plan Approval Required

Approval of a PUD development plans and PUD site plan must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a phase of development within a section of an approved PUD overlay district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

C. PUD Development Plans

At the option of the applicant, the PUD development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

~~1.~~ Preapplication Meeting

~~Before submitting an application for a PUD overlay district rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other relevant village departments in the preapplication meeting.~~

~~2-1.~~ Application Contents

An application for a PUD overlay district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.

~~3-2.~~ Application Filing

Complete applications for PUD development plan approval must be filed with the community development director at the same time that the PUD zoning map amendment application is filed. The zoning map amendment procedures of Sec 12.030 apply to PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.

~~4-3.~~ Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the proposed PUD development plan and PUD zoning map amendment within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed plan and map amendment be approved, approved with modifications or conditions, or denied and transmit its recommendations to the village council.

~~5-4.~~ Final Action—Village Council

- a. Within 90 days of receipt of the plan commission's recommendation, the village council may act to approve the proposed PUD development plan and PUD zoning map amendment, approve the proposed plan and amendment with modifications or conditions or deny the proposed plan and map amendment. The village council

may also may remand the matter back to the plan commission for further consideration.

- b. If the PUD development plan and PUD zoning map amendment application are remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the plan and zoning map amendment to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the PUD development plan and PUD zoning map amendment.
- c. PUD development plan and PUD zoning map amendments may be approved by a simple majority vote, except as stated in Sec 12.030H.

6-5. Review and Approval Criteria

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

- a. the zoning map amendment review and approval criteria of Sec 12.030I in the case of new Planned Unit Development proposals;
- b. whether the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area;
- c. whether PUD development plan complies with the PUD overlay district provisions of Sec 4.030;
- d. whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and
- e. whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

7-6. Lapse of Approval

- a. If the applicant fails to file an application for PUD site plan approval within one year of the date of approval of the PUD development plan and zoning map amendment, the PUD development plan will lapse and be of no further effect, in which case the regulations of the base zoning district will govern development of the property. The landowner may request a one-time extension for a period of up to one additional year by filing an extension request with the community development director before the expiration of the PUD development plan. Extension requests must be approved or denied by the village council.

- b. For projects to be developed in phases, phase limits must be shown on the PUD development plan and approved by the village council. The village council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. PUD Site Plans

1. Application Filing

PUD site plan applications must be filed with the community development director before the lapse of a PUD development plan.

2. Review and Action by Community Development Director; Appeals

- a. The community development director must review and take action on the PUD site plan. The community development director must approve the PUD site plan if it complies with the approved PUD development plan, all conditions of PUD development plan approval and all applicable regulations of this zoning ordinance. If the submitted PUD site plan does not comply with the approved PUD development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the community development director must deny the PUD site plan and advise the landowner in writing of the specific reasons for denial.
- b. In acting on PUD site plans, the community development director is authorized to approve the following minor deviations from an approved PUD development plan:
 - (1) any deviation expressly authorized as at the time of PUD development plan approval;
 - (2) the addition of customary accessory uses and structures; and
 - (3) changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the development plan was approved and that are not otherwise classified as amendments pursuant to [Article 1Sec. 12.040E](#).
- c. No other changes or amendments may be approved as part of the community development director action on a PUD site plan. Any other changes will be considered amendments to an approved PUD development plan. Amendments are subject to [Article 1Sec. 12.040E](#).
- d. If the community development director does not approve the PUD site plan, the landowner may either: (1) resubmit the PUD site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the community development director. If an appeal is filed, the PUD site plan must be processed in the same manner as a PUD development plan, with review and recommendation by the plan commission and a final decision by the village council.

3. Effect of Approval

Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

E. Amendments to Approved PUD Development Plans

1. All of the following constitute amendments to an approved PUD development plan:
 - a. elimination or relaxation of a condition of approval imposed by the ~~v~~Village ~~c~~Council at the time of PUD development plan approval;
 - b. an increase in overall building coverage by more than 5%;
 - c. an increase in building height by more than 10% or 5 feet, whichever is less;
 - d. an overall reduction in the amount of usable open space, common open space or landscaping by more than 5%;
 - e. a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
 - f. a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
 - g. anything that the community development director determines a material change, likely to create adverse impacts that were not considered as part of the PUD development plan approval.
2. Any amendment to an approved PUD development must be processed as a new PUD development plan, including all requirements for fees, notices and hearings.

(Ord. No. 5471, §4, 7/21/15)

Section 12. That Section 28.14.100 of the Zoning Ordinance is hereby amended to read as follows:

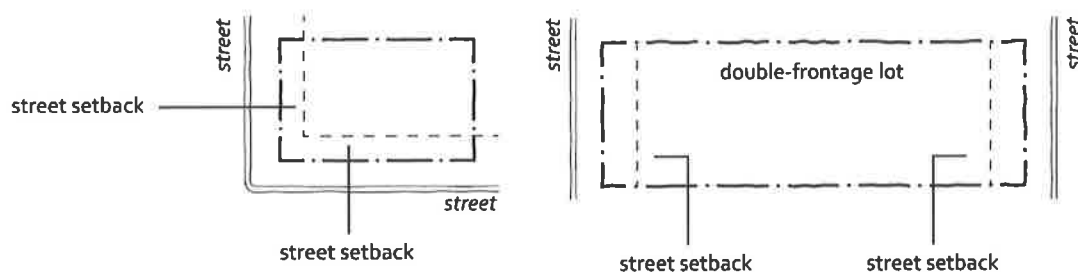
Sec.14.100 Setbacks

F. Measurement

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

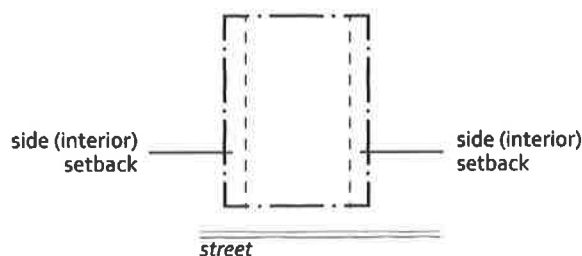
1. Street setbacks are measured from all lot lines that abut a street. See Figure 14-6. On corner lots, street setbacks apply along both streets, but applicable street setback requirements may be reduced along one of the street frontages if necessary to allow a building width of 30 feet. On double-frontage lots, street setbacks apply along both opposing lot lines that abut the street.

Figure 14-6: Street Setback Measurement



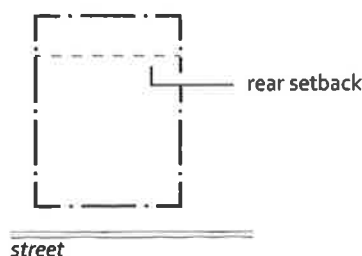
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See Figure 14-7. Interior side setbacks do not apply to attached or abutting walls in an attached house development.

Figure 14-7: Side (interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line. See Figure 14-8.

Figure 14-8: Rear Setback Measurement



G. Permitted Obstructions

Yards in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 14-1.

Table 14-1: Permitted Yard Obstructions

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
A/C units, generators, compressors, transformers, pool associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No[1]	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, R-5A, R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	No setback required
Antenna, amateur radio	No	No	Yes	
Antenna, receive-only and satellite dish	No	Yes	Yes	
Arbor, pergola or trellis	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
Architectural building features (e.g., sills, belt courses, cornices, wing walls)	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy architectural light shelf or solar shading device	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	-Yes	-Yes	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	
Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
<u>Bicycle Parking</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>5 ft. min. setback in R-4 district</u> <u>6 ft. min. setback in all other districts</u>
Breezeway	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Deck or patio, uncovered and open-air (see also "porch," below)	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side setback and rear setback
Dog house or dog run	No	No	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	1 ft. min. setback
Eaves and gutters	Yes	Yes	Yes	In street setback and rear setback - 2.5 ft. max. encroachment In side setback - 2 ft. max. encroachment
Electric vehicle charging equipment	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	See also Sec 10.010
Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Flag pole	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Garden features (e.g., cold frames, hoop houses, greenhouses)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Parking, open	Yes	Yes	Yes	See also Sec 7070
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Porch, covered and open on at least 3 sides (see also "deck," above)	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also <u>Article 1Sec. 12.040H</u>) Must meet required district side yard setbacks

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
Shed, carport or storage structure	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	No	No	See Article 9
Solar panel <u>and equipment</u> (building-mounted)	No	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel <u>and equipment</u> (ground-mounted)	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also Sec. 1.010M
Sport courts & accessory lighting	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	1 ft. min. setback
Swimming pool (in-ground & above-ground) & hot tubs <u>and associated equipment</u>	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Walkway (covered)	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	See also <u>o</u>
Wall, retaining	Yes	Yes	Yes	1 ft. min. setback
Yard features (e.g., ornamental light standards, anchored lawn furniture and decorations, sundials, statues, bird baths, ponds, sculptures, seat walls, etc.)	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

[1] Except for single family residential uses, units may be located on the building's primary street facade and in front of a bump as long as the unit is screened by a wing wall made of the same material as the primary façade which is attached to the primary building via a full foundation and is at least as tall as the equipment.

H. Front Porches

Front porches on R-zoned lots may encroach a maximum of 5 feet into a required street setback, subject to the following restrictions:

1. Front porches with a total footprint of 250 square feet or less are not counted towards overall lot or building coverage.
2. The total amount of porch encroachment into any required street setback may not exceed 250 square feet.
3. Porches that are constructed after September 1, 2006 and encroach into the street setback must remain open and not be converted into occupiable floor area at any time.
4. On lots with multiple frontages, porches may encroach into only one both street setbacks, but the total amount of encroachments may not exceed 500 square feet; and only a maximum of 250 square feet is not counted toward the overall lot or building coverage.
5. Occupiable floor area and porch/deck space is prohibited above or below a porch that encroaches into a required street setback.

I. Contextual Setbacks

When existing buildings on one or more abutting lots are closer to the street property line than the otherwise required street setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

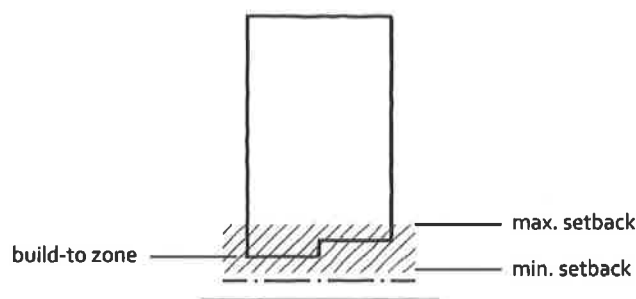
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure 14-9.

Section 13. That Section 28.14.110 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 14.110 Build-to Zone

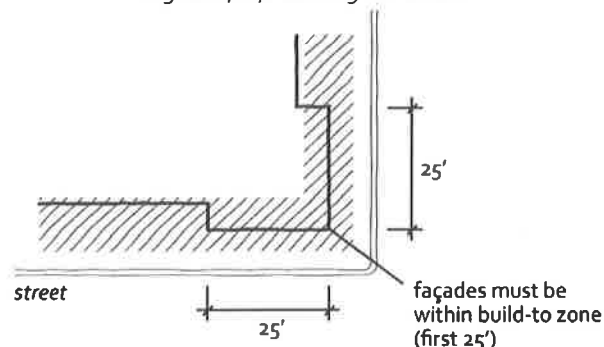
- A. The build-to zone is the area on the subject lot where a specified percentage of the street-facing building facade must be located, measured as a minimum and maximum setback range from the edge of the abutting street right-of-way. See Figure 14-13.

Figure 14-13: Build-to Zone Measurement



- B. The specified percentage identifies the amount of the building facade that must be located in the build-to zone, based on the width of the building façade divided by the width of the lot.
- C. On corner lots, the building's façade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way. See Figure 14-14.

Figure 14-14: "Holding the Corner"



- D.** Outdoor ~~open-spaced dining~~, plazas ~~and outdoor dining areas~~ or similar programmed space are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
1. the area space does not exceed 33% of the length of the building face or 30 feet, whichever is less;
 2. the area is no more than 25 feet in depth; and
 3. no more than one such feature may be counted per frontage.
- E.** For lots that have frontage on more than one street, the community development director is authorized to determine which street is the "primary street," and which are "secondary streets." The determination must be based on consideration of the following criteria:
1. the established building orientation on the blockface;
 2. the street abutting the longest face of the blockface; and
 3. the street that the lot takes its address from.

Section 14. That Section 28.15.040 of the Zoning Ordinance is hereby amended to read as follows:

Sec. 15.040 Words and Terms Beginning with "A"

Abut or Abutting

To be next to or share a common boundary.

Accessory Structure or Use

An "accessory structure" or "accessory use" is one that:

1. is subordinate to the principal structure or principal use served in terms of area and function;
2. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
3. is customarily found in association with the subject principal use or principal structure.

Act of God

An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

Adjacent

Situated near or in the immediate vicinity.

Adult Entertainment Establishment

See Sec 5.050A.

Adult Use Cannabis Craft Grower

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Cultivation Center

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Dispensing Organization

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Infuser Organization or Infuser

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Processing Organization or Processor

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Transporting Organization or Transporter

As defined in Chapter 8 of the Downers Grove Municipal Code

Agent

A person duly authorized to act on behalf of the subject property owner.

* * *

Section 15. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 16. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0029	Zoning Ordinance Text Amendments	Jason R. Zawila, AICP Planning Manager

REQUEST

The Village is requesting multiple text amendments to the Zoning Ordinance. The proposed amendments are to the following Articles:

- Article 5, Allowed Uses
- Article 6, Supplemental Use Regulations
- Article 7, Parking
- Article 10, General Development Regulations
- Article 11, Nonconformities
- Article 12, Review and Approval Procedures
- Article 14, Measurements
- Article 15, Definitions

NOTICE

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

GENERAL INFORMATION

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

ANALYSIS

SUBMITTALS

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

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

PROJECT DESCRIPTION

The Village is requesting review of multiple text amendments to the Zoning Ordinance. The proposed text amendments fall into two categories.

Adult Use Cannabis Business Establishments - The State of Illinois recently passed the Cannabis Regulation and Tax Act which has legalized the use of recreational marijuana beginning January 1, 2020. Between August and October 2019, the Village Council considered regulations and taxes on cannabis based businesses across multiple meetings. At their October 8th meeting, the Village

Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) of the Downers Grove Municipal Code, effectively prohibiting adult use cannabis business establishments. The proposed amendments are intended to ensure consistency amongst the Zoning Ordinance (Chapter 28) and Business and Activity Licenses and Regulations (Chapter 8).

Minor Modifications to the Zoning Ordinance - The second category of amendments updates and clarifies various sections of the Zoning Ordinance. Over time and through practice, staff has identified sections where further clarification, minor adjustments in language, and visual diagrams would prove useful to both the practitioner and residents. The changes proposed are intended to further improve the review process while also ameliorating common questions and inquiries that staff receives repeatedly.

A summary list of the proposed amendments is shown below and are identified in the attached Zoning Ordinance excerpts. For each proposed amendment new proposed text is underlined, while text proposed to be removed is shown as a ~~strikeout~~.

Section	Description	Page Reference
5.010 – Table 5-1	Added Business Support Service to the M-2 (Restricted Manufacturing District)	5-3
5.010 – Table 5-1	Added related Adult Use Cannabis Business Establishments as a prohibited use to all Zoning Districts	5-4
5.100.D	Added Adult Use Cannabis Business Establishment to the Other Use Category Section	5-19
6.010.M.2	Clarifies where building mounted solar equipment may be placed on single-family homes	6-9
6.170.H.G	Provides additional screening requirements for building mounted antennas and equipment screening	6-24
7.1030 – Table 7-1	Modified the parking requirements for trade schools and car washes	7-3 to 7-4
7.070.C	Added requirements for bicycle parking setbacks	7-8
7.120.B and 7.120.D	Modified parking requirements related to accessible spaces. In 2018, the Illinois Accessibility Code (IAC) was updated for the first time in 20 years, which made certain sections of the Zoning Ordinance non-compliant. The proposed amendments correct this issue and proactively make references to the IAC in case future changes are made.	7-18 to 7-19
10.010.B.2	Clarified certain fence placement requirements related to double frontage lots	10-18 to 10-19
11.020.B.1	Clarified when lot consolidation is required for decks, front porches and stoops	11-3
12.010.L	Added the requirement that a pre-application is required for all zoning approval applications, a current Village practice.	12-6
12.040.C.1	Removed the requirement for a pre-application meeting since this is proposed to be required for all zoning approval applications	12-9
12.040.E.1	Added the provision to allow a minor reduction (less than 5%) to open space in PUDs, similar to such items as parking spaces, building coverage or building height	12-12
14.100.B – Table 14-1	Clarified the setbacks for pool and solar equipment. Also added the setback requirements referenced with the previous amendment related to bicycle parking.	14-4 to 14-5

14.100.C.4	Added a provision allowing a front porch to encroach into an additional street yard when available, but not increasing the lot coverage bonus	14-6
14.110.D	Clarified provisions related to build-to-zone measurements	14-9
15.040	Added definitions related Adult Use Cannabis Business Establishments	15-2

PUBLIC COMMENT

The legal notice was published in the *Enterprise Newspapers, Inc. (The Bugle)*. At this time, no public comments have been received on any proposed text amendment.

FINDINGS OF FACT***Section 12.020.F Review and Approval Criteria of Zoning Ordinance Text Amendments***

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider at least the following factors:

(1) Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan

The proposed text amendments are consistent with the policy and intent of the Comprehensive Plan. The Comprehensive Plan notes that the Zoning Ordinance should be regularly reviewed and updated. In each case, the proposed amendments further these policies and goals of the Comprehensive Plan:

- Maintain the Village's image and desirability as a great place to live
- Develop aesthetically pleasing and functionally well-designed retail and commercial shopping areas
- Enhance the economic viability, productivity, appearance and function of the Village's commercial corridors
- Ensure the provision of high-quality public facilities
- Continue to support the operation of other important community service providers.

This standard is met.

(2) Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.

The proposed text amendments address inconsistencies in the zoning ordinance or to implement an established policy. The amendments related to adult use cannabis business establishments is necessary to implement an established policy and provides consistency with other Chapters in the Municipal Code. All other amendments provides additional flexibility and/or removes inconsistencies in the Zoning Ordinance. The proposed amendments further the purposes of the Zoning Ordinance as shown in Section 1.060 of the Zoning Ordinance. This standard is met.

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request meets the standards of approval for a Zoning Ordinance Text Amendment, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 19-PLC-0029:

19-PLC-0029, Text Amendments
November 4, 2019

Page 4

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Zoning Text Amendment as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 19-PLC-0029 regarding the proposed amendments Articles 5, 6, 7, 10, 11, 12, 14 and 15 of the Zoning Ordinance.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

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Article 5 | Allowed Uses • Sec. 5.010 | Allowed Uses

USE CATEGORY		R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
Subcategory																				
Specific use (See Sec. 5.020)																				
P = use permitted as of right S = special use approval required - = not allowed																				
Veterinary care		-	-	-	-	-	-	-	P	P	S	S	S[18]	-	-	P	P	-	-	Sec. 6.160
Assembly and Entertainment (except for the following uses)		-	-	-	-	-	-	-	-	P	S	S	-	-	-	-	-	-	S	
Auditorium		-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S	
Cinema		-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	-	
Theater		-	-	-	-	-	-	-	P	P	S	S	-	-	-	-	-	-	S	
Broadcast or Recording Studio		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Commercial Service																				
Building service		-	-	-	-	-	-	-	S	P	-	S	-	-	-	P	P	-	-	
Business support service		-	-	-	-	-	-	-	P	P	P	P	-	-	-	P	P	-	-	
Consumer maintenance and repair		-	-	-	-	-	-	-	P	P	P	P	-	-	-	P	-	-	-	
Personal improvement service																				
General personal improvement services		-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	
Health and fitness services		-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	S	-	-	
Studio or instructional services		-	-	-	-	-	-	-	P	P	P	P	S	-	-	-	-	-	-	
Fortune-telling or psychic service		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	
Massage therapy		-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	Sec. 6.070
Research service		-	-	-	-	-	-	-	-	P	S	S	S[18]	P	P	P	P	-	-	
Day Care																				
Day care home		P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-	Sec. 6.030
Day care center		-	-	-	-	S	S	P	P	P	-	S	S	P	P	P	P	S	-	Sec. 6.030
Eating and Drinking Establishment																				
Restaurant		-	-	-	-	-	-	-	P	P	P	P	-	P[7]	P[7]	-	-	-	-	
Wine and/or Beer Boutique		-	-	-	-	-	-	-	P	P	P	P	S[18]	P	P	-	-	-	-	
Financial Service		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	
Funeral or Mortuary Service		-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	
Lodging		-	-	-	-	-	-	-	-	P	-	S	-	-	-	P	-	-	-	
Bed and Breakfast		-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	
Office																				
Business and professional office		S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	-	-	Sec. 6.090
Medical, dental and health practitioner		-	-	-	-	-	-	S[4]	-	P	P	P/S[8]	P/S[8]	S	P	P	P	-	-	
Parking, Non-Accessory		-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	S	-	-	
Retail Sales																				
Convenience goods		-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	
Consumer shopping goods		-	-	-	-	-	-	-	P	P	P	P/S[12]	P	P[18]	-	-	-	-	-	
Guns and firearm supplies		-	-	-	-	-	-	-	[11]	[11]	[11]	-	-	-	-	-	S	-	-	
Building supplies and equipment		-	-	-	-	-	-	-	P	P	P	P/S[12]	P	-	-	-	-	-	-	
Self-service Storage Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	Sec. 6.130

Article 5 | Allowed Uses • Sec. 5.010 | Allowed Uses

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
Subcategory																				
Specific use (See Sec. 5.020)																				
P = use permitted as of right S = special use approval required – = not allowed																				
Trade School	–	–	–	–	–	–	–	P	P	P	S	S	–	S	S	S	S	–	–	
Vehicle Sales and Service																				
Commercial vehicle repair and maintenance	–	–	–	–	–	–	–	–	–	S	–	–	–	–	S	P	–	–	–	
Commercial vehicle sales and rentals	–	–	–	–	–	–	–	–	–	S	–	–	–	–	–	S	–	–	–	
Fueling station	–	–	–	–	–	–	–	–	S	S	–	–	–	–	S	S	–	–	–	
Personal vehicle repair and maintenance	–	–	–	–	–	–	–	–	S[10]	S	–	–	–	–	S	S	–	–	–	Sec. 6.040
Personal vehicle sales and rentals	–	–	–	–	–	–	–	–	S[10]	S	–	–	–	–	–	S	–	–	–	Sec. 6.100
Vehicle body and paint finishing shop	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	–	
Automobile dealership off-site vehicle storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	–	
–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	–	Sec. 6.190
WHOLESALE, DISTRIBUTION & STORAGE																				
Equipment and Materials Storage, Outdoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Trucking and Transportation Terminals	–	–	–	–	–	–	–	–	–	S	–	–	–	–	S	P	P	–	–	
Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	S[16]	P	P	P	–	–	
Wholesale Sales and Distribution	–	–	–	–	–	–	–	–	P	P	–	–	–	–	P	P	P	–	–	
INDUSTRIAL																				
Artisan Industrial	–	–	–	–	–	–	–	–	–	P	–	S[19]	S[18]	–	P	P	P	–	–	
Limited Industrial	–	–	–	–	–	–	–	–	–	P[11]	–	–	–	–	P	P	P	–	–	
General Industrial	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	–	
Intensive Industrial	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	
Junk or Salvage Yard	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
RECYCLING																				
Recyclable Material Drop-off Facility	–	–	–	–	–	–	–	S	S	S	–	–	–	–	S	S	S	–	–	Sec. 6.110
Recyclable Material Processing	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
AGRICULTURE																				
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Crop Agriculture	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
OTHER																				
Drive-in or Drive-through Facility	–	–	–	–	–	–	–	–	S	S	–	–	–	S[15]	S[15]	S[15]	–	–	–	Sec. 7.130
Medical Cannabis Cultivation Center	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	–	Sec. 6.060
Medical Cannabis Dispensing Organization	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	–	–	–	Sec. 6.060
Adult Use Cannabis Business Establishments																				
Adult Use Cannabis Craft Grower	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Adult Use Cannabis Cultivation Center	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Adult Use Cannabis Dispensing Organization	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Adult Use Cannabis Infuser Organization or Infuser	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Adult Use Cannabis Processing Organization or Processor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Adult Use Cannabis Transporting Organization or Transporter	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

C. Community Garden

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.

Sec. 5.100 Other Use Category

This category includes uses that do not fit the other use categories.

A. Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.

B. Medical Cannabis Cultivation Center

As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

C. Medical Cannabis Dispensing Organization

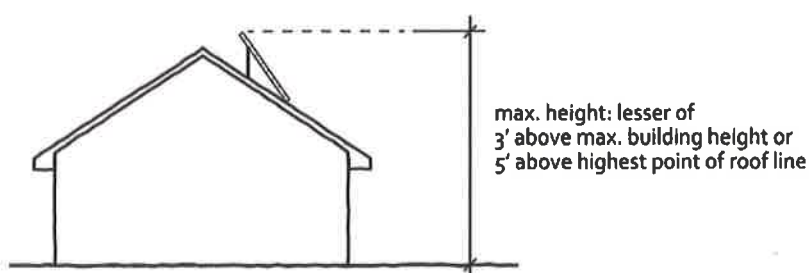
As defined in 410 ILCS 130/1 et seq. See also [Sec. 6.060](#).

D. Adult Use Cannabis Business Establishments

Adult Use Cannabis Establishments are defined in the village's adult use licensing ordinance (see Chapter 8 of the Downers Grove Municipal Code).

- b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with Sec. 14.100B. Additionally, building-mounted solar energy systems may be installed up to the lawfully established building line of a principal structure, in cases where homes lawfully encroach into the required yard setback.
- c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations; and may not extend further than the lawfully established street facing building line of the principal structure.
- d. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



3. Ground-Mounted Solar Energy Systems

- a. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard.
- b. Ground-mounted solar energy systems may encroach a maximum of two (2) feet into the required interior side setbacks and ten (10) feet into the required rear setbacks.

N. Swimming Pools

The regulations of this section apply to private, accessory swimming pools in residential zoning districts. See Figure 6-5.

- 1. A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools, as required by the building code and other applicable ordinances.
- 2. Swimming pools are prohibited in street yards.
- 3. Swimming pools must be set back at least 10 feet from side and rear lot lines in the R-1 and R-2 districts and at least 7 feet from side and rear lot lines in all other R districts.
- 4. In-ground swimming pools may not be located closer than 10 feet to any principal structure unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village.

changed, then the owners of the telecommunications towers governed by this section must bring the telecommunications tower into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications towers into compliance with such revised standards and regulations constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

5. Building Codes; Safety Standards

To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower must ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for telecommunications towers that are published by the American National Standards Institute. If, upon inspection, the village concludes that a telecommunications tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the telecommunications tower, the owner will have thirty (30) days to bring such telecommunications tower into compliance with such standards. Failure to bring the telecommunications tower into compliance within the thirty (30)-day period constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

6. Signs

Advertising signs are prohibited on an antenna or telecommunications tower.

7. Buildings and Support Equipment

Buildings and support equipment associated with antennas or telecommunications towers must comply with all applicable regulations. For building mounted antennas and equipment screening shall be provided in accordance with Sec. 8.040C.

G. Setbacks and Separations

The following setback and separation requirements apply to telecommunications towers:

1. For purposes of measurement, telecommunications tower setbacks and separation distances must be calculated and applied to facilities located in the village irrespective of municipal and county jurisdictional boundaries.
2. Guys and accessory buildings must comply with minimum zoning district setback requirements.
3. Telecommunications towers in nonresidential zoning districts must be separated from R districts by a distance of two hundred (200) feet or three hundred percent (300%) of the height of the telecommunications tower, whichever is greater. See Figure 6-12.

Article 7 | Parking • Sec. 7.030 | Minimum Motor Vehicle Parking Ratios

USE CATEGORY	
Subcategory Specific use (See Sec. 5.020)	Minimum Motor Vehicle Parking
Hospital	per Sec. 7.040G
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per Sec. 7.040G
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per Sec. 7.040G
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per Sec. 7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per employee + 0.33 per student 1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	

Article 7 | Parking • Sec. 7.040 | Calculation of Required Parking

USE CATEGORY	
Subcategory	Minimum Motor Vehicle Parking
Specific use (See <u>Sec. 5.020</u>)	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	2 spaces plus 0.5 spaces per employee 1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLE SALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per <u>Sec. 7.040G</u>
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per <u>Sec. 7.130</u>

(Ord. 5760, 7/10/18)

Sec. 7.040 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

A. Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 7.050B, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

C. Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses.

Article 7 | Parking • Sec. 7.070 | Location of Off-Street Parking

USE CATEGORY	
Subcategory Specific use (See Sec. 5.020)	Minimum Bicycle Parking Spaces (% of Motor Vehicle Parking)
COMMERCIAL	
Assembly and Entertainment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Commercial Service	
Health club, fitness facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Eating and Drinking Establishment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Financial Service	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Office	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Retail Sales	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Studio, Instructional or Service	None for first 19 vehicle spaces, then 10% or 2 spaces, whichever is greater

B. Maximum Requirement

The minimum bicycle parking ratios of Table 7-3 notwithstanding, no use is required to provide more than 25 bicycle parking spaces.

C. Location

Bicycle parking spaces must be located in highly visible, illuminated areas that do not interfere with pedestrian movements. Bicycle parking spaces must be located within 100 feet of a customer entrance. Bicycle parking spaces must be set back in accordance with Sec. 14.100.B.

D. Design

Bicycle parking spaces must:

1. consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
4. be designed so as not to cause damage to the bicycle;
5. facilitate easy locking without interference from or to adjacent bicycles; and
6. have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

Sec. 7.070 Location of Off-Street Parking**A. General**

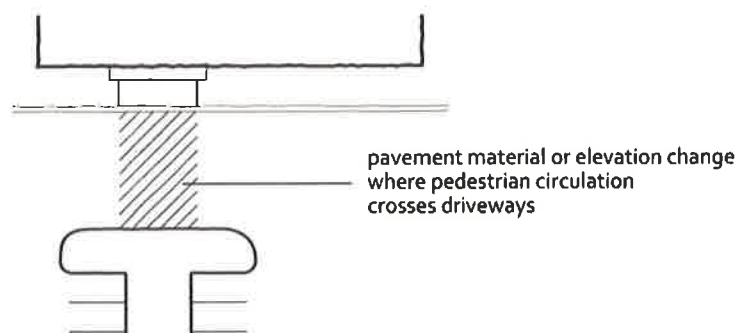
Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

B. Setbacks

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks, exclusive of any additional setbacks for building height, of the subject zoning district.

1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway. The driveway must be improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.

Figure 7-9: Driveway Crossing



3. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
4. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

Sec. 7.120 Accessible Parking for People with Disabilities

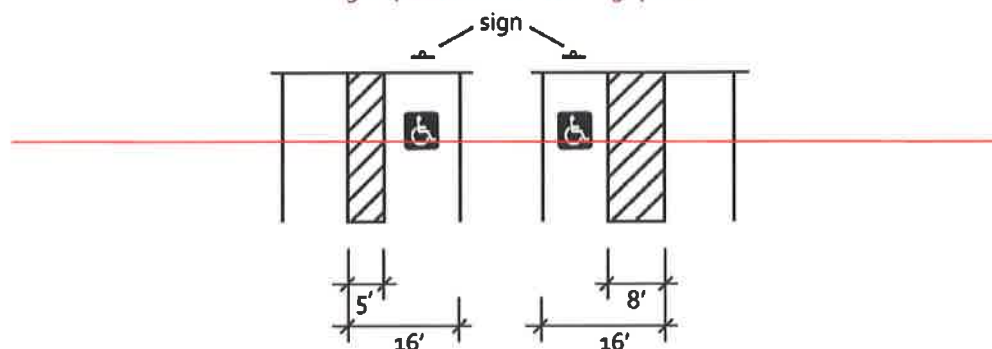
- A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.
- B. Accessible spaces must be provided in accordance with [the Illinois Accessibility Code Table 7-5](#).

Table 7-5: Minimum Accessible Parking Space Ratios

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

- C. Accessible parking spaces count towards the total number of parking spaces required.
- D. Each accessible parking space, ~~except on street spaces,~~ must be designed as required by the Illinois Accessibility Code, at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See [Figure 7-10](#).

Figure 7-10: Accessible Parking Spaces



- E. Accessible parking spaces must be signed in compliance with applicable state law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by the Village Council.
- F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

Sec. 7.130 Drive-through and Drive-in Facilities

A. Purpose

These regulations of this section are intended to help ensure that

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
2. vehicles awaiting service do not impede traffic on abutting streets; and
3. impacts on surrounding uses are minimized.

B. Applicability

The regulations apply to new developments, the addition of drive-through and drive-in facilities to existing developments and the relocation of existing drive-through facilities.

C. Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of [Table 7-6](#).

1. Street Yards

The regulations of this subsection apply to fences in street yards of lots located in R districts.

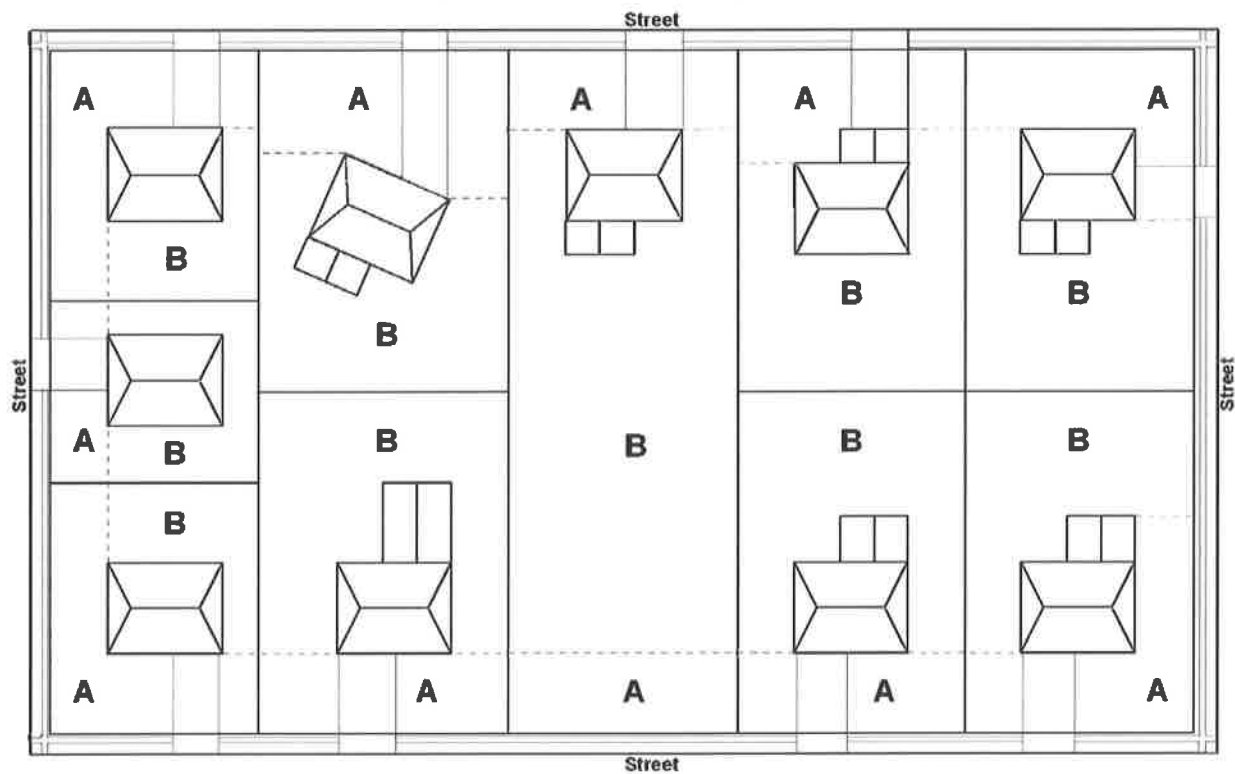
- a. Open-design fences that do not exceed 4 feet in height are permitted within street yards.
- b. Chain-link and woven mesh fences are prohibited in street yards, except that chain-link fences, including those that are anodized or vinyl-clad, constructed without slats, are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street, provided that the fence does not exceed 4 feet in height and is located only in the area from the rear line of the structure to the rear lot line.
- c. Fences up to 6 feet in height are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street if the rear of the structure faces the rear of a structure that is located on an adjacent corner lot, provided that the fence is located only in the area from the rear line of the structure to the rear lot line.
- d. Fences up to 6 feet in height are permitted in the street yard area of an R-zoned lot occupied by a principal nonresidential use if the lot has multiple street frontages and contains a parking lot without a structure. Such fence must be an open-design fence (See [Sec. 10.010A.5](#)) and be constructed along the parking lot perimeter immediately adjacent to an arterial street or non-residentially zoned property. All other landscaping and screening requirements of [Article 8](#) apply.

2. Side and Rear Yards

The regulations of this subsection apply to fences in the side and rear yards of lots located in R districts.

- a. Fences, including chain-link and woven mesh designs, are permitted in side and rear yards and required setbacks. Fences in side and rear yards may not exceed 6 feet in height. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and all directly abutting lots share this layout, the yard along that street frontage is considered a rear yard for purposes of these fence regulations. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and one or more directly abutting lots has the front of a principal structure that faces the same street, the fence must adhere to the yard requirements of the front facing principal structure.
- b. On corner lots with 3 lot lines abutting a street, fences up to 6 feet in height, including chain-link and woven mesh designs, are permitted only within the 2 street-facing side yard areas located from the rear building line to the rear lot line. Any fences outside this area are subject to a maximum height limit of 4 feet.

Figure 10-1: Residential Fence Regulations

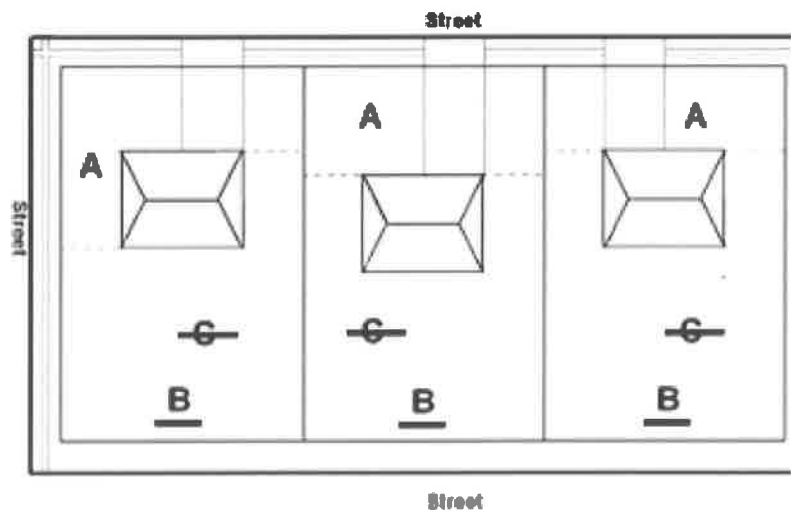


Fence Regulations Quick Guide

A – Fences may be open and not exceed four feet in height.

B and C – Fences may be open or solid and not exceed six feet in height.

Figure 10-2: Residential Multi-Frontage Fence Regulations



C. Fences in Nonresidential Districts

Fences in nonresidential zoning districts are subject to the general regulations of [Sec. 10.010A](#) and the nonresidential district regulations of this subsection.

1. Street Yards

Open-design fences up to 8 feet in height are permitted in street yards.

consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements. Except that lot consolidations are not required for decks, front porches, and stoops or when:

- a. an addition does not exceed 350 square feet; or
 - b. an addition does not include the installation of a foundation, footers or piers; or
 - c. the construction of an accessory structure is less than 800 square feet.
2. Nonconforming lots in nonresidential districts may be utilized for any use allowed in the subject zoning district, provided that:
 - a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district, or the lot width is not less 50 feet and the lot area is not less than 7,500 square feet;
 - b. if the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.
 - c. when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements.
3. All flag lots lawfully created before March 18, 2008 are deemed nonconforming lots. In addition to complying with the other nonconforming lot provisions of this section, nonconforming flag lots are subject to the following additional requirements:
 - a. the pole of the flag lot must be at least 20 feet in width;
 - b. an access corridor, including a paved surface with a width of at least 10 feet, must be maintained along the entire length of the pole. No encroachments that would interfere with emergency vehicle access are allowed within this access corridor;
 - c. the street setback must be measured from a line parallel to the street where the lot meets the minimum width requirement of the subject zoning district;
 - d. the address of the flag lot must be clearly displayed within 3 feet of the property line adjacent to the public street and in a manner that clearly differentiates the flag lot from abutting property; and
 - e. if there is no fire hydrant located within 60 feet of the street property line of the pole section of the flag lot, a fire hydrant must be installed at the property owner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The fire department may, in its sole discretion, permit the property owner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.
4. All lots created by lot split before May 16, 2006 may be improved provided any such improvement complies with the lot and building regulations of the subject zoning district, provided that:

L. Preapplication Meeting

Before submitting an application for review and approval as noted in Table 12-1, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other related village departments in the preapplication meeting.

Sec. 12.020 Zoning Ordinance Text Amendments**A. Authority to File**

Amendments to the text of this zoning ordinance may be initiated only by the village council, plan commission, village manager, or by the property owner(s) or the property owner's authorized agent.

B. Review and Report—Community Development Director

Complete applications for zoning ordinance text amendments must be filed with the community development director. The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

C. Notice of Hearing

Notice of the plan commission's required public hearing on a zoning ordinance text amendment must be published in the newspaper in accordance with [Sec. 12.010F.1](#). Additional notice may also be provided in accordance with [Sec. 12.010F.2b](#).

D. Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the proposed text amendment. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

E. Final Action—Village Council

1. Within 90 days of receipt of the plan commission's recommendation, the village council must act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The village council may also remand the proposed text amendment back to the plan commission for further consideration.
2. If the zoning ordinance text amendment is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct such further proceedings as may be appropriate and re-present the text amendment, with recommendations, to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the proposed zoning ordinance text amendment.
3. Zoning ordinance text amendments may be approved by a simple majority vote.

6. the value to the community of the proposed use; and
7. the comprehensive plan.

J. Successive Applications

If a zoning map amendment application is denied, no application may be accepted that proposes reclassification of any portion of the same property for the same zoning classification for 12 months from the date of the village council decision to deny.

Sec. 12.040 Planned Unit Developments

A. Overview

1. Planned Unit Development (PUD) overlay zoning districts are established through the concurrent approval of:
 - a. a PUD overlay district map amendment, in accordance with the zoning map amendment procedures of [Sec. 12.030](#); and
 - b. a PUD development plan application in accordance with the procedures of this section.
2. PUD site plan approval is required after approval of the PUD zoning map amendment and PUD development plan. This section describes the required review and approval procedures for PUD development plans and PUD site plans.

B. Development Plan Approval Required

Approval of a PUD development plans and PUD site plan must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a phase of development within a section of an approved PUD overlay district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

C. PUD Development Plans

At the option of the applicant, the PUD development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

~~1. Preapplication Meeting~~

~~Before submitting an application for a PUD overlay district rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other relevant village departments in the preapplication meeting.~~

~~2.1. Application Contents~~

~~An application for a PUD overlay district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.~~

~~3.2. Application Filing~~

~~Complete applications for PUD development plan approval must be filed with the community development director at the same time that the PUD zoning map amendment application is filed. The zoning map amendment procedures of [Sec. 12.030](#) apply to PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.~~

amendments to an approved PUD development plan. Amendments are subject to Sec. 12.040E.

- d. If the community development director does not approve the PUD site plan, the landowner may either: (1) resubmit the PUD site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the community development director. If an appeal is filed, the PUD site plan must be processed in the same manner as a PUD development plan, with review and recommendation by the plan commission and a final decision by the village council.

3. Effect of Approval

Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

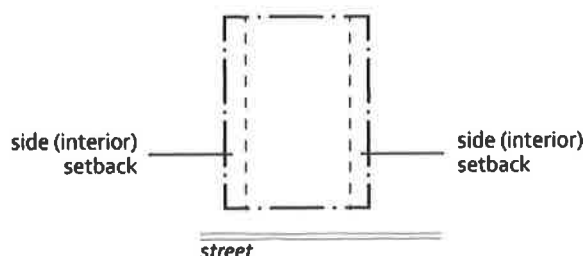
E. Amendments to Approved PUD Development Plans

1. All of the following constitute amendments to an approved PUD development plan:
 - a. elimination or relaxation of a condition of approval imposed by the village council at the time of PUD development plan approval;
 - b. an increase in overall building coverage by more than 5%;
 - c. an increase in building height by more than 10% or 5 feet, whichever is less;
 - d. an overall reduction in the amount of usable open space, common open space or landscaping by more than 5%;
 - e. a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
 - f. a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
 - g. anything that the community development director determines a material change, likely to create adverse impacts that were not considered as part of the PUD development plan approval.
2. Any amendment to an approved PUD development must be processed as a new PUD development plan, including all requirements for fees, notices and hearings.

(Ord. No. 5471, §4, 7/21/15)

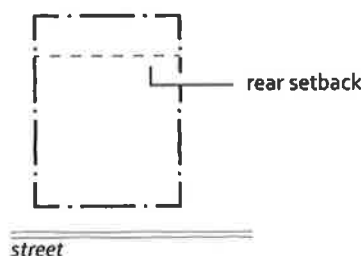
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See [Figure 14-7](#). Interior side setbacks do not apply to attached or abutting walls in an attached house development.

Figure 14-7: Side (interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line. See [Figure 14-8](#).

Figure 14-8: Rear Setback Measurement



B. Permitted Obstructions

Yards in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 14-1](#).

Table 14-1: Permitted Yard Obstructions

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
A/C units, generators, compressors, transformers, pool associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No[1]	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, R-5A, R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	No setback required
Antenna, amateur radio	No	No	Yes	
Antenna, receive-only and satellite dish	No	Yes	Yes	
Arbor, pergola or trellis	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Architectural building features (e.g., sills, belt courses, cornices, wing walls)	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy architectural light shelf or solar shading device	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	-Yes	-Yes	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	
Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if

Article 14 | Measurements • Sec. 14.100 | Setbacks

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
				setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
Breezeway	No	No	Yes	10 ft. max. max. encroachment
<u>Bicycle Parking</u>	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Chimney	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Deck or patio, uncovered and open-air (see also "porch," below)	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side setback and rear setback
Dog house or dog run	No	No	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	1 ft. min. setback
Eaves and gutters	Yes	Yes	Yes	In street setback and rear setback - 2.5 ft. max. encroachment In side setback - 2 ft. max. encroachment
Electric vehicle charging equipment	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	See also <u>Sec. 10.010</u>
Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See <u>Chapter 13</u> of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Flag pole	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)	No	Yes	Yes	56 ft. min. setback in R-4 district 67 ft. min. setback in all other districts
Garden features (e.g., cold frames, hoop houses, greenhouses)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Parking, open	Yes	Yes	Yes	See also <u>Sec. 7.070</u>
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Porch, covered and open on at least 3 sides (see also "deck," above)	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also <u>Sec. 14.100C</u>) Must meet required district side yard setbacks
Shed, carport or storage structure	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	No	No	See <u>Article 9</u>
Solar panel <u>and equipment</u> (building-mounted)	No	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel <u>and equipment</u> (ground-mounted)	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also <u>Sec. 6.010M</u>
Sport courts & accessory lighting	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	1 ft. min. setback
Swimming pool (in-ground & above-ground) & <u>hot tubs and associated equipment</u>	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts

Article 14 | Measurements • Sec. 14.100 | Setbacks

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
Walkway (covered)	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	See also Sec. 10.010
Wall, retaining	Yes	Yes	Yes	1 ft. min. setback
Yard features (e.g., ornamental light standards, anchored lawn furniture and decorations, sundials, statues, bird baths, ponds, sculptures, seat walls, etc.)	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

[1] Except for single family residential uses, units may be located on the building's primary street facade and in front of a bump as long as the unit is screened by a wing wall made of the same material as the primary facade which is attached to the primary building via a full foundation and is at least as tall as the equipment.

C. Front Porches

Front porches on R-zoned lots may encroach a maximum of 5 feet into a required street setback, subject to the following restrictions:

1. Front porches with a total footprint of 250 square feet or less are not counted towards overall lot or building coverage.
2. The total amount of porch encroachment into any required street setback may not exceed 250 square feet.
3. Porches that are constructed after September 1, 2006 and encroach into the street setback must remain open and not be converted into occupiable floor area at anytime.
4. On lots with multiple frontages, porches may encroach into both only one street setbacks, but the total amount of encroachments may not exceed 500 square feet; and only a maximum of 250 square feet is not counted towards the overall lot or building coverage.
5. Occupiable floor area and porch/deck space is prohibited above or below a porch that encroaches into a required street setback.

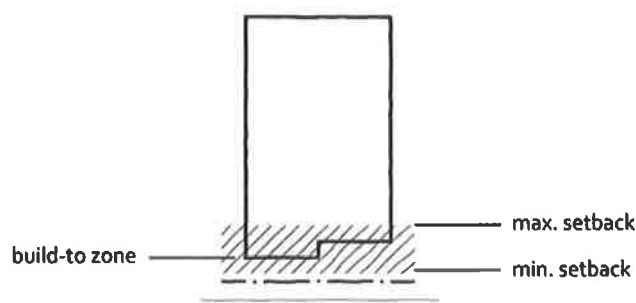
D. Contextual Setbacks

When existing buildings on one or more abutting lots are closer to the street property line than the otherwise required street setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

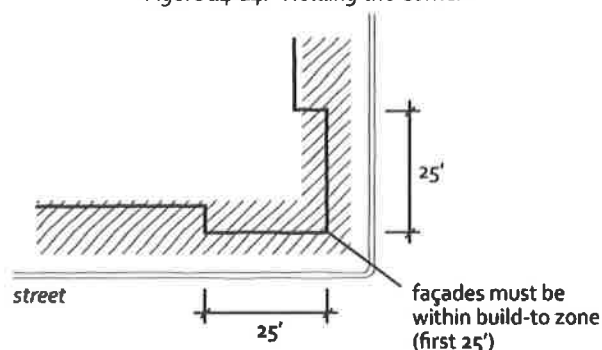
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See [Figure 14-9](#).

Sec. 14.110 Build-to Zone

- A. The build-to zone is the area on the subject lot where a specified percentage of the street-facing building facade must be located, measured as a minimum and maximum setback range from the edge of the abutting street right-of-way. See [Figure 14-13](#).

Figure 14-13: Build-to Zone Measurement

- B. The specified percentage identifies the amount of the building facade that must be located in the build-to zone, based on the width of the building façade divided by the width of the lot.
- C. On corner lots, the building's façade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way. See [Figure 14-14](#).

Figure 14-14: "Holding the Corner"

- D. ~~Outdoor open space dining, plazas and outdoor dining areas or similar programed space~~ are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
1. the ~~area space~~ does not exceed 33% of the length of the building face or 30 feet, whichever is less;
 2. the area is no more than 25 feet in depth; and
 3. no more than one such feature may be counted per frontage.
- E. For lots that have frontage on more than one street, the community development director is authorized to determine which street is the "primary street," and which are "secondary streets." The determination must be based on consideration of the following criteria:
1. the established building orientation on the blockface;
 2. the street abutting the longest face of the blockface; and
 3. the street that the lot takes its address from.

Sec. 15.030 Measurement Terms

See [Article 14](#) for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to zone."

Sec. 15.040 Words and Terms Beginning with "A"

Abut or Abutting

To be next to or share a common boundary.

Accessory Structure or Use

An "accessory structure" or "accessory use" is one that:

1. is subordinate to the principal structure or principal use served in terms of area and function;
2. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
3. is customarily found in association with the subject principal use or principal structure.

Act of God

An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

Adjacent

Situated near or in the immediate vicinity.

Adult Entertainment Establishment

See [Sec. 5.050A](#).

Adult Use Cannabis Business Establishments

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Craft Grower

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Cultivation Center

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Dispensing Organization

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Infuser Organization or Infuser

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Processing Organization or Processor

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Transporting Organization or Transporter

As defined in Chapter 8 of the Downers Grove Municipal Code

Agent

A person duly authorized to act on behalf of the subject property owner.

APPROVED 12-2-2019

19-PLC-0029: A petition seeking approval of text amendments to articles 5, 6, 7, 10, 11, 12, 14 and 15 of Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove. Village of Downers Grove, Petitioner.

Staff's Presentation:

Jason Zawila, Planning Manager with the Village, state that the Village is requesting review of multiple text amendments to the Zoning Ordinance. The proposed text amendments fall into two categories. The first being text amendments related to Adult Use Cannabis Business Establishments.

Mr. Zawila stated that the State of Illinois recently passed the Cannabis Regulation and Tax Act which has legalized the use of recreational marijuana beginning January 1, 2020. Between August and October 2019, the Village Council considered regulations and taxes on cannabis-based businesses across multiple meetings. At their October 8th meeting, the Village Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) of the Downers Grove Municipal Code, effectively prohibiting adult use cannabis business establishments. This does not change the requirements for Medical Use Cannabis Business Establishments. The proposed amendments are intended to ensure consistency amongst the Zoning Ordinance and Business and Activity Licenses and Regulations Ordinance.

Mr. Zawila then referenced the screen and the allowable use table that demonstrates all Adult Use Cannabis Business Establishments will be prohibited. He also referred to the proposed definitions that references the definitions that were approved with the amendments to Chapter 8 of the Municipal Code.

Mr. Zawila stated that the second category of amendments updates and clarifies various sections of the Zoning Ordinance. The first set of amendments in this category is related to building mounted equipment. Earlier this year a resident approached the Village to install a building-mounted solar energy system on the street facing roof of their single-family home. It was identified that the home encroached into the street yard setback and a large portion of system could not be installed, as it would be placed into the required street yard, since the home was already within the required setback. The proposed amendments would allow other residents in similar situations to take advantage of this technology.

Mr. Zawila then sated that telecommunications equipment mounted to existing buildings is currently permitted in all zoning districts. While the equipment is located on building rooftops, there is no mention of screening requirements. This proposal would require that telecommunication equipment located on the roof meet the screening requirements that are currently applicable to all rooftop mechanical equipment.

Mr. Zawila then provided an overview the next set of amendments related to parking. Bicycle parking is currently permitted so long as it is located within a certain distances of building entrances and is highly visible. Newer proposals have included a covered parking structures for bikes and while this appears to be an accessory structure there is no mention of required setbacks. This proposal would allow bicycle parking in all yards

APPROVED 12-2-2019

and will require that parking be set back distances consistent with other accessory structures allowed in the Village. He then provided an overview of the amendments to the parking requirements of two use categories that currently base requirements off of number of employees – car washes and trade schools. The proposed amendments will now be based on the number of wash bays, and will provide consistency with the requirement of basing parking off of service bays for vehicle uses. The other use that bases parking requirements off of number of employees is trade schools. This proposal would base the parking count off of maximum capacity per building code, and would provide consistency with similar institutional uses.

Mr. Zawila then stated that in 2018, the Illinois Accessibility Code (IAC) was updated for the first time in 20 years, which made certain sections of the Zoning Ordinance non-compliant. The proposed amendments correct this issue and proactively make references to the IAC in case future changes are made.

Mr. Zawila then provided an overview of amendments related to fence placement. It was stated that no new regulations are being created, but regulations were updated to provide consistency between the wording and diagrams provided in the Zoning Ordinance related to the placement of fences.

Mr. Zawila then provided an overview of amendments related to allowable encroachments. Currently, a table is provided in the Zoning Ordinance that specifies allowable encroachments into required setbacks. In this table there is a separate row for swimming pools, and a separate row for various types of accessory equipment, which can lead readers to thinking that the setback intended for the equipment actually applies to the pool. The amendments clarified this confusion. Related to encroachments, staff is also recommending amendments to front porch encroachments. Front porches are currently allowed to encroach a maximum of five feet into a required street yard and when 250 feet or less, the square footage does not count towards overall building coverage. In cases of homes located on a corner street yard, multiple frontages are available, but the resident is only allowed to encroach into one street yard. There has been feedback from the design community that this restriction may stifle design and a sense of community that this design feature can encourage in residential neighborhoods. The proposed amendment would allow that a front porch can encroach into both available street yards. So that there is a balance between aesthetics and scale, the bonus provision of 250 square feet is proposed to remain.

Mr. Zawila then provided an overview of the next set of amendments related to preliminary meetings with staff regarding zoning cases. Currently Planned Unit Development (PUD) requests are the only type of application that requires a pre-application meeting through the Zoning Ordinance, although it is Village practice to require with all zoning approval applications. The preliminary meeting is scheduled with Community Development to discuss the proposed project and to outline the Plan Commission process. At this meeting the petitioner also receives preliminary feedback of the proposal based on the planning documents and policies of the Village of Downers Grove.

APPROVED 12-2-2019

Mr. Zawila then provided an overview of the last set of amendments. The current ordinance has very specific parameters on amendments to approved PUDs and how the request must be processed, which in most cases requires submittal of a development application and moving through the Plan Commission and Village Council review process. The ordinance currently allows staff approval of minor changes to a PUD, that are not considered substantial changes to the purpose and intent of the approved PUD, while reducing processing time and cost and time to the external customers. These changes include such items as parking space reductions and building coverage or building height, however there is no provisions to allow reduction of open space. Minor reductions in open spaces are often requested with reconfiguration of parking lots or through the introduction of pedestrian amenities such as sidewalks, but staff does not have the ability to approve without submittal of a development application, which may prevent property owners from making improvements that are considered minor in nature and typically do not change the intent of the approved PUD.

No members of the public provided testimony and Ch. Rickard offered an opportunity for the petitioner to provide closing comments.

Mr. Zawila recommended approval of the proposed text amendments and referenced the standards for text amendments to the Zoning Ordinance and recommended approval as stated on page 4 of the staff report.

There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

Commission Deliberation:

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Mr. Maurer stated that he found it odd that DuPage County might be the States leader in addressing opioid use, but we sure get uptight with the green stuff. He felt that our zoning looks more favorable on methadone clinics than the clinic that gives his dog a rabies vaccine, but he would support these amendments.

Ms. Rollins state that she had frustration with the Village Council and the process should have allowed this issue to go to the Plan Commission to give the public an opportunity to speak, but they chose not to; with certain Council members suggesting that this should have been discussed at Plan Commission, but she will still recommend approval because the decision was made.

Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Zoning Text Amendment as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, moved that the Plan Commission recommend to the Village Council approval of 19-PLC-0029 regarding the proposed amendments Articles 5, 6, 7, 10, 11, 12, 14 and 15 of the Zoning Ordinance.

APPROVED 12-2-2019

Motion seconded by Commissioner Maurer

AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins,
Ch. Rickard

NAYS: None

The Motion passed unanimously