VILLAGE OF DOWNERS GROVE
Report for the Village
2/8/2022

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

SYNOPSIS

An ordinance has been prepared amending various sections of the Zoning Ordinance.

STRATEGIC PLAN ALIGNMENT

The goals for 2021-2023 includes a *Strong, Diverse Local Economy* and *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval at the February 15, 2022 Village Council meeting.

Two public hearings were held on the proposed text amendments, on January 10 and January 31, 2022. The Plan Commission unanimously recommended approval (7:0) at both public hearings for all the text amendments except for the text amendment to Section 28.11.020(b).

At the January 10, 2022 public hearing the Plan Commission recommended approval of the proposed text amendment to Section 28.11.020(b) by a vote of 4:3. The three dissenting commissioners requested additional time to review the amendments.

At the January 31, 2022 public hearing, a motion to recommend approval of the text amendment to Section 28.11.020(b) failed by a vote of 0:7. The commissioners explained their votes as follows: three commissioners expressed the need for additional clarity to the text amendment, two commissioners stated that the text amendment was not in the best interest of the community and one commissioner stated that the amendment changed the intent of the current code. The chairman did not state a reason for his nay vote.

BACKGROUND

The Village is requesting review of multiple text amendments to the Zoning Ordinance. Pursuant to Section 28.12.020 of the Zoning Ordinance, *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.*

Decisions to amend the text of the zoning ordinance, are purely a matter of legislative discretion. Unlike other zoning petitions, there are no specific standards that must be met, instead the decision to amend the zoning ordinance is left to the Village Council's discretion. Section 28.12.020(f) of the Zoning Ordinance states as follows:

> *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; and*
>
> *(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, which are applicable to all properties throughout the Village, fall into two categories, new regulations and minor clarifications and modifications to existing language.

Category 1 – New Regulations

The first category of amendments are new regulations based on newly enacted laws, recent case law or changing development conditions.

Donation Drop Boxes - Currently, the Downers Grove Municipal Code expressly prohibits donation drop boxes. Recently, there have been challenges to municipal ordinances that prohibit donation drop boxes. Recently courts have held that donation drop boxes are a form of charitable solicitation and thus protected under the First Amendment. In light of these cases, the Village is proposing to allow donation drop boxes in the B, O, M and INP zoning districts. A permit for the donation drop box must be obtained prior to the placement of a donation drop box. Should building permit requirements (including owner consent, quantity, location, dimensions, and maintenance of donation drop boxes) fail to be met a revocation of permit can also occur.

Additional new regulations include provisions for telecommunication towers in institutional and downtown zoning districts, electric vehicle parking, and provisions for vegetable gardens.

Minor Clarifications and Modifications to the Zoning Ordinance –

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

The proposed text amendments include adding clarifying language to the non-conforming lot provisions, solar panel provisions, allowable locations of drive aisles for fueling stations, driveway and apron widths at the property line, and identifying that compliance with the new downtown design guidelines is required for Special Use and Planned Unit Developments in the downtown zoning districts. Each of the proposed text amendments either *corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.*

As noted above, all of the proposed text amendments received a unanimous approval from the Plan Commission except for the proposed amendment to 28.11.020(b) concerning non-conforming lots.

Non-Conforming Lots (Section 28.11.020(b)
Pursuant Section 12.020(f) of the Zoning Ordinance, the proposed text amendment meets both factors: *it is in conformity with the policy and intent of the Comprehensive Plan* and *it is necessary to implement established policy*. The proposed amendment is consistent with the current language and application of the current zoning ordinance as it relates to non-conforming lots. Since 2014, the Village has consistently applied the ordinance in the same manner that it is represented with the proposed amendments. The proposed amendment will not alter the application of this section. Staff will continue to apply Section 28.11.020(b) in the same manner that it has since 2014, it will only serve to clarify the existing language to implement established policy.

- ***Conformity with the Policy and Intent of the Comprehensive Plan*** **-**
  As stated in the staff report, the proposed clarifying language for non-conforming lots is in conformance with the policy and intent of the Comprehensive Plan. As the Comprehensive Plan states, it is an aspirational document that provides a vision for the future while offering a variety of recommendations for land uses, transportation, parks and community facilities. The Zoning Ordinance is the regulatory tool that dictates how a property owner may use and develop their lot(s). The Village has been consistently applying this regulation since 2014. The continued application of this regulation will meet the policy and intent of the Comprehensive Plan.

- ***Implement Established Policy - Lot Width and Area Minimums*** **–**
  Lot width and lot area requirements are found in both the Subdivision Ordinance and the Zoning Ordinance. The Zoning Ordinance is in place to provide regulations for those existing lots of record, both conforming and non-conforming lots, that were previously platted, regardless of the date of the subdivision. These previously platted lots have established property rights, including the ability to construct a building or structure on the lot that complies with the bulk requirements of the Zoning Ordinance and that the use and structure is allowed by the Zoning Ordinance.

  The current Subdivision Ordinance is in place to provide regulations for newly created lots of record. In these cases, the 75-foot lot width and 10,500 square foot minimum lot area are required by the Subdivision Ordinance. The proposed text amendment does not change any Subdivision Ordinance requirements.

  In cases where residential lots were previously legally subdivided, regardless of the date of the subdivision, the resulting lots of record may be improved with a single detached home constructed on the lot regardless of if the lot meets the current minimum lot width and area requirements. The current Zoning Ordinance and the established Village policy has been to require a lot consolidation only when a building permit application proposes to construct a single detached house, house addition or accessory structure over a lot line of two or more lots under common ownership.

  Furthermore, if a property owner owns multiple adjoining lots of record and demolishes a structure on one of the lots, the Zoning Ordinance does not require the property owner to consolidate the lots. A lot consolidation is only required when a proposed single detached house, house addition or accessory structure crosses over a common lot line. If the property owner wishes to construct a home entirely on only one lot of record, they may maintain the second lot of record as a yard or request a Special Use to place an accessory structure on the vacant adjoining lot.

- ***Implement Established Policy - Construction on Non-Conforming Lots***

A legally subdivided lot that becomes non-conforming and no longer meets the current Zoning Ordinance, may still be developed with allowable structures and uses that are permitted in the Zoning Ordinance, regardless of the lot dimensions (or what use and building was previously constructed on the lot(s)).

The Zoning Ordinance does not require previously legally subdivided residential lots, regardless of the date of the subdivision, to be improved with a structure on the property. There are many examples of subdivisions in the Village where lots of record have remained vacant for many years. Whether the lot has a structure on it or not, does not impact the property rights associated with the lot. A vacant lot can be used for any permitted use as identified in the Zoning Ordinance and a structure can be constructed on the vacant lot regardless of how long the lot has sat vacant so long as it conforms to the bulk regulations of the Zoning Ordinance.

Furthermore, it is not uncommon for property owners to purchase adjacent lots, conforming or non-conforming, in order to utilize them for their own personal use (i.e. extension of their back or side yard or placement of accessory structures after receiving special use approval). This does not require a lot consolidation, when either (or both) of these lots are non-conforming.

Public Comment

Many members of the public sent emails and spoke at the Plan Commission hearing expressing their opposition to the amendment concerning Section 28.11.020(b). Most of the public comments expressed concern regarding the development of the Longfellow property and related stormwater impacts. The proposed text amendment will not change any of the development rights concerning the Longfellow property, nor will it have any impacts to the stormwater regulations.

ATTACHMENTS

Proposed Text Amendments
Staff Reports
Additional Correspondence.
Minutes of the January 10, 2022 Plan Commission meeting
Minutes of the January 31, 2022 Plan Commission meeting

AN ORDINANCE AMENDING
CERTAIN 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 28.2.030 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.2.030 Lot And Building Regulations

The lot and building regulations of Table 2-2 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XIV of this Chapter. Additional regulations governing accessory uses and structures can be found in DGMC Section 28.6.010. See also Figure 2-1. Additional regulations governing non-conforming lots can be found in DGMC Section 28.11.020.

Section 2. That Section 28.6.010(a)(6) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.6.010(a)(6) Accessory Uses

* * *

(6) Residential Accessory Buildings. The following additional regulations apply to buildings that are accessory to (principal) residential uses:

a. Accessory buildings are prohibited in street yards.

b. No more than three (3) detached accessory buildings are allowed on any lot.

c. The aggregate footprint or coverage of all accessory buildings on a lot may not exceed one thousand (1,000) square feet or the gross floor area of the principal building, whichever is less.

d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of five feet (5'). In all other R districts, the minimum side and rear setback for accessory buildings is six feet (6').

e. Residential accessory buildings may not occupy more than forty percent (40%) of the corner, rear or side yard area.

f. Residential accessory buildings may not exceed twenty-three feet (23') in height, as measured to the highest point on the building.

g. Residential accessory buildings and structures are permitted in corner yards, as specified in Table 14-1 within DGMC Section 28.14.100.

h. A building is not considered accessory if it is connected to the principal structure with a foundation and a covered access walkway.

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

Sec 28.6.010(d) Accessory Uses – Donation Drop Boxes

* * *

(d) *Donation Drop Boxes*. ~~Donation drop boxes are expressly prohibited in the Village.~~

(1) Authorization of Use: Donation drop boxes may only be placed on properties zoned B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1 and INP-2.

(2) Permit Requirement: A permit shall be obtained prior to the placement of a donation drop box outside of the principal building in the village. Applications for a permit to construct or locate a donation drop box shall include, in addition to any requirements contained in this code, the following documents:

a. Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.

b. A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing thereon the proposed location of donation drop box.

c. Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information that may be requested by the Community Development Director.

(3) Number per Lot: Only one (1) donation drop box shall be permitted per lot or per shopping center, whichever is more restrictive.

(4) Location: Donation drop boxes shall be located within a parking lot or other paved surface, but in no case shall donation drop boxes be located in the following locations:

a. Within a required street or corner setbacks areas.

b. Designated driveway or drive aisle.

c. Within five feet (5') of a fire hydrant.

d. Designated pedestrian crosswalk.

e. Private sidewalk unless at least five feet (5') of clearance can be maintained.

f. Any parking space as required by DGMC or any ordinance or resolution governing the development of a property, or any parking space as deemed necessary by the Community Development Director. When a single lot is part of a larger planned development with shared parking, the required parking shall be determined based on the total required parking approved for the entire development.

g. Any location in such a manner as to cause a sight obstruction for pedestrians or motorists.

h. Any public right of way.

(5) Height and Size: A donation drop box shall not exceed a maximum of seven feet (7') in height and twenty-five (25) square feet in ground area.

(6) Required Information: Signage on donation drop boxes shall not exceed five-inch (5") letter height. All donation boxes shall contain the following contact information in two-inch (2") type visible from the front of the box: the name, address, email, and phone number of both the permittee and operator.

(7) Maintenance: Donation drop boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of debris or other material. All donations shall be placed within the donation drop box. No donations may be left outside of the donation drop box.

(8) Upon telephone and/or email notification from the Village that materials are being placed outside of the donation drop box, the donation drop box owner shall have twenty-four (24) hours to remove said materials. Failure to do so may result in penalties listed under DGMC Section 28.13.020 and/or revocation of permit. Three (3) violations of this Section shall result in immediate revocation of the permit.

(9) Revocation of Permit: Any permit granted pursuant to the provisions of this Section may be subject to revocation for cause by the Community Development Director (or his/her designee), including, but not limited to the failure to comply with this Section or any other applicable provisions of the DGMC. Upon revocation of the permit the donation drop box shall be removed immediately.

* * *

Section 4. That Section 28.6.010(i) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.6.010(i) Accessory Uses - Garages

* * *

(i) Garages

(1) Only one detached garage and one carport ~~is~~ are allowed per lot in R zoning districts.

(2) Dwelling units are expressly prohibited in the space above any detached garage. See Figure 6-2.

Section 5. That Section 28.6.010(m) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.6.010(m) Accessory Uses – Solar Energy Systems

* * *

(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

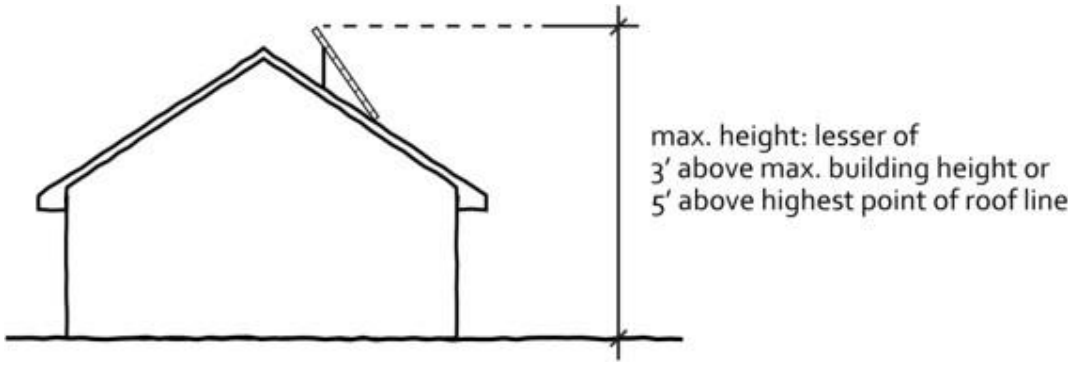
a. Building-mounted solar energy systems may be mounted on principal and accessory structures. The below regulations apply to solar energy systems on both principal and accessory structures.

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 DGMC Section 28.14.100(b). 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 three feet (3') above the applicable maximum building height limit for the subject building type or more than five feet (5') above the highest point of the roof line, whichever is less. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



* * *

Section 6. That Section 28.6.040 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.6.040 Fueling Stations

Fueling stations are subject to the following regulations:

(a) Setbacks

(1) Interior side and rear setbacks with a minimum depth of twenty feet (20') must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements.

(2) Except for approved driveways and drive aisles, setbacks may not be paved and must be landscaped green space.

(b) *Protective Curb*. All landscaped areas must be protected by a raised curb at least six inches (6")

in height or by a bumper guard of not more than eighteen inches (18") in height. Protective curbing at least six inches (6") in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development

Section 7. That Section 28.6.170(k) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.6.170(k) Wireless Telecommunications.

* * *

(k) *Height*. Telecommunications towers are subject to the following height requirements:

(1) Residential Districts. The maximum height of telecommunications towers in R zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

(2) Business Districts. The maximum height of telecommunications towers in B-1, B-2 and B- 3 zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(3) Office and Manufacturing Districts. The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed one hundred twenty-five feet (125') for a single user; one hundred fifty feet (150') for two (2) users; or one hundred seventy-four feet (174') for three (3) or more users.

(4) Downtown Districts. The maximum height of telecommunications towers in DB, DC and DT zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(5) Institutional Districts. The maximum height of telecommunications towers in INP-1 and INP-2 zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

Section 8. That Section 28.7.050(e) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.7.050(e) Parking Exemptions And Reductions

* * *

(e) Electrical Vehicle Parking. For any development, one (1) parking space or up to five percent (5%) of the total number of required spaces, whichever is greater, may be reserved for use by electrical vehicle parking. The number of required motor vehicle parking spaces is reduced by one (1) space for every parking space that is dedicated for electrical vehicle parking.

Section 8. That Section 28.7.100(i) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.7.100(i) Parking Area Design

* * *

(i) Access

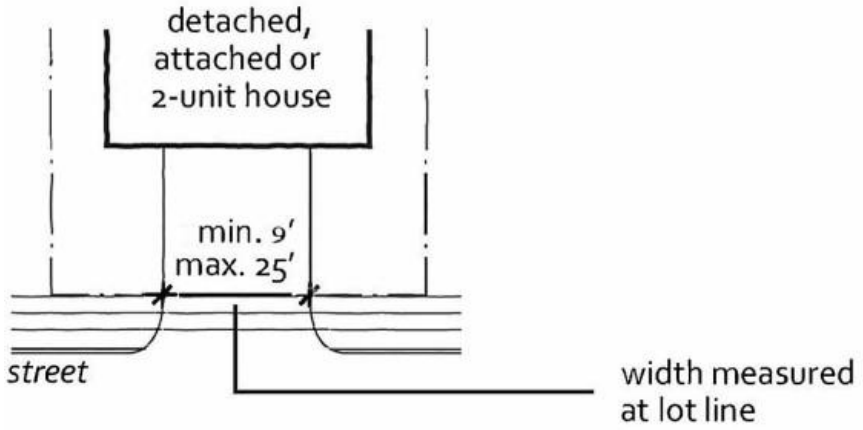
(1) Each required off-street parking space must open directly upon an aisle or driveway

with a width and design that provides safe and efficient means of vehicular access to the parking space. In residential districts, parking pads may be located in the front yard, but must meet the required minimum street setback.

(2) All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.

(3) Driveways leading to detached garages or parking areas serving a detached house, attached house or two-unit house must be at least nine feet (9') in width. However, if the distance between an existing house and the property line is less than ten feet (10') wide, an existing driveway may be replaced within the same footprint. New driveways must meet width and setback requirements. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed twenty-five feet (25') in width, excluding any flared pavement portion, as measured at the lot line. See Figure 7-5.

Figure 7-5: Driveway Width



(4) The driveway width must match the apron width at the lot line.

~~(4)~~(5) All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Public Works Director.

~~(5)~~(6) All driveways must be improved with a compacted stone base and surfaced with asphalt, concrete or other comparable all-weather, dustless material.

~~(6)~~(7) Shared driveways, lawfully existing before October 13, 2020, may be replaced if either property does not allow sufficient space to meet the minimum driveway width and setback requirements, as approved by the Community Development Director.

(8) Parking pads, lawfully existing before October 13, 2020, may be replaced, but not expanded or enlarged, unless behind the required street or corner street setback.

(9) If a legal nonconforming driveway is to be removed in part or whole in order to improve the driveway, it may be required to bring the driveway further into compliance. The Community Development Director is authorized to approve alternative design to promote compliance while recognizing site specific limitations. Sealcoating is not subject to this requirement.

(10) In the case that a parking pad cannot be located behind the street yard setback line

due to the location of an existing home, and the principal driveway access to the home is via an arterial road, a hammerhead may be approved for the purpose of turning a car around. The maximum dimensions of a hammerhead are nine feet (9') by nine feet (9'), anything larger will be considered a parking pad.

Section 9. That Section 28.10.010(a) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.10.010(a) Fences

(a) *General*. The general regulations of this subsection apply to all fences.

(1) Applicability. All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this Section.

(2) Permits Required. It is unlawful to erect or alter any fence within the Village unless a permit has been issued by the Community Development Director. A written application for a fence permit, including applicable fees as established in the User-Fee, License & Fine Schedule must be filed with the Community Development Department. A fence permit issued under this Section is valid for a term of six (6) months.

(3) Public Safety. Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.

(4) Structural Elements. All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

(5) Open-Design Fences. Open design fences must be constructed in such a manner that no post or vertical and horizontal element exceeds a width of six inches (6"), and the ratio of open area to closed are does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.

(6) Electrified or Barbed Wire Fences. Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the special use process.

Section 10. That Section 28.11.020 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.11.020 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 improved with ~~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, provided ~~except~~ that when a structure is constructed across a common lot line(s) of two (2) or more contiguous nonconforming lots that 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:

a. addition does not exceed three hundred fifty (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 eight hundred (800) square feet.

(2) Nonconforming lots in nonresidential districts may be ~~utilized for~~ improved with any use allowed in the subject zoning district, provided that:

a. the lot area ~~and lot width are~~ is not less than seventy-five percent (75%) of the minimums required in the subject zoning district, or the lot width is not less fifty feet (50') and the lot area is not less than seven thousand five hundred (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 a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that 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.

Section 11. That Section 28.11.040 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.11.040 Nonconforming Structures

(a) *Description*. A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in DGMC Section 28.9.090.

(b) *Use*. A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

(c) *Alterations and Expansions*

(1) Nonconforming principal structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A principal building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.

(2) A principal structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the Zoning Board of Appeals may approve a either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the zoning exception procedures of DGMC Section 28.12.80. In order to approve such horizontal or vertical extension, the Zoning Board of Appeals must find that all of the following criteria have been met:

a. the extended wall will comply with all other applicable lot and building

regulations (other than the nonconforming setback);

b. the extension will not obstruct farther into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than fifteen percent (15%) of its existing length;

c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;

d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and

e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

(d) *Moving*. A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.

(e) *Loss of Nonconforming Status*

(1) Damage or Destruction

a. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

b. When a nonconforming principal structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than fifty percent (50%) of the market value of the structure, as determined by the property owner's certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

(2) Damage or Destruction after Right-of-Way Acquisition. If a structure is rendered nonconforming or made more nonconforming by a public agency's acquisition of right-of- way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

(f) *Nonconforming Fences*. Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of DGMC Section 28.11.040(e)(1) apply to nonconforming fences.

(g) *Nonconforming Accessory Structures.* Any nonconforming residential accessory structure such as a garage, shed, deck or porch may be razed and replaced in its entirety, provided that it is replaced in the same location, and for the same purpose, with no footprint expansion and no more than an increase of fifteen percent (15%) or the original height. This provision does not apply to nonconforming accessory structures located within in the Special Management Areas

as defined in Chapter 26 or those structures that are located over common property lines or the public right-of-way.

Section 12. That Section 28.12.040(c)(5) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.12.040(c)(5) Planned Unit Developments

* * *

(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 DGMC Section 28.12.030(i) in the case of new Planned Unit Development proposals;

b. whether the proposed PUD development plan and map amendment would be consistent and in substantial compliance with the comprehensive plan, downtown design guidelines and any other adopted plans for the subject area;

c. whether PUD development plan complies with the PUD overlay district provisions of DGMC Section 28.4.030;

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.

Section 13. That Section 28.12.050(h) of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.12.050(h) Special Uses

* * *

(h) *Approval Criteria*. No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all Village Council policies and plans, including, but not limited to, the Comprehensive Plan and the Downtown Design Guidelines and that the applicant has presented evidence to support each of the following conclusions:

(1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;

(2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

Section 14. That Section 28.14.100 of the Zoning Ordinance is hereby amended to read as follows:
Sec 28.14.100 Setbacks

* * *

(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
	Corner	Street	Side	Rear	
A/C units, generators, compressors, transformers, associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No	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	Yes	No setback required
Antenna, amateur radio	No	No	No	Yes	
Antenna, receive-only and satellite dish	Yes	Yes	Yes	Yes	
Arbor, pergola or trellis	Yes	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	Yes	No setback in DB and DC districts 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	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	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	Yes	

Bay window (1st floor only; with or without foundation)	Yes	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
Bicycle Parking	Yes	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Breezeway	No	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See Chapter 13 of this Code)	No	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) [2]	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side and rear property line
Dog house or dog run	No	No	No	Yes	No setback in DB and DC districts 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	Yes	1 ft. min.side (interior) or rear setback
Eaves and gutters	Yes	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	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	Yes	See also Sec. 10.010

Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See Chapter 13 of this Code)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts. Must meet required R district street setback in corner yards.
Flag pole	Yes	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)[4]	No	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	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	Yes	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Hot Tub (and associated equipment)	Yes[3]	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts. Must meet required R district street setback in corner yards
Parking, open	Yes	Yes	Yes	Yes	See also DGMC Section 28.7.070
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6ft. min. setback in all other districts Must meet required R district street setback in corner yards.
Porch, covered and open on at least 3 sides (see also “deck,” above)	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also DGMC Section 28.14.100(c)) Must meet required district side yard setbacks

Shed, carport or storage structure	No	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	Yes	No	No	See Article IX
Solar panel and equipment (building-mounted)	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel and equipment (ground- mounted)	No	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also DGMC Section 28.6.010(m)
Sport courts & accessory lighting	No	No	Yes	Yes	5ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	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	Yes	No setback in DB and DC districts 1 ft. min. setback
Swimming pool (in-ground & above- ground and associated equipment)	No	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Vegetable Garden	Yes	Yes	Yes	Yes	No setback required
Walkway (covered)	No	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	Yes	See also DGMC Section 28.10.010
Wall, retaining	Yes	Yes	Yes	Yes	No setback in DB or DC districts 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	Yes	No setback in DB or DC districts 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	Yes	1 ft. min. setback
Window wells	Yes	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.

[2] Provided that in Planned Unit Developments or other subdivisions containing ten (10) or more lots in which permanent common open space is provided under the terms of the recorded covenants or a pubic park, patios and decks may be placed one foot (1') from the rear and side lot line.

[3] Only on corner lots, may be placed up to the minimum required setback, provided that they are screened on all sides by an open fence, wall, dense hedge or other landscaping that provides at least eighty percent (80%) direct view blocking. The hedge or landscaping must reach a minimum height of thirty-six inches (36") at maturity.

[4] Only on corner lots, detached garages may be placed up to the minimum required street setback provided that they are located between the rear property line and the rear wall of the building.

Section 15. That Section 28.15.250 of the Zoning Ordinance is hereby amended to read as follows:

Sec 28.15.250 Words And Terms Beginning With "V"

Vacant. Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

Vegetable Garden. Any plot of ground or elevated soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens or edible plants are cultivated.

Vehicle Body and Paint Finishing Shop. See DGMC Section 28.5.050(p)(6).

Vehicular Use Area. An area that is devoted to use by or for motor vehicles, including off-street parking areas (accessory or non-accessory); off-street loading areas; vehicle storage areas; fuel stations; car washes; drive-through service areas and auto sales lots. Enclosed areas and access drives used solely for access between the street and the vehicular use area are not considered part of a vehicular use area.

Vehicle Sales and Service. See DGMC Section 28.5.050(p).

Veterinary Care. See DGMC Section 28.5.050(b)(3).

Vibration. A periodic displacement of the earth measured in inches.

Section 16. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 17. 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

1\mw\Zoning Ord\ZO-Omnibus 2022

VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JANUARY 31, 2022 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
21-PLC-0028	Zoning Ordinance Text Amendments	Stan Popovich, AICP Community Development Director

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

- Article 2, Residential Districts
- 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. As noted in Section 12.020(f) of the Zoning Ordinance, *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 and (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, which are applicable to all properties throughout the Village, fall into two categories, new regulations and minor clarifications and modifications to existing language.

New Regulations – The first category of amendments are new regulations based on newly passed laws, recent case law or changing development conditions.

> *Donation Drop Boxes* - Currently, the Downers Grove Municipal Code states that donation drop boxes are included under the accessory uses subcategory, however, they are expressly prohibited in the Village. Recently, there have been challenges to municipal ordinances that prohibit donation drop boxes. Organizations have argued that these prohibitions/restrictions impinge on their right to freedom of speech and charitable solicitation. Courts across the country have agreed with the organizations and have determined that donation drop boxes are a form of charitable solicitation and thus protected under the First Amendment.
>
> In light of these cases, the Village's complete prohibition of donation drop boxes would be a violation of the First Amendment. Accordingly, the Village must amend its Code to remove the prohibition. The major reason for the complete ban on donation drop boxes was lack of maintenance leading to unsightly overflow of donations and unpermitted dumping. However, adding provisions that ensure a permit is required can help remedy previous concerns. Should building permit requirements (including owner consent, quantity, location, dimensions, and maintenance of donation drop boxes) fail to be met a revocation of permit can also occur. It is therefore recommended that Chapter 28, Section 6.010(a)(d) be amended by removing the blanket prohibition of donation drop boxes and allowing them in the zoning districts B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1, and INP-2.

Additional new regulations include provisions for telecommunication towers in institutional and downtown zoning districts, electric vehicle parking, and provisions for vegetable gardens.

Minor Clarifications and Modifications to the Zoning Ordinance - The second category of amendments updates and clarifies various sections of the Zoning Ordinance. Over time and through practice, the Village has identified code sections where further clarification and minor adjustments in language 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 the Village receives repeatedly.

The proposed text amendments include adding clarifying language to the non-conforming lot provisions, solar panel provisions, allowable locations of drive aisles for fueling stations, driveway and apron widths at the property line, and identifying that compliance with the new downtown design guidelines is required for Special Use and Planned Unit Developments in the downtown zoning districts.

A summary list of all 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
28.2.030	Clarified provisions referencing regulations that apply to nonconforming lots. No change in practice or application of the DGMC.	1

28.6.010(a)(6)	Added a definition for buildings that are attached to a principal structure. No change in practice or application of the DGMC.	1
28.6.010(d)	Eliminated text prohibiting donation drop boxes in the Village and added provisions for this use.	1
28.6.010(i)	Added provisions limiting one carport per lot in R zoning district.	2
28.8.010(m)(2)	Clarified provisions regarding building-mounted solar energy systems.	3
28.6.040(a)(2)	Added drive aisles as an exception when paving within setbacks for fueling stations. No change in practice or application of the DGMC.	3
28.6.170(k)	Added provisions for telecommunication tower height in the Downtown and Institutional Zoning Districts.	4
28.7.050(e)	Added provisions for electrical vehicle parking.	4
28.7.100(i)	Clarified a provision regarding the width of a driveway on the private and public side of the lot line. Added a provision regarding nonconforming driveways. Added a provision for hammerheads associated with driveways off an arterial road.	4
28.10.010(a)	Modified provisions regarding open-design fences.	5
28.11.020(b)	Clarified provisions regarding nonconforming lots. No change in practice or application of the DGMC.	6
28.11.040	Clarified provisions regarding nonconforming structures. No change in practice or application of the DGMC.	6
28.12.040(c)(5)	Added provisions referencing compliance with the Downtown Design Guidelines. No change in practice or application of the DGMC.	8
28.12.050(h)	Added provisions referencing compliance with the Downtown Design Guidelines and the Comprehensive Plan. No change in practice or application of the DGMC.	8
28.14.100(b) Table 14-1	Added provisions removing setback requirements in the DB and DC districts when it comes to architectural building features, dog house or dog run, steps, retaining walls, and yard features. Clarified setback requirements for driveways and uncovered walks. Added provisions for vegetable gardens.	9
28.15.250	Added a definition for vegetable garden.	13

Non-Conforming Lots – Based on Plan Commission discussion and public input provided at the January 10th 2022 Plan Commission Hearing, additional clarification is provided regarding the proposed amendment to 28.11.020(b). The proposed text amendment is in conformity with the policy and intent of the Comprehensive Plan and is consistent with the current language and application of the current zoning ordinance as it relates to non-conforming lots. Since 2014, the Village has consistently applied the ordinance in the matter that it is represented with the proposed amendments. The proposed amendment will not alter the application of this section. It will clarify the existing language to implement established policy.

- ***Conformity with the Policy and Intent of the Comprehensive Plan*** -
  As stated in the Village's Comprehensive Plan, the plan *"serves as a foundation for decision making in a community and is not a mandate. The Plan is intended to inform regulatory tools (such as a zoning ordinance) and also a community's decisions, as leaders determine courses of action and the most appropriate forms of development and growth for a community."* The Comprehensive Plan is an aspirational document that provides a vision for the future while offering a variety of recommendations for land uses, transportation, parks and community facilities. The Zoning Ordinance is the regulatory tool that dictates how a property owner may use and develop their lot(s).

  The Village's Comprehensive Plan, recommends ensuring "*compatibility with the scale and character of the surrounding and adjacent neighborhoods. New infill development and alterations to existing development should maintain a setback, height, bulk, and orientation similar to that of neighboring development*", which is controlled by the Zoning Ordinance. The proposed text amendment is applicable to all properties throughout the Village.

  Lastly, as it relates to the Residential Area Plan in the Comprehensive Plan, it is specifically stated that "*the permitting process should accommodate residential renovation and redevelopment through a consistent, expedient, and thorough process."* The consistent application of permitting construction of homes on non-conforming lots is in-line with this proposed text amendment.

- ***Implement Established Policy - Lot Width and Area Minimums*** –
  Lot width and lot area requirements are found in both the Subdivision Ordinance and the Zoning Ordinance. The Zoning Ordinance is in place to provide regulations for those existing lots of record, both conforming and non-conforming lots, that were previously platted, regardless of the date of the subdivision. These previously platted lots have established property rights, including the ability to construct a building or structure on the lot that complies with the bulk requirements of the Zoning Ordinance and that the use and structure is allowed by the Zoning Ordinance.

  The current Subdivision Ordinance is in place to provide regulations for newly created lots of record. In these cases, the 75-foot lot width and 10,500 square foot minimum lot area are required by the Subdivision Ordinance. Subdivisions are reviewed by the Plan Commission and must receive final approval from the Village Council. The current text amendment request does not change any Subdivision Ordinance requirements.

  In cases where residential lots were previously legally subdivided, regardless of the date of the subdivision, the resulting lots of record may be improved with a single detached home constructed on the lot regardless of if the lot meets the current minimum lot width and area requirements. The current Zoning Ordinance and the established Village policy has been

to require a lot consolidation only when a building permit application proposes to construct a single detached house, house addition or accessory structure over a lot line of two or more lots under common ownership.

Furthermore, if a property owner owns multiple adjoining lots of record and demolishes a structure on one of the lots, the Zoning Ordinance does not require the property owner to consolidate the lots. A lot consolidation is only required when a proposed single detached house, house addition or accessory structure crosses over a common lot line. If the property owner wishes to construct a home entirely on only one lot of record, they may maintain the second lot of record as a yard or request a Special Use to place an accessory structure on the vacant adjoining lot.

- ***Implement Established Policy - Construction on Non-Conforming Lots***
  A legally subdivided lot that becomes non-conforming and no longer meets the current Zoning Ordinance, may still be developed with allowable structures and uses that are permitted in the Zoning Ordinance, regardless of the lot dimensions (or what use and building was previously constructed on the lot(s)).

  The Zoning Ordinance does not require previously legally subdivided residential lots, regardless of the date of the subdivision, to be improved with a structure on the property. There are many examples of subdivisions in the Village where lots of record have remained vacant for many years. Whether the lot has a structure on it or not, does not impact the property rights associated with the lot. A vacant lot can be used for any permitted use as identified in the Zoning Ordinance and a structure can be constructed on the vacant lot regardless of how long the lot has sat vacant so long as it conforms to the bulk regulations of the Zoning Ordinance.

  The demolition of an existing structure located on a non-conforming lot also does not change the property owner's rights or the Zoning Ordinance regulations. If the structure that was demolished was non-conforming or contained a non-conforming use, a property owner has the right to use the non-conforming lot for any permitted use or structure as identified in the Zoning Ordinance.

  Furthermore, it is not uncommon for property owners to purchase adjacent lots, conforming or non-conforming, in order to utilize them for their own personal use (i.e. extension of their back or side yard or placement of accessory structures after receiving special use approval). This does not require a lot consolidation, when either (or both) of these lots are non-conforming.

Examples of current application of 28.11.020(b)

Southwest Corner of Maple and Sherman Avenues (Lot Consolidation not required)
A recent infill development, under construction, at the southwest corner of Maple and Sherman Avenues reflects the Village's application of this code section as it relates to the requirement for lot consolidations and ensuring compatibility with the scale and character of the surrounding and adjacent neighborhoods. In the late 1990s, the property consisted of five lots of record with a single detached house located on the property that were all owned by a single private owner. The Park District purchased the property in 2001, demolished the single family home and kept the property as open space. In 2016, the Park District sold all five lots of record to a private developer. Two of the five lots of record are

non-conforming, as they do not meet the minimum lot width requirements since they are 66 feet wide. The developer submitted a permit to construct a new single family home on one of the non-conforming lots. The Village issued a permit for the new single family house on the non-conforming lots. Since the house did not cross over a common lot line and met the Zoning Ordinance's setback, height and other bulk requirements, a lot consolidation was not required even though at the time of permit issuance all five lots were under the same common ownership

The two non-conforming lots on Sherman Avenue are consistent with the adjacent neighborhood as the lots to the east, south and west of the property are also 66 feet wide. Additionally, the property at Maple and Sherman Avenues was identified as 'Park & Open Space' in the 2011 Comprehensive Plan's Future Land Use Plan due to the use of the parcels at that time. When the land was no longer used as a park, the 2017 Comprehensive Plan's Future Land Use Plan was updated to identify the property as 'Single-Family Detached.'

540 Prairie Avenue (Lot Consolidation required)

In 2020 a private property owner submitted a permit application to construct a new single family house at 540 Prairie Avenue. The property identified on the permit application consisted of two 25-foot wide lots of record under common ownership. The new single family house was proposed to cross over the common lot line and as such, the Village required the property owner to consolidate the two lots into a single lot of record. After the consolidation, the new lot of record measured 50 feet wide and a permit was issued to allow the construction of the new single family house.

PUBLIC COMMENT

The legal notice was published in the *Daily Herald.* Previous public comment was provided at the January 10th, 2022 Plan Commission meeting. At this time, staff has only received correspondence regarding the proposed changes to Section 28.11.020. This correspondence has been attached to the staff report.

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. As further evidenced above, in each case, the proposed test 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
- Ensure quality housing stock remains a staple of the community

- Ensure compatibility between new and existing residential development
- Encourage a diversity of housing types, sizes and prices throughout the community
- Modernization helps to achieve a balance between the past and the future by providing incremental improvements to existing properties, including both sites and structures.
- Continue to support the operation of other important community service providers.
- The permitting process should accommodate residential renovation and redevelopment through a consistent, expedient, and thorough process

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 meet the challenge of a changing condition (i.e. donation boxes and vegetable gardens), address inconsistencies in the zoning ordinance (i.e. driveway widths at the property line) and provides clarity to implement an established policy (i.e. non-conforming lots). The text amendments related to donation drop boxes and vegetable gardens are necessary to align with recent Court rulings and State law. The text amendments related to widths of driveways and aprons along the property line are necessary to address inconsistencies in the Zoning Ordinance.

The proposed text amendment regarding non-conforming lots provides clarity to implement an established policy. The Village has historically applied this regulation in a consistent manner. The current Zoning Ordinance and the consistent Village established policy has been to require a lot consolidation only when a building permit application proposes to construct a single detached house, house addition or accessory structure over a lot line of two or more lots under common ownership. The proposed text amendment is necessary to clarify the current language to implement the established policy that the Village has been consistently applying. The proposed text amendment will not change the current application of this regulation.

The proposed amendments further the purposes of the Zoning Ordinance as shown in Section 28.1.060 of the Zoning Ordinance. This standard is met.

DRAFT MOTION

The Village recommends approval of the proposed text amendments at the January 31, 2021 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 21-PLC-0028:

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 21-PLC-0028 regarding the proposed amendments Articles 2, 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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Sec 28.2.030 Lot And Building Regulations

The lot and building regulations of Table 2-2 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XIV of this Chapter. Additional regulations governing accessory uses and structures can be found in DGMC Section 28.6.010. See also Figure 2-1. Additional regulations governing non-conforming lots can be found in DGMC Section 28.11.020.

Sec 28.6.010(a)(6) Accessory Uses

(6) Residential Accessory Buildings. The following additional regulations apply to buildings that are accessory to (principal) residential uses:

a. Accessory buildings are prohibited in street yards.

b. No more than three (3) detached accessory buildings are allowed on any lot.

c. The aggregate footprint or coverage of all accessory buildings on a lot may not exceed one thousand (1,000) square feet or the gross floor area of the principal building, whichever is less.

d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of five feet (5'). In all other R districts, the minimum side and rear setback for accessory buildings is six feet (6').

e. Residential accessory buildings may not occupy more than forty percent (40%) of the corner, rear or side yard area.

f. Residential accessory buildings may not exceed twenty-three feet (23') in height, as measured to the highest point on the building.

g. Residential accessory buildings and structures are permitted in corner yards, as specified in Table 14-1 within DGMC Section 28.14.100.

h. A building is not considered accessory if it is connected to the principal structure with a foundation and a covered access walkway.

Sec 28.6.010(d) Accessory Uses – Donation Drop Boxes

(d) *Donation Drop Boxes*. ~~Donation drop boxes are expressly prohibited in the Village.~~

(1) Authorization of Use: Donation drop boxes may only be placed on properties zoned B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1 and INP-2.

(2) Permit Requirement: A permit shall be obtained prior to the placement of a donation drop box outside of the principal building in the village. Applications for a permit to construct or locate a donation drop box shall include, in addition to any requirements contained in this code, the following documents:

a. Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.

b. A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing thereon the proposed location of donation drop box.

c. Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information that

may be requested by the Community Development Director.

(3) Number per lot: Only one donation drop box shall be permitted per lot or per shopping center, whichever is more restrictive.

(4) Location: Donation drop boxes shall be located within a parking lot or other paved surface, but in no case shall donation drop boxes be located in the following locations:

a. Within a required street or corner setbacks areas.

b. Designated driveway or drive aisle.

c. Within five feet (5') of a fire hydrant.

d. Designated pedestrian crosswalk.

e. Private sidewalk unless at least five feet (5') of clearance can be maintained.

f. Any parking space as required by DGMC or any ordinance or resolution governing the development of a property, or any parking space as deemed necessary by the Community Development Director. When a single lot is part of a larger planned development with shared parking, the required parking shall be determined based on the total required parking approved for the entire development.

g. Any location in such a manner as to cause a sight obstruction for pedestrians or motorists.

h. Any public right of way.

(5) Height and Size: A donation drop box shall not exceed a maximum of seven feet (7') in height and twenty five (25) square feet in ground area.

(6) Required Information: Signage on donation drop boxes shall not exceed five-inch (5") letter height. All donation boxes shall contain the following contact information in two-inch (2") type visible from the front of the box: the name, address, email, and phone number of both the permittee and operator.

(7) Maintenance: Donation drop boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of debris or other material. All donations shall be placed within the donation drop box. No donations may be left outside of the donation drop box.

(8) Upon telephone and/or email notification from the Village that materials are being placed outside of the donation drop box, the donation drop box owner shall have 24 hours to remove said materials. Failure to do so may result in penalties listed under DGMC Section 28.13.020 and/or revocation of permit. Three violations of this section shall result in immediate revocation of the permit.

(9) Revocation of Permit: Any permit granted pursuant to the provisions of this Section may be subject to revocation for cause by the Community Development Director (or his/her designee), including but not limited to the failure to comply with this Section or any other applicable provisions of the DGMC. Upon revocation the donation drop box shall be removed immediately.

Sec 28.6.010(i) Accessory Uses - Garages

(i) Garages

(1) Only one detached garage and one carport ~~is~~ are allowed per lot in R zoning districts.

(2) Dwelling units are expressly prohibited in the space above any detached garage. See Figure 6-2.

Sec 28.6.010(m) Accessory Uses – Solar Energy Systems

(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

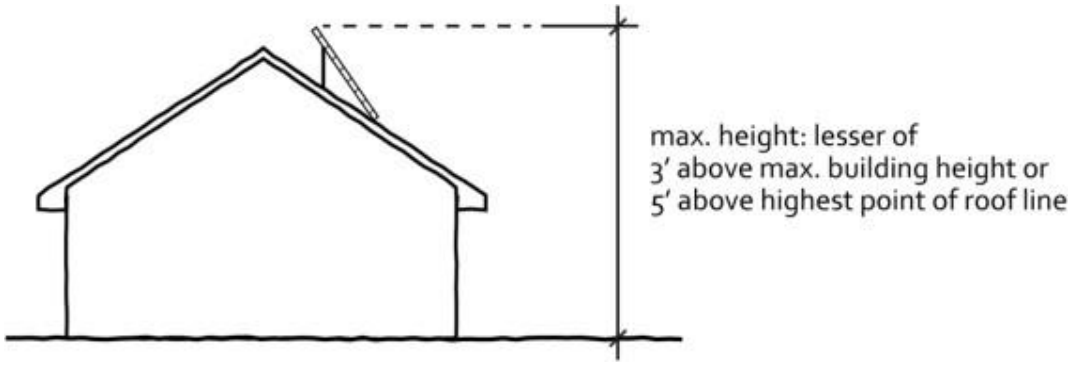
a. Building-mounted solar energy systems may be mounted on principal and accessory structures. The below regulations apply to solar energy systems on both principal and accessory structures.

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 DGMC Section 28.14.100(b). 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 three feet (3') above the applicable maximum building height limit for the subject building type or more than five feet (5') above the highest point of the roof line, whichever is less. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



Sec 28.6.040 Fueling Stations

Fueling stations are subject to the following regulations:

(a) Setbacks

(1) Interior side and rear setbacks with a minimum depth of twenty feet (20') must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements.

(2) Except for approved driveways and drive aisles, setbacks may not be paved and must be landscaped green space.

(b) *Protective Curb*. All landscaped areas must be protected by a raised curb at least six inches (6") in height or by a bumper guard of not more than eighteen inches (18") in height. Protective curbing at least six inches

(6") in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development

Sec 28.6.170(k) Wireless Telecommunications.

(k) *Height*. Telecommunications towers are subject to the following height requirements:

(1) Residential Districts. The maximum height of telecommunications towers in R zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

(2) Business Districts. The maximum height of telecommunications towers in B-1, B-2 and B- 3 zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(3) Office and Manufacturing Districts. The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed one hundred twenty-five feet (125') for a single user; one hundred fifty feet (150') for two (2) users; or one hundred seventy-four feet (174') for three (3) or more users.

(4) Downtown Districts. The maximum height of telecommunications towers in DB, DC and DT zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(5) Institutional Districts. The maximum height of telecommunications towers in INP-1 and INP-2 zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

Sec 28.7.050(e) Parking Exemptions And Reductions

(e) Electrical Vehicle Parking. For any development, one (1) parking space or up to five percent (5%) of the total number of required spaces, whichever is greater, may be reserved for use by electrical vehicle parking. The number of required motor vehicle parking spaces is reduced by one (1) space for every parking space that is dedicated for electrical vehicle parking.

Sec 28.7.100(i) Parking Area Design

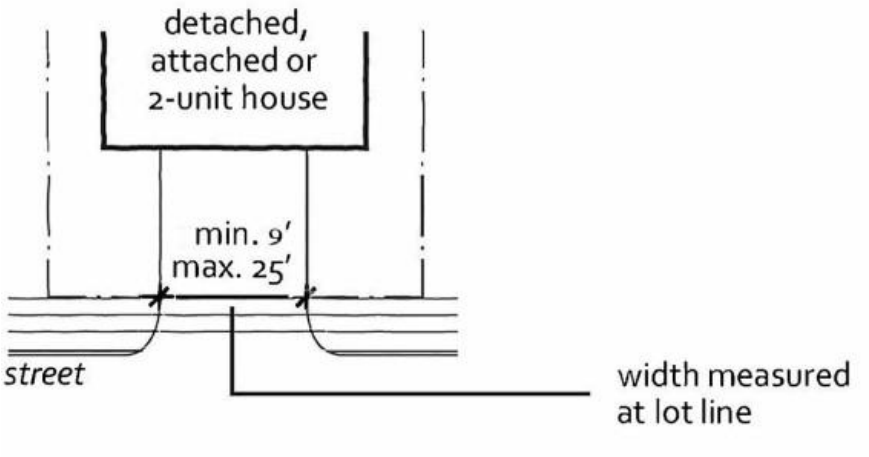
(i) Access

(1) Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space. In residential districts, parking pads may be located in the front yard, but must meet the required minimum street setback.

(2) All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.

(3) Driveways leading to detached garages or parking areas serving a detached house, attached house or two-unit house must be at least nine feet (9') in width. However, if the distance between an existing house and the property line is less than ten feet (10') wide, an existing driveway may be replaced within the same footprint. New driveways must meet width and setback requirements. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed twenty-five feet (25') in width, excluding any flared pavement portion, as measured at the lot line. See Figure 7-5.

Figure 7-5: Driveway Width



(4) The driveway width must match the apron width at the lot line.

(5) All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Public Works Director.

(6) All driveways must be improved with a compacted stone base and surfaced with asphalt, concrete or other comparable all-weather, dustless material.

(7) Shared driveways, lawfully existing before October 13, 2020, may be replaced if either property does not allow sufficient space to meet the minimum driveway width and setback requirements, as approved by the Community Development Director.

(8) Parking pads, lawfully existing before October 13, 2020, may be replaced, but not expanded or enlarged, unless behind the required street or corner street setback.

(9) If a legal nonconforming driveway is to be removed in part or whole in order to improve the driveway, it may be required to bring the driveway further into compliance. The Community Development Director is authorized to approve alternative design to promote compliance while recognizing site specific limitations. Sealcoating is not subject to this requirement.

(10) In the case that a parking pad cannot be located behind the street yard setback line due to the location of an existing home, and the principal driveway access to the home is via an arterial road, a hammerhead may be approved for the purpose of turning a car around. The maximum dimensions of a hammerhead are 9 feet by 9 feet, anything larger will be considered a parking pad.

Sec 28.10.010(a) Fences

(a) *General*. The general regulations of this subsection apply to all fences.

(1) Applicability. All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this Section.

(2) Permits Required. It is unlawful to erect or alter any fence within the Village unless a permit has been issued by the Community Development Director. A written application for a fence permit, including applicable fees as established in the User-Fee, License & Fine Schedule must be filed with the Community Development Department. A fence permit issued under this Section is valid for a term of six (6) months.

(3) Public Safety. Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.

(4) Structural Elements. All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

(5) Open-Design Fences. Open design fences must be constructed in such a manner that no post or vertical and horizontal element exceeds a width of six inches (6"), and the ratio of open area to closed are does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.

(6) Electrified or Barbed Wire Fences. Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the special use process.

Sec 28.11.020 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~~ improved ~~as a building site for~~ with 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~~ provided that when a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that 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:

a. an addition does not exceed three hundred fifty (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 eight hundred (800) square feet.

(2) Nonconforming lots in nonresidential districts may be ~~utilized for~~ improved with any use allowed in the subject zoning district, provided that:

a. the lot area ~~and lot width are~~ is not less than seventy-five percent (75%) of the minimums required in the subject zoning district, or the lot width is not less fifty feet (50') and the lot area is not less than seven thousand five hundred (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 a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that 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.

S ec 28.11.040 Nonconforming Structures

(a) *Description*. A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in DGMC

Section 28.9.090.

(b) *Use*. A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

(c) Alterations and Expansions

(1) Nonconforming principal structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A principal building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.

(2) A principal structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the Zoning Board of Appeals may approve a either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the zoning exception procedures of DGMC Section 28.12.80. In order to approve such horizontal or vertical extension, the Zoning Board of Appeals must find that all of the following criteria have been met:

a. the extended wall will comply with all other applicable lot and building regulations (other than the nonconforming setback);

b. the extension will not obstruct farther into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than fifteen percent (15%) of its existing length;

c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;

d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and

e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

(d) *Moving*. A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.

(e) Loss of Nonconforming Status

(1) Damage or Destruction

a. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

b. When a nonconforming principal structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than fifty percent (50%) of the market value of the structure, as determined by the property owner's certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

(2) Damage or Destruction after Right-of-Way Acquisition. If a structure is rendered nonconforming or made more nonconforming by a public agency's acquisition of right-of- way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

(f) *Nonconforming Fences*. Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of DGMC Section 28.11.040(e)(1) apply to nonconforming fences.

(g) *Nonconforming Accessory Structures.* Any nonconforming residential accessory structure such as a garage, shed, deck or porch may be razed and replaced in its entirety, provided that it is replaced in the same location, and for the same purpose, with no footprint expansion and no more than an increase of fifteen percent (15%) or the original height. This provision does not apply to nonconforming accessory structures located within in the Special Management Areas as defined in Chapter 26 or those structures that are located over common property lines or the public right-of-way.

Sec 28.12.040(c)(5) Planned Unit Developments

(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 DGMC Section 28.12.030(i) in the case of new Planned Unit Development proposals;

b. whether the proposed PUD development plan and map amendment would be consistent and in substantial compliance with the comprehensive plan, downtown design guidelines and any other adopted plans for the subject area;

c. whether PUD development plan complies with the PUD overlay district provisions of DGMC Section 28.4.030;

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.

S ec 28.12.050(h) Special Uses

(h) *Approval Criteria*. No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all Village Council policies and plans, including but not limited to the Comprehensive Plan and the Downtown Design Guidelines and that the applicant has presented evidence to support each of the following conclusions:

(1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;

(2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

Sec 28.14.100 Setbacks

(a) *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
	Corner	Street	Side	Rear	
A/C units, generators, compressors, transformers, associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No	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	Yes	No setback required
Antenna, amateur radio	No	No	No	Yes	
Antenna, receive-only and satellite dish	Yes	Yes	Yes	Yes	
Arbor, pergola or trellis	Yes	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	Yes	No setback in DB and DC districts 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	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	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	Yes	

Bay window (1st floor only; with or without foundation)	Yes	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
Bicycle Parking	Yes	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Breezeway	No	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See Chapter 13 of this Code)	No	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) [2]	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side and rear property line
Dog house or dog run	No	No	No	Yes	No setback in DB and DC districts 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	Yes	1 ft. min.side (interior) or rear setback
Eaves and gutters	Yes	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	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	Yes	See also Sec. 10.010

Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See Chapter 13 of this Code)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts Must meet required R district street setback in corner yards.
Flag pole	Yes	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)[4]	No	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	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	Yes	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Hot Tub (and associated equipment)	Yes[3]	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 Districts 7 ft. min. setback in all other R districts. Must meet required R district street setback in corner yards
Parking, open	Yes	Yes	Yes	Yes	See also DGMC Section 28.7.070
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6ft. min. setback in all other districts Must meet required R district street setback in corner yards.
Porch, covered and open on at least 3 sides (see also “deck,” above)	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also DGMC Section 28.14.100(c)) Must meet required district side yard setbacks
Shed, carport or storage structure	No	No	Yes	Yes	5 ft. min. setback in R-4

					district 6 ft. min. setback in all other districts
Sign	Yes	Yes	No	No	See Article IX
Solar panel and equipment (building-mounted)	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel and equipment (ground-mounted)	No	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also DGMC Section 28.6.010(m)
Sport courts & accessory lighting	No	No	Yes	Yes	5ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	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	Yes	No setback in DB and DC districts 1 ft. min. setback
Swimming pool (in-ground & above-ground and associated equipment)	No	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Vegetable Garden	Yes	Yes	Yes	Yes	No setback required
Walkway (covered)	No	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	Yes	See also DGMC Section 28.10.010
Wall, retaining	Yes	Yes	Yes	Yes	No setback in DB and DC districts 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	Yes	No setback in DB and DC districts 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	Yes	1 ft. min. setback
Window wells	Yes	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.

[2] Provided that in Planned Unit Developments or other subdivisions containing ten (10) or more lots in which permanent common open space is provided under the terms of the recorded covenants or a pubic park, patios nd decks may be placed one foot (1') from the rear and side lot line.

[3] Only on corner lots, may be placed up to the minimum required setback, provided that they are screened on all sides by an open fence, wall, dense hedge or other landscaping that provides at least eighty percent (80%) direct view blocking. The hedge or landscaping must reach a minimum height of thirty-six inches (36") at maturity.

[4] Only on corner lots, detached garages may be placed up to the minimum required street setback provided that they are located between the rear property line and the rear wall of the building.

Sec 28.15.250 Words And Terms Beginning With "V"

Vacant. Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

Vegetable Garden. Any plot of ground or elevated soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or edible plants are cultivated.

Vehicle Body and Paint Finishing Shop. See DGMC Section 28.5.050(p)(6).

Vehicular Use Area. An area that is devoted to use by or for motor vehicles, including off-street parking areas (accessory or non-accessory); off-street loading areas; vehicle storage areas; fuel stations; car washes; drive-through service areas and auto sales lots. Enclosed areas and access drives used solely for access between the street and the vehicular use area are not considered part of a vehicular use area.

Vehicle Sales and Service. See DGMC Section 28.5.050(p).

Veterinary Care. See DGMC Section 28.5.050(b)(3).

Vibration. A periodic displacement of the earth measured in inches.

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow Property

Lynn Leo [redacted] Mon, Jan 24, 2022 at 7:37 PM
To: jzawila@downers.us

Dear Mr. Zawila,

"As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020."

Downers Grove School District 58, along with Downers Grove Village Council SOLD OUT to a developer DEFYING both the Comprehensive Plan and current zoning ordinances.

The rule laid out by public ervant before you NEED to be FOLLOWED and the property hould be pre erved for public use and not developed!

Sincerely,
Lynn M Leo

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Section 28.11.020

[redacted] [redacted] Tue, Jan 25, 2022 at 5:28 AM
To: jzawila@downers.us

Good morning Mr. Zawila,

As a resident of Downers Grove for the past 25 years, I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to the 'nonconforming lots' – Sec 28.11.020 goes against the Comprehen ive Plan and hould/mu t be voted down Plea e vote 'NAY' on change to 'nonconforming lot ' Sec 28.11.020.

Thank you very much for your thoughtful and thorough consideration of this request.

Sincerely,

Bridget A. Dougherty

[redacted]

[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

DG Comprehensive Plan

1 me age

Kimberly McNulty [redacted] Tue, Jan 25, 2022 at 1:55 PM
To: jzawila@downers.us

Hello

As a long time resident of Downers Grove, I am concerned regarding the building proposal for the Longfellow Property and future properties in our fine town. It has been brought to my attention that the current city Comprehensive Plan is going to po ibly ee ome "hou e cleaning" I truly value our town' character and open pace Thi i one of the reasons we moved here over 30 years ago. If all the open space we currently enjoy slowly gets taken away, it will be a very sad day, and not a very appealing place to live. And the water issues/flooding in Downers Grove just continues to grow.

The proposed change to nonconforming lots - Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on nonconforming lots pertaining to
Sec. 28.11.020.

Please keep our town one that our future children will want to live in. It is already becoming a place that first time homeowners can't attain. So very unfortunate. Please reconsider.

Sincerely

Kimberly McNulty

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Misuse and Misappropriation of the land at 1435 Prairie Ave, Downers Grove, IL 60515

Jeri McClure [redacted] Tue, Jan 25, 2022 at 7 36 PM
To: jzawila@downers.us

As a resident I strongly oppose the method in which the land at 1435 Prairie Ave, Downers Grove, Il 60515 is being misappropriated by violating the Village's Comprehensive Plan - Sec 28.11.020. The manner in which the Village has cast a ide concern for the code put in place to protect the health and wellbeing of homeowner , homeowner who have invested in the Village in good faith.

Unfortunately the Village, in this instance, has betrayed that trust. Please vote Nay, on January 31, to changes to nonconforming lot Sec 28 11 020

Respectfully, Jeri McClure-
[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

E-mail for the Plan Commission

[redacted] Wed, Jan 26, 2022 at 10:29 AM
To: jzawila@downers.us

Good morning Jason, please forward this to the members of the Plan Commission, thank you

To the Plan Commission:

My name is Joe Leo, I've lived in Downers Grove, at [redacted], since 1987

I am writing you in advance of the 1/31/22 Plan Commission meeting to express my concern regarding item 21 PLC 0028, specifically the revisions to Section 28 11 020 Nonconforming Lots

I urge you to vote no to this proposed change.

As I'm sure you're aware, there is a new development taking place at the old Longfellow School which was recently bought by a developer. The current code calls for the developer to consolidate the currently platted 60 foot lots into lots with a minimum width of 75 feet Bottom line, by enforcing the current code, the developer will only be able to put up 8 houses vs. 12 houses.

The code as currently written is in place to eliminate or at least reduce residential overbuilding, this change will gut the current code's meaning and allow developers, such as the one developing Longfellow, to easily get past the 75ft wide lot requirement for areas zoned R 3

This not only impacts the Longfellow development but all future subdivisions on larger tracts of land This proposed change also flies in the face of our Villages Comprehensive Plan

As you all know our Village has an outstanding Comprehensive Plan (CP), an award-winning plan if I'm not mistaken

The CP speaks to maintaining Downers Grove character and identity and encouraging a diversity of housing types, sizes and prices The current mix of housing in the Longfellow neighborhood is mostly modest homes built in the 1920's and 1930's. And while there have been new houses (teardowns) built in the last 20 years, the bulk of the older stock remains in place This change will crush the identity of Longfellow neighborhood not to mention any other neighborhoods subject to

future new subdivisions Not only is the identity of the neighborhood being impacted but by putting up 12 vs the allowed 8 homes, water/flooding issues the neighborhood already has will substantially escalate

Under the section titled “Stormwater Management” the CP clearly states “The Village should promote Low Impact Development (LID) best practices for residential properties ” By enforcing the current code instead of changing it the Village can stay in line with the CP instead of throwing it aside

Lastly, while it appears this can’t be changed, the CP in the Future Land Use Plan section did call for Longfellow to be “Institutional/Public” land, sadly the District 58 was uninterested in honoring the community’s desires.

Our past Village leaders’ commitments to preserving the balance between tradition and progress is one of the reasons why we love calling Downers Grove home. Let’s not lose track of who we are and continue to honor that balance between tradition and progress and what the Comprehensive Plan stands for. We’re counting on your leadership, please vote no on this change.

Thank you

Joe Leo

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Development

[redacted] Wed, Jan 26, 2022 at 11:47 AM
Reply-To: [redacted]
To: "jzawila@downers.us" <jzawila@downers.us>

In addition to ruining downtown with over development don't ruin our neighborhood. I know your priority is densification and ati fying contractor but thi i where we live and breath Plea e think about the re ident who live here The neighborhood has lost its character significantly already. Time to stop.

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020."

Sent from AT&T Yahoo Mail on Android

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Please Stop Longfellow Property Development!

Todd Mertz [redacted] Wed, Jan 26, 2022 at 11:07 AM
To: "jzawila@downers.us" <jzawila@downers.us>

Good morning

My name is Todd Mertz and I grew up on Seeley Avenue--six houses south of Longfellow School. My mother, Melanie Mertz, still lives in the same house. My wife, two daughters, and I now live in Naperville. I am incredibly saddened and beyond shocked that the Downers Grove City Council would even consider using the Longfellow property for a 12-house development instead of repurposing the property for a common, mutual benefit--such a park, a public-use structure, or simply green space. There are many things I miss about Downers Grove. But one thing I really appreciate about Naperville is all the parks and green spaces From our house alone, there are three parks in close walking distance They are loved and cherished by many.

Why in the world would the DG City Council allow for a large, private-use development on that prime piece of property? I would think that in this day and age, the city planner and council members would have the foresight to keep that space in the public domain for generations to come. It seems to me that selling that to a builder for private use is very short-sighted and injudicious. I also learned that the sale of that property is only roughly $4 million? That doesn't sound like much money to *permanently* lose access to that property And what about all those beautiful old oak trees on that properly? How in the world could you cut those beauties down for a buck? **What a shame!**

In the 1909 Plan of Chicago, Daniel Burnham had the foresight to keep 25 miles of Chicago's lakefront building free and open to the public, including areas such as Grant Park and Millenium Park Although Burnham accomplished many feats in his lifetime, maintaining public space and creating green spaces has become his legacy over 110 years later.

I strongly encourage you to reconsider your decision Many hope you do!

Todd, Patsy, Riley, and Piper Mertz
[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow property

Nicole Szydlowski [redacted] Wed, Jan 26, 2022 at 12:47 PM
To: "jzawila@downers.us" <jzawila@downers.us>

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehen ive Plan The change to nonconforming lot ' Sec 28 11 020 goe again t the Comprehen ive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020.

Nicole Szydlowski

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Plan Commission Agenda for January 31, 2022

Mary Braatz [redacted] > Wed, Jan 26, 2022 at 8:47 PM
To: Jason Zawila <jzawila@downers.us>

Dear Jason,

In regard to the Plan Commission Meeting for January 31, 2022:

“As a resident of Downers Grove I value our neighborhood’s character and the open spaces protected by the city’s Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote “Nay” on changes to nonconforming lots' Sec 28 11 020 ”

Mary Braatz

--

RE/MAX ENTERPRISES

Mary Braatz
Broker at Remax Enterprises

A [redacted]
M [redacted]
W [redacted]
My reviews [redacted]
[redacted]
See my li ting [redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Sec 28.11.020

Kathi De Masi [redacted] > Thu, Jan 27, 2022 at 12:12 AM
To: "jzawila@downers.us" <jzawila@downers.us>

As a resident of Downers Grove, I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "NAY" on changes to nonconforming lots -- Sec 28.11.020.

Respectfully,
Kathleen DeMasi

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow

kathy stella [redacted] Thu, Jan 27, 2022 at 6:31 AM
To: "jzawila@downers.us" <jzawila@downers.us>

I am against the planned change of zoning for that property and others to come.
I vote NO and hope you will li ten to the people of Downer Grove
Thank you
Kathy Stella

Sent from my iPad

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Comprehensive Plan Sec 28.11.020

joshreedharp [redacted] Thu, Jan 27, 2022 at 8:19 AM
To: jzawila@downers.us

Good Morning,

i am a 20 plus year resident of DG. I am asking that you vote “nay” on Sec 28.11.020 on changes to con conforming lot sizes. Please do the right thing and preserve some of the little character that is left in Downers Grove.

Regard ,
J.I.Reed

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Comprehensive Plan Sec 28.11.020

iMac [redacted] Thu, Jan 27, 2022 at 8:25 AM
To: jzawila@downers.us

Good Morning,

I have been a 20 plus year resident of Downers Grove. I am asking that you vote "NO" on Sec 28.11.020 on changes to conforming lot sizes. Please do the right thing and preserve the openness and character of Downers Grove. We moved here because of the large lot sizes and trees that surround us as did many others in this neighborhood.

Sincerely,
June Reed
[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

zoning code

1 me age

Diane Williams [redacted] Thu, Jan 27, 2022 at 8:49 AM
To: "jzawila@downers.us" <jzawila@downers.us>

"As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020."

Diane Williams
[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow Property

Donna Lawley [redacted] Thu, Jan 27, 2022 at 9:10 AM
To: jzawila@downers.us

Dear Planning Commission,

As a resident of Downers Grove, I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to non conforming
lots' - - Sec 28.11.020 goes against the Comprehensive Plan and should be voted down.
Plea e vote "NAY" on change to nonconforming lot ' Sec 28 11 020

Please be honest and do the right thing.
Thank you,

Donna Lawley

Sent from my iPad

Public Comments Provided to Plan Commission after Packet Publication

Through 2:30PM

January 31, 2022

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow property

Ruth Davies [redacted] Thu, Jan 27, 2022 at 10:06 AM
To: "jzawila@downers.us" <jzawila@downers.us>

My dad went to Longfellow school, and I'm sad to see it go and be replaced by houses. But change happens. However, as a lifelong resident of Downers Grove I value our town's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020. Thank you

[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

McNaughton Development

William Natale <[redacted]> Thu, Jan 27, 2022 at 11:24 AM
Reply-To: William Natale [redacted]>
To: "jzawila@downers.us" <jzawila@downers.us>

To Whom It May Concern

As a 32 year resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and hould be voted down Plea e vote "Nay" on change to nonconforming lot ' Sec 28 11 020

Regards,
Bill Natale

Sent from Yahoo Mail on Android

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

vote nay

Autumn Reed [redacted] Thu, Jan 27, 2022 at 4:05 PM
To: "jzawila@downers.us" <jzawila@downers.us>

Please vote “nay” on Sec 28.11.020 on changes to non-conforming lot sizes. Please do the right thing and preserve what little bit of nature area i left in Downer Grove To queeze 12 lot in that ize pace i ab olutely ab urd! Clear cutting lots is NOT cool and something that is liable to have us remove GROVE from our name. We are a grove that cuts down groves, how ironic. Please vote NO, we are all here hoping the people who have the power do the right thing.

Thank ,
Autumn

Sent from Yahoo Mail for iPhone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Please vote “Nay” on changes to nonconforming lots' -- Sec 28.11.020.

Kelly H [redacted] Thu, Jan 27, 2022 at 10:59 PM
To: jzawila@downers.us

As a resident of Downers Grove I value our neighborhood’s character and the open spaces protected by the city’s Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote “Nay” on changes to nonconforming lots' -- Sec 28.11.020.

I have lived here for 20 years, and would like to see the trees stay. Please help the current homeowners so that they don't live in a new LPDA for no reason. I understand the need for the school district to sell Longfellow property, however; I don't agree with this change to nonconforming lots as this does go against the Comprehensive Plan. Please do NOT vote for this change.

-Kelly

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Upcoming vote

Julie Ruffolo [redacted] Fri, Jan 28, 2022 at 6:42 AM
To: jzawila@downers.us
Cc: Steve Ruffolo <Steveruffolo2@gmail.com>

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down Please vote "Nay" on changes to nonconforming lots' Sec 28.11.020.

Julie and Steve Ruffolo
[redacted]
Sent from my iPhone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Comprehensive plan

wojtasfin [redacted] > Fri, Jan 28, 2022 at 6:57 AM
To: jzawila@downers.us

Plea e vote no for change The e change go again t the rea on for the plan intention
Thank you.
SUE Wojtas
[redacted]
Downer Grove

Sent via the Sam ung Galaxy Note9, an AT&T 5G Evolution capable martphone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Please vote “Nay” on changes to nonconforming lots -- Sec 28.11.020.

Kim Young [redacted]> Fri, Jan 28, 2022 at 7:13 AM
To: jzawila@downers.us

As a resident of Downers Grove I value our neighborhood’s character and the open spaces protected by the city s Comprehensive Plan.

The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down.

Please vote “Nay” on changes to nonconforming lots -- Sec 28.11.020.

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

"No" to Changes of Comprehensive Plan

Jackie Claus [redacted]> Fri, Jan 28, 2022 at 7:08 AM
To: jzawila@downers.us

To The Plan Commission

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down Please vote "Nay" on changes to nonconforming lots' Sec 28.11.020.

Regards,

Jackie Claus

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Changes to nonconforming lots

Jennifer klemz [redacted] Fri, Jan 28, 2022 at 7:31 AM
To: jzawila@downers.us

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020

Jennifer Klemz

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow School Property

Dave Ungari [redacted] Fri, Jan 28, 2022 at 8:59 AM
To: jzawila@downers.us

Hello,

I understand you will be having a meeting next week and will be discussing the Longfellow property.

I am a supporter of developing the Longfellow property.

However, I do not agree with changing the zoning regulations for the developer. I think they should be required to apply for a variance for each
prospective lot.

More importantly, you have regulations that supposedly everyone is to follow. My understanding is there is a 75 feet requirement.
This requirement can be met on the property.

If this developer is allowed to get a regulation changed, then I believe everyone should have the freedom to do whatever they want.

Thank you,

David Ungari

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Saving Longfellow Center

Melanie Mertz <[redacted]> Fri, Jan 28, 2022 at 9:17 AM
To: jzawila@downers.us

As a resident of Downers Grove, I value our neighborhood's character and the open pace protected by the city' Comprehen ive Plan The change to nonconforming lots - Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots-- Sec 28.11.020.

Proposed plan by village:
Future: 12 more homes smooshed into these streets. So crowded and trees will die.

Be t plan
Future: existing homes really enjoying a park or open space with lots of existing trees, possibly a small building (not to exceed footprint of existing Longfellow building) where folks could enjoy some indoor activities. This would really enhance property values of existing homes.

Because McNaughton has already purchased property:
Just leave some space between properties as protected in the Comprehensive Plan.

Thank you,
Melanie Mertz

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Fw: Plan Commission meeting on Monday night 1/31/22

3 me age

Teri [redacted] Fri, Jan 28, 2022 at 9:37 AM
To: "jzawila@downers.us" <jzawila@downers.us>

I would like to have the record show that I vote no on the following.

http://www.downers.us/public/docs/board_commission/plan_commission/01-10-22%20%20PC%20Agenda pdf

Please rethink the issue of Longfellow property and save the history and natural beauty of Downers Grove There are compromises and other ideas that are in the better interest of the homeowners of the present and the future.

It appears the downside of some of the plans will have far reaching effects on the existing land that extends beyond the pure beauty of the area, which is indeed very important to all concerned, but also from an ecological standpoint it comes way to close to destruction of the land and surrounding areas

Teri (Theresa) Jones Donnelly (former resident and former home owner in Downers Grove)

Forwarded Me age
From: Joe Leo <[redacted]>
To: '[redacted]
Sent: Friday, January 28, 2022, 05:43:32 AM CST
Subject Plan Commi ion meeting on Monday night 1/31/22

Hi everyone,

We need your attendance! Monday night, 1/31, Village Hall, 7pm

There is another Plan Commission meeting on 1/31/22 to discuss, *again*, the proposed changes to the Nonconforming lot zoning code section 28 11 020 See page 30 of the agenda from the 1/10/22 meeting, that shows the changes being proposed:

http //www downers us/public/docs/board commission/plan commission/01 10 22%20%20PC%20Agenda.pdf

Sadly, during the 1/10/22 meeting, after much discussion, the commission voted 4 to 3 in favor of the changes but instead of moving the issue on to the Village Council the commission is having another meeting to review the issue again It seems at the last meeting certain information wasn't made know to the public

(and possibly the commission) until during the meeting, instead of in advance We are hoping that another meeting will give the public (us) another chance to convince the commission that this change guts the 75 ft lot width regulations The village claims that this change is minor, which is completely false, read the change carefully and you'll see the change throws out the requirement to consolidate lots when you own 2 or more contiguous lots to comply with the width requirement We need to let the Commission know that we want the current code upheld and enforced, this is our only defense against overbuilding and flooding in residential areas

We ask that you attend the meeting Monday 1/31/22 at Village Hall at 7pm to tell them to vote "no" on the proposed amendment If you want to speak on the subject please do but a speech is not required, just ask them to vote no! And if you don't want to speak at all that's fine too, just your face in the audience let's them know that this issue is important to the community

If you can't make it to the meeting please send an e-mail to the Plan Commission at: jzawila@downers.us, just say

"As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan The change to nonconforming lots' Sec 28 11 020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' Sec 28 11 020 "

Thanks again and hope to see you on Monday night.

Plan Smart

Ja on Zawila jzawila@downer u Fri, Jan 28, 2022 at 4 13 PM
To: David Fieldman <dfieldman@downers.us>, Stanley Popovich <spopovich@downers.us>, Enza Petrarca <epetrarca@downers.us>

Jason Zawila, AICP | Planning Manager | Community Development Department

(630) 434 5520 | jzawila@downer u

Downers Grove | 801 Burlington Avenue | Downers Grove, IL 60515 | www.downers.us

[Quoted text hidden]

Ja on Zawila jzawila@downer u Fri, Jan 28, 2022 at 4 13 PM
To: [redacted]>

We have received your email. Although the Plan Commission packet was already published and available here, we will provide additional comments to the Plan Commission.

Jason Zawila, AICP | Planning Manager | Community Development Department

(630) 434 5520 **|** jzawila@downer u

Downers Grove | 801 Burlington Avenue | Downers Grove IL 60515 | www downer u

[Quoted text hidden]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow property plans

2 me age

James-Debra Wendt [redacted] > Fri, Jan 28, 2022 at 10:30 AM
To: "jzawila@downers.us" <jzawila@downers.us>

Dear Planning Commission:

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city' Comprehen ive Plan The change to nonconforming lot Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. To use The Zoning Ordinance Text Amendment in thi manner i wrong We already have example in our Village of homes being built upon lots that can barely accomodate them; don't make another mistake with thi parcel

Plea e vote "Nay" on change to nonconforming lot Sec 28 11 020

Sincerely,

Debra Woolrage Wendt

Jason Zawila <jzawila@downers.us> Fri, Jan 28, 2022 at 4:11 PM
To Jame Debra Wendt [redacted]

We have received your email. Although the Plan Commission packet was already published and available here, we will provide additional comments to the Plan Commission.

Jason Zawila, AICP | Planning Manager | Community Development Department

(630) 434-5520 | jzawila@downers.us

Downers Grove | 801 Burlington Avenue | Downers Grove, IL 60515 | www.downers.us

[Quoted text hidden]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Change of non conforming lots

1 me age

Sharon Andersen [redacted] Sat, Jan 29, 2022 at 8:24 AM
To: jzawila@downers.us

I have lived in Downer Grove for over 40 year , fir t in the unincorporated area outh of Memorial Park and for the pa t 15 years in the Northwest side.

What a beautiful area of Downers Grove it is - a mix of amazing old home architecture and large old trees.

The people who live here are well aware of the historical significance of the northwest side. We live on Pierce Downer's land. His house remains and is well preserved plus he is laid to rest on the land where he founded this place we now call home

The Longwood property has historical significance because it is the last open area that was part of Downer's property.

We are very sad it see it go, especially to a developer who will take down the old trees and put up 12 homes that will dimini h the look and feel of our preciou old neighborhood

There has to be some sort of compromise available. The 75 foot frontage for the lots will provide the builder to develop 8 homes and perhaps save some trees.

I don't understand how Lincoln Center was saved and is used daily by so many, or how Washington school became a lovely park with an area for flood control, yet this piece of property just becomes track housing.

I al o don't under tand how our city can look away and upport a builder while it turn a deaf ear to it citizen who pay taxes and live here.

I ask you why was the builder allowed to put his sign up months before the property was closed on? Why?

Why was the school district allowed to sell the property siting 12 available lots when it was designated for 8?

And now language in ordinances is being changed to accommodate the builder.

The city plan should consider all neighborhoods and all of its citizens. I ask you to have an open mind on the 31st and hear the many reasons the language should not change in favor of building 12 homes.

I will ee you on the 31 t

Sharon Andersen

Sent from my iPhone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Zoning change

1 me age

Marian Denk [redacted] Sat, Jan 29, 2022 at 12:54 PM
To: jzawila@downers.us

I have lived in Downer ince 1972, I am totally again t changing the zone to accommodate building 12 home at the Longfellow property !
Thank you
Marian Denk

Sent from my iPhone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

lot size - Longfellow property

1 me age

Culligan Matthew C [redacted] Sat, Jan 29, 2022 at 2:06 PM
To: "jzawila@downers.us" <jzawila@downers.us>

Planning Manager Zawila,

"As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan The change to nonconforming lots' Sec 28 11 020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28 11 020 "

The zoning code Sec 28 11 020 Nonconforming lots was originally passed to support the Downers Grove Comprehensive Plan. The plan was created in 2011 and last updated in 2017 "articulates our community's vision for the desired physical, social and economic characteristics of the Village for the next 15 to 20 years".
The "text" changes that you will be voting on as early as Monday January 31, 2022, are in fact, more than just changes to text or grammar. The changes proposed in (b) of Sec 28.11.020 Use of and Building on Nonconforming Lots, completely change the intended use of the zoning code
There is no need to amend the code to meet the needs of the builder who purchased the Longfellow School property. The property itself has never had a single family home on it and falls under the non conforming lot policy. Which as I understand is to be at 75 ft. width. The builder will simply have to modify their development plans to include fewer homes than originally anticipated at purchase **The error is upon the builder for not doing due diligence in the research of this property before purchase.**
As planning commission members, I ask you to please keep in mind the Residential Policy Recommendations as stated on page 43 of the Village of Downers Grove Comprehensive Plan. I have noted especially the 3 points below

• Encourage sustainable energy production and green building initiatives in residential areas in a manner that respects the character, scale, and style of the neighborhoods.

• Encourage developers and builders to protect and maintain existing trees on private property. The larger, established trees can contribute to improved stormwater management. • Encourage developers and builders to seek a green building rating through one of the many rating systems, including LEED®, Green Globes™, Energy Star® or the National Green Building Standard ™

• Consider requiring stormwater mitigation on residential properties, which may include controlling lot coverage, permeable pavers, preserving trees, and other Low Impact Development best practices. Any program that manages tormwater utility and lot coverage hould be admini tered in an equitable manner

At this point, Downers Grove Planning Commission needs to uphold the current code of the village The planning commission needs to be aware of the importance of your role as it relates to Low Impact Development best practices Fewer homes on the Longfellow property would be a step toward achieving best practices of Low Impact Development. The positive impact of larger established trees and controlling lot coverage as well as stormwater management are all important issues that need to be considered with this important "text" vote.

Thank you for your consideration and please feel free to respond to any of my concerns. Please forward this email to all those on the commission that will take part in the vote I was not able to locate emails for the planning commission members.

Roseanne Culligan
[redacted]
Downers Grove, IL

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Village Counckl Mtg 1/31, Longfellow School Land Vote

1 me age

Lynn Gagala [redacted]> Sun, Jan 30, 2022 at 8:02 AM
To: jzawila@downers.us

A a re ident of Downer Grove I value our neighborhood' character and the open pace protected by the city' Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020."

Lynn M Gagala
[redacted]
Downers Grove, 60516

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Zoning code

1 me age

[redacted] Sun, Jan 30, 2022 at 10:56 AM

Reply-To: [redacted]
To "jzawila@downer u " jzawila@downer u

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020.

Laura Williams

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Plan commission vote re: zoning changes

1 me age

Sarah DeMink [redacted] Sun, Jan 30, 2022 at 3:48 PM
To: "jzawila@downers.us" <jzawila@downers.us>
Cc Richard DeMink [redacted]

My husband Richard and myself urge the members of the Plan Commission to vote against the proposed text amendment changes to the code related to non confirming adjoining lots, section 28.11.020.
We feel that this change would set a dangerous precedent for future village development. Not only would the Longfellow ite be overdeveloped, tormwater management and flood control dimini hed thi change would further de troy natural, tree covered permeable spaces which are irreplaceable as well as destroying the character of neighborhoods, which are highlighted in the current DG Comprehensive Plan!
Thank you for your rejection of the changes.
Sarah and Richard DeMink
[redacted]
DG 60515

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Zoning Code Sec 28.11.020 - please vote 'Nay'

1 me age

Rebecca Anderson [redacted] Sun, Jan 30, 2022 at 5:57 PM
To: jzawila@downers.us

To the Planning Commission:

As a former resident and as someone who still has many close ties to Downers Grove, I value the neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots - Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots-- Sec 28.11.020.

Thank you,

Rebecca Anderson

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Montgomery Ave. New Construction rules

1 me age

Deanne Doherty [redacted] > Sun, Jan 30, 2022 at 8:04 PM
To: "jzawila@downers.us" <jzawila@downers.us>

Plan Commission-

I am not in support of the Commission allowing the move from 75 feet to 60 feet lot widths for the new construction homes which are being built following the sale of Longfellow school Have you visited the site in person? Please remember this is in a "historic" subdivision of Downers Grove. The community feeling that the neighborhood has will be greatly impacted by "squeezing" large houses on smaller lots in addition to adding much more traffic flow to an newly created traffic pattern created after the addition of stop signs along Prairie It will feel like a business park Please reconsider and vote NO. I would love to receive a response from someone, as I am sure you don't likve in my neighborhood, but if I lived in yours, I would respond to you Thank you

“As a resident of Downers Grove I value our neighborhood’s character and the open spaces protected by the city’s Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down Please vote “Nay” on changes to nonconforming lots' -- Sec 28.11.020.”

Deanne & Sean Doherty

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Proposed code changes affecting the Longfellow property

1 me age

Gina Leo [redacted] > Mon, Jan 31, 2022 at 8:54 AM
To: jzawila@downers.us

Hello Downers Grove planning commission,

I would like to speak up against the proposed code changes that would allow the development of the Longfellow property in north west Downers Grove to move forward

A similar situation occurred last year in Hinsdale with the same developer A plan was put forward to put up a large amount of houses in a previously undeveloped area The residents expressed concerns that are very similar to those being expressed by those against the Longfellow development: fears about storm water/flooding, loss of green space and trees, and destruction of the neighborhoods character by way of the addition of cookie cutter houses. The planning commission of Hinsdale listened to their residents and prohibited the builder from moving forward with the project, as they felt that a cookie cutter housing development didn't fit the character of their town I ask that the planning commission of Downers Grove please look to our neighbors as an example, and stand up to the developer

Changing codes to suit a developer's desires shows a complete disregard for the residents who call this community home. It also sets a very dangerous precedent going forward

The Longfellow property is an asset to the community as it provides green space, the trees help abate storm water (a single 100 foot tall tree absorbs 11,000 gallons of water in a single growing season), and the historically significant building has served the community as a school and a polling place This space is truly an integral part of the character of our community and it would be a tragedy of epic proportions to lose.

Thank you,

Gina Leo

Further detail on the blocked Hinsdale development:
https://www.chicagotribune.com/suburbs/hinsdale/ct-dhd-mcnaughton heather highlands tl 0917 20200910 e5bpeumexbclhf3p4tcx4yhsqm-story.html

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow - vote NO on changes to non-conforming lots

1 me age

[redacted] Mon, Jan 31, 2022 at 11:04 AM
Reply-To: [redacted]
To "jzawila@downer u " jzawila@downer u

Hi,

As a resident of Downers Grove (our family has been here since the 1960's) I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020."

I've worked in local City government for 30 years, many of my Capital projects have included NEPA, EA's, EIS's and Section 106 of the National Historic Preservation Act reports. I don't understand how the school district can take public land that was purchased with taxpayer funding, have a school built with taxpayer funding/federal funding, have a school that is more than 50 years old, thus qualifying as historic, and than decide to sell it to a private developer with no regard for the adverse effects to the community.

Taking land that was bought and paid for with public funding and than selling it to a single developer whose only motivation is profit does not serve the community of Downers Grove at all. That building and land can be developed to benefit all the residents of Downers Grove. Or it can simply be left as green space for the residents and the biodiverse habitat that is already there. How when the evidence is so clear on climate change, can the Village as stewards of the town allow that property to be clear cut of its long standing trees for a private housing development?

Its unconscionable that the Village Council are not allowing the community the time it needs to find another solution that would benefit the entire community. I've worked with two organizations that saved lakefront land in Wisconsin and Michigan, both with the cooperation of the local municipalities. It can be done if there is the will to do it.

https://www.glakesd.com/2019/06/25/the-transitioncamp-grow-to-tichora/

https://www.chikamingtownship.org/our-story-the-cherry-beach-project

I'm strongly opposed to a private developer being allowed to develop this public property and the Village should not be bending the rules to make it easier for one developer.

Laura Fedak
[redacted]

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Please vote “Nay” on changes to nonconforming lots-- Sec 28.11.020

1 me age

Laura Kessel [redacted]> Mon, Jan 31, 2022 at 12:21 PM
To: jzawila@downers.us

As a former resident of Downers Grove, I value the neighborhood’s character and the open spaces protected by the city’s Comprehensive Plan The change to nonconforming lots Sec 28 11 020 goes against the Comprehensive Plan and should be voted down Please vote “Nay” on changes to nonconforming lots Sec 28 11 020

Personal note I grew up on Seeley Avenue between Warren and Prairie and the value of the Open Space provided at Longfellow made the neighborhood special I am writing in support of my friends and family that still reside in Downers Grove The historic oaks on the site bring a unique character and legacy to the neighborhood and are likely an actual remnant of the Village's namesake 'Downers Grove' The removal of the mature trees will remove part of the Village's Natural History In addition, mature trees have been documented to be very efficient in capturing stormwater It is not defensible to remove these natural pumps from the environment in areas where stormwater run off is a concern This is an opportunity for Downers Grove to demonstrate that choosing to defend local natural resources is the best investment it can make in its citizens

Thank you for your consideration.

Laura DeMink Kessel

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow School Property / 1435 Prairie Ave.

1 me age

Dallan Gray [redacted] Mon, Jan 31, 2022 at 2:01 PM
To: rtbarnett@downers.us, ghose@downers.us, nwalus@downers.us, lsfugitt@downers.us, rkulovany@downers.us, cgilmartin@downer u , dglover@downer u , jzawila@downer u
Cc: Lili Gray <[redacted]>, jeri McClure [redacted]

Dear sirs:

My wife Lili and i would like to add our voice to the choru of concern you are hearing from our neighbor about the disposition of the Longfellow School property. Having decided to sell this rather than make it into a park or find other uses for the building, the Village Council appears to be simply tossing the problem over the fence to a developer with insufficient oversight or precautions. That is one way to be done with it. Briefly put, the main issues seem to be; 1) likely drainage problem cau ed by the replacement of gra and everal dozen mature tree by large footprint e cavation, housing and concrete; 2) compromised aesthetics for neighbors caused by crowding twelve house into an area better suited for six or eight, which awkward crowding seems to violate Downers Grove regulations and codes (the zoning variance seems to have been instrumental in the deal to chuck the problem over the fence); 3) blithe unconcern about the lo of dozen of tately, mature tree and the hade and helter they provide No attempt eem to have made to preserve them.

Surely the planners can do better. Until the real estate people and the planners come up with a better scheme addre ing the e i ue , we urge you to vote “No” tonight

Yours truly,

Lili and Allan Gray

Additional Public Comments

After 2:30PM

January 31, 2022

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Longfellow Lots

1 message

JOLIE FREDETTE <jakfredette@comcast.net> Mon, Jan 31, 2022 at 2:38 PM
To: "jzawila@downers.us" <jzawila@downers.us>

Dear Jason Zawila
Please vote no
As a resident of Downers Grove, I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots - Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots-- Sec 28.11.020.

As a resident that now lives between large houses it severely effected our home. Being in the shadow of one, and the other's windows over look our whole yard and our home on the small older lot.The lights on the home light up our home and yard. We also have a 150 ft wall that is as tall as 12 foot. It's an eye sore that we will have the expense of planting trees to soften the concrete wall. And it doesn't hold the water back because in the spring we can't walk in our back yard. The the new owner should have to replant the tree that was cut down. I know we don't have any recourse on our yard. Please don't allow this change of smaller lots happen at Longfellow, since it can't saved as green space.

So please don't allow this change happen.

Jole Fredette

4911 Stonewall

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

vote nay on changes to sec 28.11.020

1 message

Sara and Dave Ungari <theungaris@sbcglobal.net> Mon, Jan 31, 2022 at 2:44 PM
To: jzawila@downers.us

As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020.

Sara Ungari

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Please vote “Nay” on changes to nonconforming lots-- Sec 28.11.020

Chris DeMink <christopher.demink@gmail.com> Mon, Jan 31, 2022 at 4:46 PM
To: jzawila@downers.us

Dear Planning Commission,

As a former resident of Downers Grove who is concerned with smart growth and natural ecosystems as well as private property rights, I am saddened and angered at the commission's overt parliamentary bait-and-swich tactics to overrule the Village Council's own decision of 2014 which guaranteed the rights of property owners of adjoining parcels to not be forced to live with excessive development around them. The Council voted to bring code into the 21st century by enforcing a 75 foot lot line for all new construction. That decision was the best balance to guarantee that takings of new development are limited as much as possible to a certain buffer zone around a homeowner's property. I urge you to vote nay on the changes to the non-conforming lots rule which would abandon these common sense regulations for Sec 8.11.020 to be applied in all cases throughout the village.

The Longfellow parcel's subdivision and other developments across Downers Grove that will follow your decision will have significant negative impact on the value of all adjoining land and parcels which may have been in families for decades such as my family. We as long term residents of Downers Grove are especially concerned with the willful disregard the City Council seems to have towards negative impacts of additional houses in such density especially regards to traffic, storm-water retention, schools and aging infrastructure. Worst of all are the negative visual impacts, permanent damage to views and privacy that your disregard of the 75 foot lot line seem to be willing to ignore.

Who will bear the cost of these additional infrastructure requirements? The new homeowners or the ones you are imposing on? Your decision has real world consequences to hundreds of residents of the Village and beyond.

Furthermore, the Council's decision on this matter means that certain homeowners in the city are being subject to unfair application of the covenants around zoning and planning. If the Longfellow School section which is literally a rectangle shaped parcel is not a suitable location on which to apply the standard rules of the DG Commission for Lot size, then what is? By voting Yes on the changes you will inherently be forcing the property owners and residents around Longfellow to not be treated equally to others in the rest of the Village. It is blatantly unfair that the homeowners of Seeley Ave, Montgomery and Praire should suffer the ill-effects of this decision while other neighborhoods can enjoy the full and equal protection of Council rulings. It is undemocratic and arbitrary and may frankly cast your commission in a light of malfeasance towards the public trust.

Sincerely
Chris DeMink
christopher.demink@gmail.com

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

Nonconforming Lots

1 message

Colleen Oakes <coll_casey@yahoo.com> Mon, Jan 31, 2022 at 6:39 PM
To: jzawila@downers.us

Hello. I am writing this email in hopes that the council votes against the changes to nonconforming lots Sec 28.11.020. I think that it is in the best interest of the town and it's residents to keep all new lots at 75ft. I feel like its more of a hindrance to current residents and the current landscape of the village to allow smaller lots. Trust me when I say, new developments will be fine selling their houses for more money on a 75ft lot. There are plenty of double lots with new homes that have sold quickly at a higher price. My point is, keeping the 75ft lots is a win win; your residents will be happier and the builders will make their money. As a resident of Downers Grove I value our neighborhood's character and the open spaces protected by the city's Comprehensive Plan. The change to nonconforming lots' -- Sec 28.11.020 goes against the Comprehensive Plan and should be voted down. Please vote "Nay" on changes to nonconforming lots' -- Sec 28.11.020.
Thank you for your consideration.
Colleen Oakes

Sent from my iPhone

VILLAGE OF DOWNERS GROVE

Jason Zawila <jzawila@downers.us>

When another area floods, we ALL PAY. (proposed code changes)

1 message

maryann@changeofart.com <maryann@changeofart.com> Mon, Jan 31, 2022 at 4:29 PM
To: jzawila@downers.us

Adding MORE runoff to DG's storm sewers — especially for private interest— doesn't make financial sense.

The Longfellow School neighborhood is KNOWN for stormwater problems — since (at least) the 50s. A bit of open land and groves of large/mature trees have been handling rain/runoff for a century… Mostly. Despite all of this natural mitigation (200,000 gal/year), this neighborhood is STILL prone to flooding. When that's gone, there **WILL BE FLOODING.**

Nearby homes are already at-risk (floodfactor.com: major/severe). Putting 25-33% more buildings on that land will devastate these homeowners — and create yet another stormwater project that WE'LL ALL have to pay for. Can we please stop creating more work for the stormwater department?

Proposed code 'text amendments' will COST DG HOMEOWNERS: Developers left a boost of 20% more profit, we get EVEN MORE stormwater projects.

Keeping our $11M Stormwater Budget - and ever-increasing Stormwater Fees - in mind, I ask you to vote "Nay" on changes to nonconforming lots, Sec 28.11.020.

Thank you for your time.

Sincerely,

Mary Ann Einarson

1302 59th Street (high and dry)

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

January 31, 2022, 7:00 P.M.

FILE 21-PLC-0028: A PETITION SEEKING MULTIPLE TEXT AMENDMENTS TO VARIOUS ARTICLES WITHIN CHAPTER 28 (ZONING ORDINANCE) OF THE MUNICIPAL CODE. VILLAGE OF DOWNERS GROVE, PETITIONER

Community Development Director Popovich explained the text amendments were broken into two categories: 1) new regulations including donation drop boxes and 2) minor modifications to the zoning ordinance. The text amendments appear in front of the Plan Commission about every 12 to 18 months, with the last time amendments were approved was in September 2020.

Director Popovich then reviewed the proposed text amendments related to donation boxes. Currently, donation boxes are prohibited in the Village. There have been some recent challenges to donation box prohibition, as the courts have found that donation drop boxes are a form of charitable solicitation that are protected under the First Amendment. The proposed amendments allow these donation boxes to be located in various commercial districts and institutional districts. He then highlighted the location requirements and enforcement provisions.

Next, Director Popovich addressed the second category of amendments. Over time and through practice, staff has identified code sections where further clarification and minor adjustments in language would prove useful to both the practitioner and residents. A summary of the proposed amendments and their changes followed which included: clarifying provisions that apply to nonconforming lots; added a definition for buildings that are attached to a principal structure; added provisions limiting one carport per lot in R zoning district; clarified provisions regarding building-mounted solar energy systems; added drive aisles as an exception when paving within setbacks for fueling stations; added provisions for telecommunication tower height in the Downtown and Institutional Zoning Districts; added provisions for electrical vehicle parking; clarified a provision regarding the width of a driveway on the private and public side of the lot line; added a provision regarding nonconforming driveways; added a provision for hammerheads associated with driveways off an arterial road; modified provisions regarding open-design fences; clarified provisions regarding nonconforming lots; clarified provisions regarding nonconforming structures; added provisions referencing compliance with the Downtown Design Guidelines; added provisions referencing compliance with the Downtown Design Guidelines and the Comprehensive Plan; removed setback requirements in the DB and DC districts when it comes to architectural building features, dog house or dog run, steps, retaining walls, and yard features; clarified setback requirements for driveways and uncovered walk; and added provisions for vegetable gardens.

Next, Director Popovich provided additional clarification as it relates to non-conforming lots. As with all other clarifying amendments, the non-confomring lot section can also benefit from clarification. It was noted that the Comprehensive Plan is an aspirational document and the Zoning Ordinance is a regulatory document. The proposed text amendment is applicable to all properties in the Village and consistent application of permitting construction of single detached homes on non-conforming lots. It was further noted that the Zoning Ordinance provides regulations for existing, previously subdivided conforming and non-conforming lots and the Subdivision Ordinance provides

regulations for proposed lots. With the Zoning Ordinance a single detached home may be constructed on a residential lot regardless of whether the lot is conforming or non-conforming; consolidation is only required when construction goes over a common lot line and demolition does not trigger consolidation requirement.

Director Popovich continued with further clarification on what may be constructed on non-conforming lot. It was specifically stated that the Village requirement for lot consolidations has been consistently applied in nearly 160 lot consolidation applications since 2014. A vast majority of these cases include a structure over a common property line. It was further referenced that a single detached home may be constructed on a non-conforming lot. A vacant residential lot can also be developed with a single detached house regardless of how long the lot has been vacant. Demolition does not trigger the consolidation requirement and the purchase of an adjacent lot and demolition of adjacent structure does not require lot consolidation.

Director Popovich offered two examples on how non-conforming lots are reviewed. The first example included properties located at Sherman and Maple. This example demonstrated that the original private owner owned five lots of record, had a structure on the property and sold it to the Downers Grove Park District. The Downers Grove Park District demolished the structure and used the property for a number of years. The Downers Grove Park District then sold all five lots of record to a private developer. The private developer requested a building permit for a single family home on one of the legal non-conforming lots and the Village issued a permit for one of the legal non-conforming lots. In this example the home was not constructed over the common property line, and therefore a lot consolidation was not required. Director Popovich also pointed out that the Comprehensive Plan's Future Land Use Plan changed for this property based on the uses that were on the property.

Director Popovich then provided an example on the presentation screen for 540 Prairie Avenue. This example demonstrated when a lot consolidation was required, because a new home was proposed to be constructed over the common lot line.

Director Popovich commented that the proposed text amendments met the standards as provided in the Zoning Ordinance and are in conformity with the policy and intent of the Comprehensive Plan and referenced the various applicable Comprehensive Plan recommendations. The proposed text amendments also corrects errors or inconsistencies in the zoning ordinance, or meets the challenge of a changing condition or are necessary to implement established policy. In regards to the clarifying amendments, specifically with non-conofrming lots, it was stated under oath that all requests are consistent with how this has been practiced and will not change the current policy and its application and implements an established policy. It was stated that over 160 lot consolidations have been completed, and the text amendment is consistent with the current Village practices. This proposed clarification language to lot consolidations is no different than the other clarifying amendments that were presented tonight. The proposed language is to provide additional clarity in our zoning ordinance. Since 2014, and since 2015 when Director Popovich has been the Community Development Director, the Village has consistently applied this ordinance. He could not state enough that the Village has applied this consistently since 2014. The Village has demonstrated that this is how the regulation has been applied. When this came to the Village's attention that this section of the code could benefit from clarification, staff proposed this clarification. Staff is implementing an established policy with these clarifications. Staff recommended that the Plan Commission provide a positive recommendation to the Village Council and welcomed any questions.

Commissioner Dmytryszyn requested clarifications on the interior setbacks required for the Sherman and Maple example. The setbacks were confirmed by staff.

Commissioner Boyle inquired about the reason that the non-conforming section of the ordinance was being reviewed. He appreciated another look at this, as he was one of the dissenting Plan Commissioners at the last meeting that wanted more time to review. He sought clarification that homes that need lot consolidation are not reviewed by the Plan Commission and must follow the bulk regulations. Director Popovich confirmed his summary was accurate and commented that an additional hearing was being provided as several Plan Commission members did not feel comfortable voting on the text amendments, in addition to allowing additional public comments. Mr. Boyle then further inquired if there was a difference with how stormwater management is applied for either lot consolidations or a new subdivision. Director Popovich stated that the stormwater management ordinance is its own ordinance and will remain unaffected with the proposed clarifying language. Lastly, it was Commissioner Boyle's understanding that a landowner retains their rights for the land use, whether it was 10 years or 100 years ago. Staff confirmed that was correct.

Commissioner Toth confirmed that the text amendments related to non-confomring lots matches our interpretation and confirmed with staff that we would still consistently apply the ordinance, even if this amendment was not approved. Staff replied that was correct.

Chairman Rickard opened up the meeting to public discussion.

Marshall Schmitt, 4923 Seeley, provided his understanding of the history of the lot width requirements, stating the Zoning Ordinance updated in 2014 extended lot width to 75 feet for certain districts while others were required to have a 100 foot width. Lots that were less than 75 feet, would be approached differently; the code unequivocally requires that you need to consolidate to meet the zoning requirements. He further stated that there is no language in there about building over a common line. That would be a very narrow, very restrictive ordinance. What this was designed to do was to prevent exactly what's happening at Longfellow and he realized this applies to all lots of all areas of the village. If you owned two properties adjacent to each other the 75 foot rule applies. Referencing, when Village Council discussed this in 2014, members of the Council wanted confirmation that non-conforming provisions would not negatively affect lot consolidations and disincentivise property owners meeting the goals of ordinance to eliminate or reduce. Again the ordinance had nothing to do with building over lot lines. In the concordance of ordinance changes to Village Council, it was stated that the ordinance was drafted to provide flexibility to implement the new lot with requirements, while being fair to property owners. It was a balance between getting wider lots, when you were building on lots that were owned, or that were in common ownership and adjoining. So the notion that the lot was only applied to new plats of subdivisions are false.

Mr. Schmitt went on to further comment that staff identifying that the Comprehensive Plan is not binding and only provides guidance is an admission that the text amendment does not meet the Comprehensive Plan. He claimed that there was a third example that was mentioned at the last meeting that has been dropped entirely. He claimed that it was because the timing of the new ordinance was in place. It's unclear from the timing, whether or not the new or the old ordinance applied. He stated that he specifically asked in a FOIA request, to provide documents regarding all the examples that the staff intended to rely on tonight. He then referred to the 160 consolidations and that the Plan Commission has only seen two examples tonight. He went on to further state that the

examples provided are not relevant. He further commented that the planners are not following the ordinance when they do not identify ownership of adjacent lots to non-confomring lots and staff ignoring the ordinance is not a reason to support the proposed text changes. He concluded his presentation stating that the Plan Commission has the power to separate this provision from others. He claimed that the amendment is not correcting ambiguity and confusion and that the Plan Commission should hold the Village Council accountable to the language and intent of the Zoning Ordinance.

Doug Wysocki said he attended the November coffee with the Council and Council stated that the developer for the Longfellow property would need to follow zoning and there is nothing they can do about it. He felt the Village was sliding in the change as clarification and that he is concerned about the flooding in the neighborhood.

Pam Johnson, 4833 Montogmery, recommended that the PC vote no and that 540 Prairie example is irrelevant. She further commented that the text amendment was not following the Comprehensive Plan recommendations. If this text amendment passess there will be no hearings for the Longfellow property and additionally provided comments on the historic attributes of the property and the destruction of trees will go unchecked.

Amy Grippando, 4836 Montgomery, indicated that she is on the lowest spot on the block and shared a picture of her flooded backyard. She commented that she has stormwater concerns about the development of the Longfellow property.

Matthew Clauss, 4821 Montgomery, stated he is a 42 year resident and provided a summary of his family history. He commented that he purchased a lot to the north and wanted to place an outdoor fire pit, but was told by the Village that he could not. He then subsequently tried to install one on the lot with his house on it and was not able to because of stormwater concerns. He felt like the Village was using a double standard.

Chairman Rickard stated that he wanted to remind everybody that the public hearing is on the text amendments to the zoning ordinance and understand most people were here because of one affected area.

Paul Barker, 4400 Woodward, stated that just because the Village didn't follow their rules, they should follow them now.

Terry Mahoney, 4832 Montgomery, stated that he appreciates the changes that have occurred in the community, while preserving neighborhoods. The 60 foot wide lots made sense when homes were smaller, but the developer is proposing 4,600 square foot homes. The existing code is clear and what is being proposed is a change. The Plan Commission should also reject the 160 examples of lot consolidations that were mentioned by staff as there was no supporting documentation.. He also commented on concerns about stormwater and that the Plan Commission should reject the proposed text amendment.

Joe Leo, 4820 Montgomery, commented that the Comprehensive Plan is aspirational and that demands Downers Grove achieves a high level of success. He recommends that the community is offered sufficient time to identify how the 75 foot measurement should be interpreted.

Irene Hogstrom, 1232 Gibert agreed with Mr. Schmitt and that not being consistent with ordinance is not a reason to change the ordinance. She further commented her concerns regarding flooding and the proposed text amendment would allow a significant increase in housing density.

Troy Hawkins, 4824 Seeley, agreed with the previous comments and that this is not a text clarification, but a material change. He further commented that he does not believe the stormwater will work for the proposed development and if the developer wanted to request variances for the development there is a process for that.

Julie Brethauer, 4909 Montgomery, agreed that that is a material change and that the Village should stay true to the Comprehensive Plan.

Mary Ann Einarson, agreed with all that has been said. She commented that more homes on less land will encourage flooding and removal of trees. She further commented that the stormwater issue is something that all residents have to pay for and the proposed amendment only helps developers and not residents.

Robert Smith, 4837 Seeley, commented that the Comprehensive Plan is an aspirational plan, but as Justice Potter Stewart said, when asked about obscenity, you'll know it when you see it. The outcomes that have already been experienced by the residents in the area, and in many, many places in Downers Grove, where stormwater, water retention, and let's face it, shadows cast by neighbors homes, the privacy issues that were mentioned, are all things that don't seem to me aligned with an aspirational vision.. He requested that the Plan Commission vote no on this text amendment.

David Rose concurred with Mr. Schmitt and commented that the Village's failures to uphold the Comprehensive Plan should not be ignored. He further commented that the Village continues to ignore financial considerations, and these discussions should have occurred before District 58 sold the property. He further commented how environmental concerns are not taken into consideration with economic development decisions.

Mary Anne Badke, 5408 Carpenter, concurs with the previous speakers.

Roman Geisler, lives on the 4800 block of Linscott, and more concerned about the process and tried reading the code, but relies on the Plan Commission to protect resident from inappropriate development

Sarah DeMink, 4904 Seeley is concerned about stormwater and when the Zoning Ordinance was put in place in 2014 it was intended to prevent over development.

Director Popovich returned to the podium to offer additional clarification. The proposal in front of the Plan Commission does not change anything in the stormwater ordinance. That is a regulatory ordinance that is reviewed during the building permit process. Any development still must meet the stormwater ordinance. He stated that contrary to what residents say staff still considers that the text amendments related to non-conforming clarifies the language and reflects current practices by staff. This is how we've been practicing since 2014. And since the changes that happened in 2014, there are a lot of recorded lots in town that are not 75 feet wide, that are developable. These are non conforming lots and when they were platted back whenever they were planned, whether it's the 1920s, 1940s, 1960s, or 1970s, they were all conforming at the time. He further clarified that the Park District

example was offered because that is a case where a home permit was issued on a non-confomring lot that was adjacent to another non-confomring lot and demonstrates that staff consistently applies the ordinance. He further stated that a reconfiguration occurred with three of the five lots to offer better access onto Sherman. That is an administrative process that did not require Plan Commission approval. The proposed text amendments make it crystal clear in terms of when somebody has to consolidate. A property owner can own one lot that has a house on it and the adjacent lot. If the property owner wanted to come in for a permit to build a house on the adjacent lot, that would not be required to consolidate those lots as long as the permit for that house was on a lot by itself. The property owner wanted to demolish their house and build a house across the common lot line, as this example here shows, then we would require consolidation.

Commissioner Roche inquired if a majority of examples like Prairie are what the Village typically sees with lot consolidation requests. Staff stated that is correct.

Commissioner Dmytryszyn clarified why they did not have to consolidate in the Sherman example and why the code was proposed to remove the lot width requirement with non-residental non-conforming lots. Staff stated that there is no minimum lot width requirement with non-residential properties and it was unnecessary. The Sherman example did not have to consolidate because the home did not cross the common property line and is consistent with the Village's practice.

Chairman Rickard then offered the public another opportunity to provide comment on the additional discussion.

Marshall Schmitt returned to comment that the existing ordinance is clear and unambiguous. This is a change and that the language is crystal clear.

David Rose, returned to inquire about the procedure for staff to respond to the comments stated.

Troy Hawkins, returned to state that there are 43 people here who do not want this changed.

Irene Hogstrom, returned to comment why we are even here if this is the way the Village has been operating.

Chairman Rickard noted that the Plan Commission will move into deliberation.

Commissioner Toth commented that members of the community were present this evening about a very specific project and with the petition in front of them he was evaluating how this will affect future development.

Chairman Rickard commented that he has been on the Plan Commission since 2012 and recalls a major rewrite in the 2014. It is his recollection that how staff is presenting the text amendment is how it has always been done. He then referenced that the 75 foot requirement was necessary with newly platted lots and that the commission has held to the 75 foot requirement in newly platted lots. He remembers a conversation back in 2014 about non-conforming lots and that as long as the lot was legally divided when the lot was created 100 years ago, the owner would be able to build on that property so long as all the zoning requirements, other than lot width, were met. If those requirements such as setback were met, a property owner was allowed to build on those lots.

DRAFT

Commissioner Dmytryszyn commented that there has been a lot of discussion, and appreciates the community coming out and staff's work on this. He feels however that the change is more substantial than a clarification.

Commissioner Rector commented that there was a lot of discussion on this and is more in depth then she originally thought.

Marshall Schmitt returned to the podium to state that the Plan Commission has the power to make a recommendation and treat this as a material change.

Discussion followed on breaking up the recommendation into two motions similar to the last meeting.

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, DMYTRYSZYN MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 21-PLC-0028 REGARDING THE PROPOSED AMENDMENTS TO ARTICLES 2, 6, 7, 10, 11, 12, 14 AND 15 OF THE ZONING ORDINANCE, *WITH THE EXCEPTION OF SECTION 28.11.020(b)*

SECOND BY COMMISSIONER BOYLE. ROLL CALL:

AYE: COMMISSIONERS BOYLE, DMYTRYSZYN, JOHNSON, PATEL, ROCHE, TOTH, RECTOR
NAY: NONE

MOTION PASSED. VOTE: 7-0

Planning Manager Jason Zawila commented that if the Plan Commission felt that a finding was not met that staff would like an understanding of their vote for the record. Mr. Schmitt returned to the podium and stated that the Plan Commission does not have to offer a reason. Community Development Director Popovich further stated that this is not a requirement, but is consistent with past cases and helps provide a record for the case.

Prior to the vote the Plan Commission offered the following commentary: Commissioners Dymytrysn felt the text amendment changes the intent of the code. Commissioners Rector, Roche, Patel believe that the second standard is not met as the language does not provide enough clarity. Commissioner Boyle and Toth stated that they would vote no because based on the input from residents here today that text amendment was not in the interest of the community.

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, DMYTRYSZYN MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 21-PLC-0028 REGARDING THE PROPOSED AMENDMENTS TO SECTION 28.11.020(b) OF THE VILLAGE CODE

DRAFT

SECOND BY COMMISSIONER RECTOR. ROLL CALL:

AYE: NONE
NAY: BOYLE, DMYTRYSZYN, PATEL, ROCHE, RECTOR, TOTH, RICKARD

MOTION FAILED. VOTE: 0-7

/s/ Village Staff
Recording Secretary
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JANUARY 10, 2022 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
21-PLC-0028	Zoning Ordinance Text Amendments	Stan Popovich, AICP Community Development Director

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

- Article 2, Residential Districts
- 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.

Donation Drop Boxes - Currently, the Downers Grove Municipal Code states that donation drop boxes are included under the accessory uses subcategory, however, they are expressly prohibited in the Village. Recently, there have been challenges to municipal ordinances that prohibit donation drop boxes. Organizations have argued that these prohibitions/restrictions impinge on their right to freedom of speech and charitable solicitation. Courts across the country have agreed with the

organizations and have determined that donation drop boxes are a form charitable solicitation and thus protected under the First Amendment.

In light of these cases, the Village's complete prohibition of donation drop boxes would be a violation of the First Amendment. Accordingly, the Village must amend its Code to remove the prohibition. The major reason for the complete ban on donation drop boxes was lack of maintenance leading to unsightly overflow of donations and unpermitted dumping. However, adding provisions that ensure a permit is required can help remedy previous concerns. Should building permit requirements (including owner consent, quantity, location, dimensions, and maintenance of donation drop boxes) fail to be met a revocation of permit can also occur. It is therefore recommended that Chapter 28, Section 6.010(a)(d) be amended by removing the blanket prohibition of donation drop boxes and allowing them in the zoning districts B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1, and INP-2.

Minor Clarifications and 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 code sections where further clarification and minor adjustments in language 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 <u>underlined</u>, while text proposed to be removed is shown as a ~~strikeout~~.

Section	Description	Page Reference
28.2.030	Clarified provisions referencing regulations that apply to nonconforming lots. No change in practice or application of the DGMC.	1
28.6.010(a)(6)	Added a definition for buildings that are attached to a principal structure. No change in practice or application of the DGMC.	1
28.6.010(d)	Eliminated text prohibiting donation drop boxes in the Village and added provisions for this use.	1
28.6.010(i)	Added provisions limiting one carport per lot in R zoning district.	2
28.8.010(m)(2)	Clarified provisions regarding building-mounted solar energy systems.	3
28.6.040(a)(2)	Added drive aisles as an exception when paving within setbacks for fueling stations. No change in practice or application of the DGMC.	3
28.6.170(k)	Added provisions for telecommunication tower height in the Downtown and Institutional Zoning Districts.	4
28.7.050(e)	Added provisions for electrical vehicle parking.	4
28.7.100(i)	Clarified a provision regarding the width of a driveway on the private and public side of the lot line. Added a provision regarding nonconforming driveways.	4

	Added a provision for hammerheads associated with driveways off an arterial road.	
28.10.010(a)	Modified provisions regarding open-design fences.	5
28.11.020(b)	Clarified provisions regarding nonconforming lots. No change in practice or application of the DGMC.	6
28.11.040	Clarified provisions regarding nonconforming structures. No change in practice or application of the DGMC.	6
28.12.040(c)(5)	Added provisions referencing compliance with the Downtown Design Guidelines. No change in practice or application of the DGMC.	8
28.12.050(h)	Added provisions referencing compliance with the Downtown Design Guidelines and the Comprehensive Plan. No change in practice or application of the DGMC.	8
28.14.100(b) Table 14-1	Added provisions removing setback requirements in the DB and DC districts when it comes to architectural building features, dog house or dog run, steps, retaining walls, and yard features. Clarified setback requirements for driveways and uncovered walks. Added provisions for vegetable gardens.	9
28.15.250	Added a definition for vegetable garden.	13

PUBLIC COMMENT

The legal notice was published in the *Daily Herald.* 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, provide clarity or implement an established policy. The amendment related to donation drop boxes is necessary to align with recent Court rulings. All other amendments provide clarification, additional flexibility and/or remove inconsistencies in the Zoning Ordinance. The proposed amendments further the purposes of the Zoning Ordinance as shown in Section 28.1.060 of the Zoning Ordinance. This standard is met.

DRAFT MOTION

Staff will provide a recommendation at the January 10, 2021 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 21-PLC-0028:

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 21-PLC-0028 regarding the proposed amendments Articles 2, 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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Sec 28.2.030 Lot And Building Regulations

The lot and building regulations of Table 2-2 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article XIV of this Chapter. Additional regulations governing accessory uses and structures can be found in DGMC Section 28.6.010. See also Figure 2-1. Additional regulations governing non-conforming lots can be found in DGMC Section 28.11.020.

Sec 28.6.010(a)(6) Accessory Uses

(6) Residential Accessory Buildings. The following additional regulations apply to buildings that are accessory to (principal) residential uses:

a. Accessory buildings are prohibited in street yards.

b. No more than three (3) detached accessory buildings are allowed on any lot.

c. The aggregate footprint or coverage of all accessory buildings on a lot may not exceed one thousand (1,000) square feet or the gross floor area of the principal building, whichever is less.

d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of five feet (5'). In all other R districts, the minimum side and rear setback for accessory buildings is six feet (6').

e. Residential accessory buildings may not occupy more than forty percent (40%) of the corner, rear or side yard area.

f. Residential accessory buildings may not exceed twenty-three feet (23') in height, as measured to the highest point on the building.

g. Residential accessory buildings and structures are permitted in corner yards, as specified in Table 14-1 within DGMC Section 28.14.100.

h. A building is not considered accessory if it is connected to the principal structure with a foundation and a covered access walkway.

Sec 28.6.010(d) Accessory Uses – Donation Drop Boxes

(d) *Donation Drop Boxes*. ~~Donation drop boxes are expressly prohibited in the Village.~~

(1) Authorization of Use: Donation drop boxes may only be placed on properties zoned B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1 and INP-2.

(2) Permit Requirement: A permit shall be obtained prior to the placement of a donation drop box outside of the principal building in the village. Applications for a permit to construct or locate a donation drop box shall include, in addition to any requirements contained in this code, the following documents:

a. Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.

b. A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing thereon the proposed location of donation drop box.

c. Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information that

may be requested by the Community Development Director.

(3) Number per lot: Only one donation drop box shall be permitted per lot or per shopping center, whichever is more restrictive.

(4) Location: Donation drop boxes shall be located within a parking lot or other paved surface, but in no case shall donation drop boxes be located in the following locations:

a. Within a required street or corner setbacks areas.

b. Designated driveway or drive aisle.

c. Within five feet (5') of a fire hydrant.

d. Designated pedestrian crosswalk.

e. Private sidewalk unless at least five feet (5') of clearance can be maintained.

f. Any parking space as required by DGMC or any ordinance or resolution governing the development of a property, or any parking space as deemed necessary by the Community Development Director. When a single lot is part of a larger planned development with shared parking, the required parking shall be determined based on the total required parking approved for the entire development.

g. Any location in such a manner as to cause a sight obstruction for pedestrians or motorists.

h. Any public right of way.

(5) Height and Size: A donation drop box shall not exceed a maximum of seven feet (7') in height and twenty five (25) square feet in ground area.

(6) Required Information: Signage on donation drop boxes shall not exceed five-inch (5") letter height. All donation boxes shall contain the following contact information in two-inch (2") type visible from the front of the box: the name, address, email, and phone number of both the permittee and operator.

(7) Maintenance: Donation drop boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of debris or other material. All donations shall be placed within the donation drop box. No donations may be left outside of the donation drop box.

(8) Upon telephone and/or email notification from the Village that materials are being placed outside of the donation drop box, the donation drop box owner shall have 24 hours to remove said materials. Failure to do so may result in penalties listed under DGMC Section 28.13.020 and/or revocation of permit. Three violations of this section shall result in immediate revocation of the permit.

(9) Revocation of Permit: Any permit granted pursuant to the provisions of this Section may be subject to revocation for cause by the Community Development Director (or his/her designee), including but not limited to the failure to comply with this Section or any other applicable provisions of the DGMC. Upon revocation the donation drop box shall be removed immediately.

Sec 28.6.010(i) Accessory Uses - Garages

(i) Garages

(1) Only one detached garage and one carport ~~is~~ are allowed per lot in R zoning districts.

(2) Dwelling units are expressly prohibited in the space above any detached garage. See Figure 6-2.

Sec 28.6.010(m) Accessory Uses – Solar Energy Systems

(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

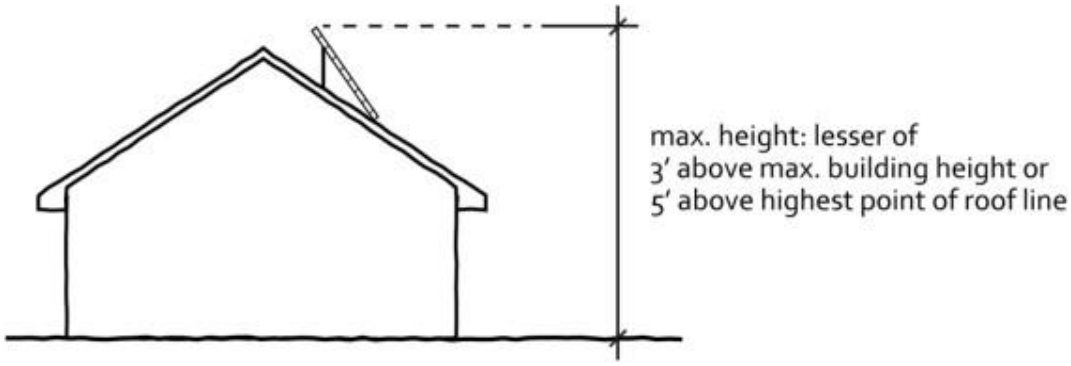
a. Building-mounted solar energy systems may be mounted on principal and accessory structures. The below regulations apply to solar energy systems on both principal and accessory structures.

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 DGMC Section 28.14.100(b). 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 three feet (3') above the applicable maximum building height limit for the subject building type or more than five feet (5') above the highest point of the roof line, whichever is less. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



Sec 28.6.040 Fueling Stations

Fueling stations are subject to the following regulations:

(a) Setbacks

(1) Interior side and rear setbacks with a minimum depth of twenty feet (20') must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements.

(2) Except for approved driveways and drive aisles, setbacks may not be paved and must be landscaped green space.

(b) *Protective Curb*. All landscaped areas must be protected by a raised curb at least six inches (6") in height or by a bumper guard of not more than eighteen inches (18") in height. Protective curbing at least six inches

(6") in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development

Sec 28.6.170(k) Wireless Telecommunications.

(k) *Height*. Telecommunications towers are subject to the following height requirements:

(1) Residential Districts. The maximum height of telecommunications towers in R zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

(2) Business Districts. The maximum height of telecommunications towers in B-1, B-2 and B- 3 zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(3) Office and Manufacturing Districts. The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed one hundred twenty-five feet (125') for a single user; one hundred fifty feet (150') for two (2) users; or one hundred seventy-four feet (174') for three (3) or more users.

(4) Downtown Districts. The maximum height of telecommunications towers in DB, DC and DT zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.

(5) Institutional Districts. The maximum height of telecommunications towers in INP-1 and INP-2 zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

Sec 28.7.050(e) Parking Exemptions And Reductions

(e) Electrical Vehicle Parking. For any development, one (1) parking space or up to five percent (5%) of the total number of required spaces, whichever is greater, may be reserved for use by electrical vehicle parking. The number of required motor vehicle parking spaces is reduced by one (1) space for every parking space that is dedicated for electrical vehicle parking.

Sec 28.7.100(i) Parking Area Design

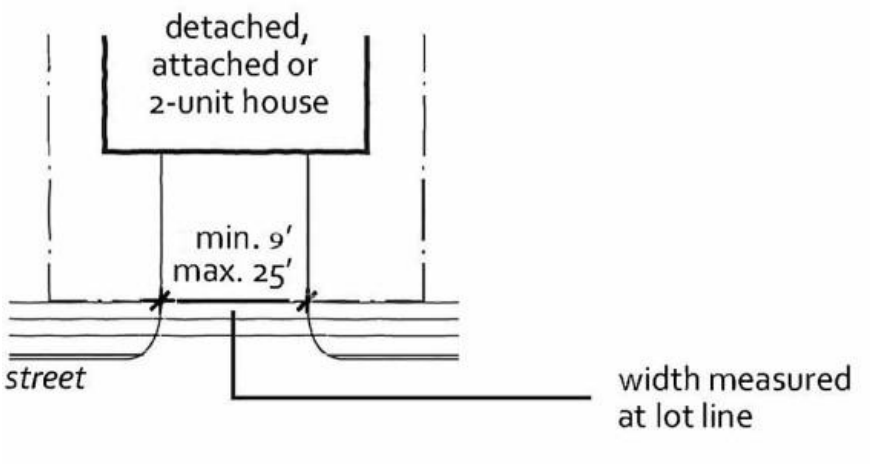
(i) Access

(1) Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space. In residential districts, parking pads may be located in the front yard, but must meet the required minimum street setback.

(2) All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.

(3) Driveways leading to detached garages or parking areas serving a detached house, attached house or two-unit house must be at least nine feet (9') in width. However, if the distance between an existing house and the property line is less than ten feet (10') wide, an existing driveway may be replaced within the same footprint. New driveways must meet width and setback requirements. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed twenty-five feet (25') in width, excluding any flared pavement portion, as measured at the lot line. See Figure 7-5.

Figure 7-5: Driveway Width



(4) The driveway width must match the apron width at the lot line.

(5) All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Public Works Director.

(6) All driveways must be improved with a compacted stone base and surfaced with asphalt, concrete or other comparable all-weather, dustless material.

(7) Shared driveways, lawfully existing before October 13, 2020, may be replaced if either property does not allow sufficient space to meet the minimum driveway width and setback requirements, as approved by the Community Development Director.

(8) Parking pads, lawfully existing before October 13, 2020, may be replaced, but not expanded or enlarged, unless behind the required street or corner street setback.

(9) If a legal nonconforming driveway is to be removed in part or whole in order to improve the driveway, it may be required to bring the driveway further into compliance. The Community Development Director is authorized to approve alternative design to promote compliance while recognizing site specific limitations. Sealcoating is not subject to this requirement.

(10) In the case that a parking pad cannot be located behind the street yard setback line due to the location of an existing home, and the principal driveway access to the home is via an arterial road, a hammerhead may be approved for the purpose of turning a car around. The maximum dimensions of a hammerhead are 9 feet by 9 feet, anything larger will be considered a parking pad.

Sec 28.10.010(a) Fences

(a) *General*. The general regulations of this subsection apply to all fences.

(1) Applicability. All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this Section.

(2) Permits Required. It is unlawful to erect or alter any fence within the Village unless a permit has been issued by the Community Development Director. A written application for a fence permit, including applicable fees as established in the User-Fee, License & Fine Schedule must be filed with the Community Development Department. A fence permit issued under this Section is valid for a term of six (6) months.

(3) Public Safety. Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.

(4) Structural Elements. All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

(5) Open-Design Fences. Open design fences must be constructed in such a manner that no post or vertical and horizontal element exceeds a width of six inches (6"), and the ratio of open area to closed are does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.

(6) Electrified or Barbed Wire Fences. Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the special use process.

Sec 28.11.020 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~~ improved ~~as a building site for~~ with 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~~ provided that when a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that 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:

a. an addition does not exceed three hundred fifty (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 eight hundred (800) square feet.

(2) Nonconforming lots in nonresidential districts may be ~~utilized for~~ improved with any use allowed in the subject zoning district, provided that:

a. the lot area ~~and lot width are~~ is not less than seventy-five percent (75%) of the minimums required in the subject zoning district, or the lot width is not less fifty feet (50') and the lot area is not less than seven thousand five hundred (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 a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that 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.

S ec 28.11.040 Nonconforming Structures

(a) *Description*. A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in DGMC

Section 28.9.090.

(b) *Use*. A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

(c) Alterations and Expansions

(1) Nonconforming principal structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A principal building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.

(2) A principal structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the Zoning Board of Appeals may approve a either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the zoning exception procedures of DGMC Section 28.12.80. In order to approve such horizontal or vertical extension, the Zoning Board of Appeals must find that all of the following criteria have been met:

a. the extended wall will comply with all other applicable lot and building regulations (other than the nonconforming setback);

b. the extension will not obstruct farther into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than fifteen percent (15%) of its existing length;

c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;

d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and

e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

(d) *Moving*. A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.

(e) Loss of Nonconforming Status

(1) Damage or Destruction

a. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

b. When a nonconforming principal structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than fifty percent (50%) of the market value of the structure, as determined by the property owner's certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

(2) Damage or Destruction after Right-of-Way Acquisition. If a structure is rendered nonconforming or made more nonconforming by a public agency's acquisition of right-of- way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.

(f) *Nonconforming Fences*. Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of DGMC Section 28.11.040(e)(1) apply to nonconforming fences.

(g) *Nonconforming Accessory Structures.* Any nonconforming residential accessory structure such as a garage, shed, deck or porch may be razed and replaced in its entirety, provided that it is replaced in the same location, and for the same purpose, with no footprint expansion and no more than an increase of fifteen percent (15%) or the original height. This provision does not apply to nonconforming accessory structures located within in the Special Management Areas as defined in Chapter 26 or those structures that are located over common property lines or the public right-of-way.

Sec 28.12.040(c)(5) Planned Unit Developments

(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 DGMC Section 28.12.030(i) in the case of new Planned Unit Development proposals;

b. whether the proposed PUD development plan and map amendment would be consistent and in substantial compliance with the comprehensive plan, downtown design guidelines and any other adopted plans for the subject area;

c. whether PUD development plan complies with the PUD overlay district provisions of DGMC Section 28.4.030;

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.

S ec 28.12.050(h) Special Uses

(h) *Approval Criteria*. No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all Village Council policies and plans, including but not limited to the Comprehensive Plan and the Downtown Design Guidelines and that the applicant has presented evidence to support each of the following conclusions:

(1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;

(2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

Sec 28.14.100 Setbacks

(a) *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
	Corner	Street	Side	Rear	
A/C units, generators, compressors, transformers, associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No	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	Yes	No setback required
Antenna, amateur radio	No	No	No	Yes	
Antenna, receive-only and satellite dish	Yes	Yes	Yes	Yes	
Arbor, pergola or trellis	Yes	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	Yes	No setback in DB and DC districts 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	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	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	Yes	

Bay window (1st floor only; with or without foundation)	Yes	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
Bicycle Parking	Yes	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Breezeway	No	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See Chapter 13 of this Code)	No	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) [2]	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side and rear property line
Dog house or dog run	No	No	No	Yes	No setback in DB and DC districts 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	Yes	1 ft. min.side (interior) or rear setback
Eaves and gutters	Yes	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	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	Yes	See also Sec. 10.010

Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See Chapter 13 of this Code)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts Must meet required R district street setback in corner yards.
Flag pole	Yes	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)[4]	No	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	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	Yes	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Hot Tub (and associated equipment)	Yes[3]	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 Districts 7 ft. min. setback in all other R districts. Must meet required R district street setback in corner yards
Parking, open	Yes	Yes	Yes	Yes	See also DGMC Section 28.7.070
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6ft. min. setback in all other districts Must meet required R district street setback in corner yards.
Porch, covered and open on at least 3 sides (see also “deck,” above)	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also DGMC Section 28.14.100(c)) Must meet required district side yard setbacks
Shed, carport or storage structure	No	No	Yes	Yes	5 ft. min. setback in R-4

					district 6 ft. min. setback in all other districts
Sign	Yes	Yes	No	No	See Article IX
Solar panel and equipment (building-mounted)	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel and equipment (ground-mounted)	No	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also DGMC Section 28.6.010(m)
Sport courts & accessory lighting	No	No	Yes	Yes	5ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	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	Yes	No setback in DB and DC districts 1 ft. min. setback
Swimming pool (in-ground & above-ground and associated equipment)	No	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Vegetable Garden	Yes	Yes	Yes	Yes	No setback required
Walkway (covered)	No	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	Yes	See also DGMC Section 28.10.010
Wall, retaining	Yes	Yes	Yes	Yes	No setback in DB and DC districts 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	Yes	No setback in DB and DC districts 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	Yes	1 ft. min. setback
Window wells	Yes	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.

[2] Provided that in Planned Unit Developments or other subdivisions containing ten (10) or more lots in which permanent common open space is provided under the terms of the recorded covenants or a pubic park, patios nd decks may be placed one foot (1') from the rear and side lot line.

[3] Only on corner lots, may be placed up to the minimum required setback, provided that they are screened on all sides by an open fence, wall, dense hedge or other landscaping that provides at least eighty percent (80%) direct view blocking. The hedge or landscaping must reach a minimum height of thirty-six inches (36") at maturity.

[4] Only on corner lots, detached garages may be placed up to the minimum required street setback provided that they are located between the rear property line and the rear wall of the building.

Sec 28.15.250 Words And Terms Beginning With "V"

Vacant. Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

Vegetable Garden. Any plot of ground or elevated soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or edible plants are cultivated.

Vehicle Body and Paint Finishing Shop. See DGMC Section 28.5.050(p)(6).

Vehicular Use Area. An area that is devoted to use by or for motor vehicles, including off-street parking areas (accessory or non-accessory); off-street loading areas; vehicle storage areas; fuel stations; car washes; drive-through service areas and auto sales lots. Enclosed areas and access drives used solely for access between the street and the vehicular use area are not considered part of a vehicular use area.

Vehicle Sales and Service. See DGMC Section 28.5.050(p).

Veterinary Care. See DGMC Section 28.5.050(b)(3).

Vibration. A periodic displacement of the earth measured in inches.

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

January 10, 2022, 7:00 P.M.

FILE 21-PLC-0028: A PETITION SEEKING MULTIPLE TEXT AMENDMENTS TO VARIOUS ARTICLES WITHIN CHAPTER 28 (ZONING ORDINANCE) OF THE MUNICIPAL CODE. VILLAGE OF DOWNERS GROVE, PETITIONER

Community Development Director Popovich explained the text amendments were broken into two categories: 1) new regulations including donation drop boxes and 2) minor modifications to the zoning ordinance. The text amendments appear in front of the Plan Commission about every 12 to 18 months, with the last time in September 2020.

Director Popovich then reviewed the proposed text amendments related to donation boxes. Currently, donation boxes are prohibited in the Village. There have been some recent challenges to donation box prohibition, as the courts have found that donation drop boxes are a form of charitable solicitation that are protected under the First Amendment. The proposed amendments allow these donation boxes to be located in various commercial districts and institutional districts. He then highlighted the location requirements and enforcement provisions.

Next, Director Popovich addressed the second category of amendments. Over time and through practice, staff has identified code sections where further clarification and minor adjustments in language would prove useful to both the practitioner and residents. A summary of the proposed amendments and their changes followed which included: clarifying provisions that apply to nonconforming lots; added a definition for buildings that are attached to a principal structure; added provisions limiting one carport per lot in R zoning district; clarified provisions regarding building-mounted solar energy systems; added drive aisles as an exception when paving within setbacks for fueling stations; added provisions for telecommunication tower height in the Downtown and Institutional Zoning Districts; added provisions for electrical vehicle parking; clarified a provision regarding the width of a driveway on the private and public side of the lot line; added a provision regarding nonconforming driveways; added a provision for hammerheads associated with driveways off an arterial road; modified provisions regarding open-design fences; clarified provisions regarding nonconforming lots; clarified provisions regarding nonconforming structures; added provisions referencing compliance with the Downtown Design Guidelines; added provisions referencing compliance with the Downtown Design Guidelines and the Comprehensive Plan; removed setback requirements in the DB and DC districts when it comes to architectural building features, dog house or dog run, steps, retaining walls, and yard features; clarified setback requirements for driveways and uncovered walk; and added provisions for vegetable gardens.

Director Popovich commented that the proposed text amendments met the standards as provided in the Zoning Ordinance and are in conformity with the policy and intent of the Comprehensive Plan. The proposed text amendments also corrects errors or inconsistencies in the zoning ordinance, or meets the challenge of a changing condition or is necessary to implement established policy. Staff recommended that the Plan Commission provide a positive recommendation to the Village Council and welcomed any questions.

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Pro Tem Chair Rector sought clarification on the 5% requirements for parking spaces for electric vehicle parking and how that would work for smaller lots. Staff commented that this may be difficult for smaller lots to achieve, but could see this working for larger shopping centers, dealerships or large developments. This was an attempt to encourage people to provide these spaces as the world turns to more electric vehicles.

Pro Tem Chair Rector opened up the meeting to public discussion.

Marshall Schmidtt, 4923 Seeley, stated he was engaged by Plan Smart 58, which is a community organization dedicated to preserving the integrity of the village and he is speaking both on his individual behalf and on behalf of Plan Smart tonight. First, he led with an objection to the five minute restriction on what he will say tonight. As a matter of background he offered that McNaughton Development is the contractor purchaser of Longfellow property, who wants to build 12 homes on the property. He stated that the position of the Village throughout the bidding process was that because the lots are platted as 12 different lots that can have 12 homes built on the property. He opined that the current language of the section that the staff is proposing to amend prohibits this. He alleges that the existing ordinance indicates that if you have conforming or non-conforming lots that are adjacent, you have to consolidate the lots to meet the 75-foot requirement. He claimed that the requirement was established to make it easier to control stormwater. He stated that he challenged the interpretation of the Village Attorney and Village Manager and said it is inconsistent with what is in the ordinance and asked to provide examples.

Mr. Schmidtt continued and commented that the provided language is inconsistent with the Comprehensive Plan. He stated that the nonconforming section is intended to provide a grandfathering mechanism. He stated that if someone owns the house on a 60 foot lot and it's impossible for them to build on it because they do not own the adjoining lot, they may construct on the lot. He further argued that this was not the intent of the ordinance, meaning that if a developer comes in and buys a piece of property that has been used for almost 100 years, in a different way the homes must meet the 75 foot requirements. He further commented that the proposed text amendment does not meet the standards as presented in the staff report and referenced various sections in the Comprehensive Plan. Returning to the proposed text amendment, he commented that the amendment would destroy the use that is on the property and the Village is trying to fix a mistake. He closed his comments stating the Plan Commission needs to take into account the context of the neighborhood when you revise the zoning ordinance and asked that the Plan Commission reject the recommendation of the staff.

Pam Johnson, 4833 Montgomery Avenue, commented that she would like the Plan Commission to recommend that the Village Council does not approve the amendments related to non-conforming lots. Her concerns included that this is hastily changing the code to enable the proposed development of the Longfellow Property; it's not responsible governing; and that changing the code will have unknown and potentially drastic effects on the long term future of Downers Grove. The Longfellow Property was designated as a historically significant property and has served as the center of the community.

Pro Tem Chair Rector reminded everyone that today's proceeding is about the text amendments and not any particular single property and that there are other forums for some of these Longfellow comments. However, if the public has text amendments comments the Plan Commission would like to continue to hear them.

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Lynn Leo, 4828 Montgomery, commented that she is concerned how quickly the sale, development and the planning for the Longfellow site has been pushed through with little or no community input. The proposed 12 homes is not as important as a solution that benefits all citizens of Downers Grove.

Terry Mahoney, 4832 Montgomery, disagrees with the characterization that this amendment is a minor clarification and modification to the Zoning Ordinance. Homes sites that are 50 feet or 60 feet were common for the homes built in the 1920s. The current zoning code requires when two or more contiguous non-conforming lots are held in common ownership, they must be consolidated in order to be conforming. That's clearly the situation on the Longfellow property. The proposed text amendment is not consistent with the Villages long-term plan and the area already has stormwater issues.

Irene Hogstrom, 1232 Gilbert, also disagrees with the characterization that this a minor clarification and modification to the Zoning Ordinance. The proposed amendments are proposed to accommodate the redevelopment of the Longfellow property. She commented that she served on the Comprehensive Plan Committee, and they were adamant to preserving the 75-foot lot width.

David Rose, who lives in the area, commented that if the Village of Downers Grove professes to have a goal of environmental sustainability, why environmental sustainability is not something that factors into everything that comes before the Plan Commission.

Troy Hawkins, 4824 Seeley Avenue, agrees with the others that commented and these are not minor text amendment changes.

Richard DeMink, 4904 Seeley Avenue, was not in support of the petition and that the Plan Commission should recommend rejection of the text amendments as it is not in line with the 75 foot requirement.

Director Popovich commented staff still considers that the text amendments related to non-conforming clarifies the language and reflects current practices by staff.

An inquiry was made by the Commission on why the proposed wording for the non-conforming lots was proposed. Director Popovich commented that it has been common practice for some time when a building is constructed over a common lot line, consolidation is required. However, if someone owns two lots they can build on each lot as long as it meets the setbacks, because that is the lot of record that was created for the plat of subdivision regardless of the time period. As a follow up, an inquiry was made regarding when one would have to meet the 75 foot standard. Staff responded that with a new subdivision, similar to the one that was heard earlier this evening, the 75 foot requirement would need to be met.

Pro Tem Rector inquired if we have any examples that help illustrate past practices. Director Popovich provided an example on the presentation screen for 540 Prairie Avenue. An objection was made from the audience regarding the information presented. This example demonstrated when a lot consolidation was required, because a new home was constructed over the common lot line. It was clarified by a member of the Plan Commission that this would not change anything that would come before the Plan Commission or Village Council. Staff commented this would not change current practices.

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Commissioner Boyle inquired about the need for the amendment after the example that was shown. It was commented by staff that it is a clarifying amendment, again demonstrating that consolidation is only required when a structure is constructed over a property or when setbacks cannot be met.

A member of the Plan Commission commented that there have been several comments related to Longfellow and what the other appropriate forums may be for that. It was commented again that these text amendments deal with the whole community and not one particular neighborhood. Village Council meets on a regular basis and there is information available on the Village's website on how to contact them.

Pro Tem Rector then closed the public comment portion of the meeting to allow Plan Commission deliberation.

Commissioner Boyle appreciated the clarification on the vegetable garden. Regarding the non-conforming lot text amendments, he stated that would like a little more time to review.

Commissioner Patel was comfortable with the other text amendments, but the one related to non-conforming lots; he stated that he was not quite comfortable yet to what has been presented. Director Popovich offered two additional examples which included properties located at Sherman and Maple, and 4913 and 4915 Cornell. An objection was made from the audience regarding the information presented. The first example demonstrated that the original owner was the Downers Grove Park District, which previously had a structure on the subject property and sold to a private developer. The Village issued a permit for one of the legal non-conforming lots. The second example on Cornell demonstrated two legal lots of record that previously had one house constructed over the lot line. The two lots were sold to a developer, the home was demolished, and two homes were built in its place. The examples demonstrate how the Village has consistently applied the non-conforming section of the code. A question came from the audience requesting copies of the examples. In response to a Plan Commission inquiry, Director Popovich explained how the administrative process works for the Village in regards to lot consolidation. He further clarified that lots that are two lots of record can come in for a building permit and there is no additional process.

Commissioner Boyle further commented that he still feels uncomfortable and based on the amounts of questions around the text amendment for non-conforming lots he would like more time to look at, but if staff is looking for a recommendation tonight, he does not believe he will be able to offer a positive recommendation.

Pro Tem Rector does feel that if this has been our practice, then we are not changing our practice and this is consistent with how these lots have been treated in the past. Discussion then followed on the how the text amendments could be voted and recommended. It was decided that the recommendation should be separated into two motions.

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, DMYTRYSZYN MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 21-PLC-0028 REGARDING THE PROPOSED AMENDMENTS TO ARTICLES 2, 6,

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7, 10, 11, 12, 14 AND 15 OF THE ZONING ORDINANCE, *WITH THE EXCEPTION OF SECTION 28.11.020(b)*

SECOND BY COMMISSIONER PATEL. ROLL CALL:

AYE: COMMISSIONERS BOYLE, DMYTRYSZYN, JOHNSON, PATEL, ROCHE, TOTH, RECTOR
NAY: NONE

MOTION PASSED. VOTE: 7-0

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, DMYTRYSZYN MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 21-PLC-0028 REGARDING THE PROPOSED AMENDMENTS TO SECTION 28.11.020(b) OF THE VILLAGE CODE

SECOND BY COMMISSIONER PATEL. ROLL CALL:

AYE: COMMISSIONERS JOHNSON, ROCHE, TOTH, RECTOR
NAY: BOYLE, DMYTRYSZYN, PATEL

MOTION PASSED. VOTE: 4-3

/s/ Village Staff
Recording Secretary
(As transcribed by MP-3 audio)