

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**4/15/2025**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Fairview Focus Area - Zoning Ordinance and Zoning Map Amendments	Stan Popovich, AICP Director of Community Development

## SYNOPSIS

To implement the Fairview Focus Area Regulatory Framework the following four (4) ordinances have been prepared:

- An ordinance amending various sections of the Zoning Ordinance;
- An ordinance rezoning certain properties to FC-Fairview Core;
- An ordinance rezoning certain properties to FB-Fairview Business;
- An ordinance rezoning certain properties to FT-Fairview Transition.

## STRATEGIC PLAN ALIGNMENT

The goals for 2023-2025 includes a *Strong, Diverse Local Economy* and *Exceptional Municipal Services*.

## FISCAL IMPACT

N/A

## RECOMMENDATION

### UPDATE & RECOMMENDATION

*This item was discussed at the March 18 and April 8, 2025 Village Council meetings. Staff recommends approval on the April 15, 2025 Active Agenda.*

This item was discussed at the March 18, 2025 Village Council meeting. The responses to the Village Council discussion are attached immediately following this report on page 4 of this PDF.

Approval on the April 8, 2025 active agenda per the Planning and Zoning Commission's unanimous 6:0 positive recommendation for the proposed text amendments. The Planning and Zoning Commission found that the proposed text amendments met the review and approval criteria in Section 28.12.020.F.

The Planning and Zoning Commission also provided a unanimous 6:0 positive recommendation for the proposed map amendments (rezonings). In response to public comment, the Planning and Zoning Commission recommended that 5108, 5109, and 5113 Grand Avenue be rezoned from R-6, Residential Detached House 6 to FT, Fairview Transition instead of FB, Fairview Business as originally proposed. The Planning and Zoning Commission found that the proposal is compatible with the Comprehensive Plan and meets all standards for approval of a Zoning Map Amendment found respectively in Section 28.12.030.

## BACKGROUND

The Village is taking steps to enhance the area surrounding Fairview Avenue and the Fairview Train Station, following recommendations outlined in the Comprehensive Plan. Recommendations in the plan intend to create a distinct identity for the neighborhood, improve all modes of transportation, and foster mixed-use developments that provide goods and services for nearby residents and visitors. A more detailed description of the project can be found at <https://www.downers.us/fairview-focus-area>

As part of the overall project, the Village is requesting approval of multiple text amendments to the Zoning Ordinance. The proposed text amendments are necessary to implement the Comprehensive Plan's Fairview Focus Area goals and Village Council accepted the Fairview Focus Area Regulatory Framework. The Village is also requesting approval of the rezoning for 126 properties located in the Fairview Focus Area to implement the recommendations of the Comprehensive Plan and Fairview Focus Area Regulatory Framework.

### Zoning Ordinance Text Amendments

The Village approved the current Comprehensive Plan in June 2017. Based on the Comprehensive Plan's goals for the Fairview Focus Area, the Village undertook the development of a Fairview Focus Area Regulatory Framework that was accepted by the Village Council in March 2024 and reconfirmed in October 2024, before work started on the development of the zoning ordinance text amendments and zoning map amendments. The Framework contemplated the creation of the following Fairview Focus Area Zoning Districts: Fairview Core (FC), Fairview Business (FB) and Fairview Transition (FT). A summary list of the proposed amendments is provided in Table 1 of the Planning and Zoning Commission Staff report.

### Zoning Map Amendments

The Village is also requesting approval of 126 zoning map amendments in the Fairview Focus Area to implement the vision and recommendations of the Comprehensive Plan and the Fairview Focus Area Regulatory Framework. The attached map, 'Proposed Zoning in the Fairview Focus Area,' identifies the properties that are proposed for rezoning. The map identifies each properties zoning change. The proposal would rezone the properties as noted in Table 2 of the Planning and Zoning Staff Report.

During the public hearing two members of the public expressed concern over the proposed rezoning at 5113 Grand Avenue from R-6, Residential Detached House to FB, Fairview Business. Their concern was that the existing use of a single family home would not be an allowable use in the FB zoning district. Additionally, another member of the public asked why there was no transition district south of Burlington Avenue and Grand Avenue from the FB, Fairview Business district. Staff acknowledged both comments and presented an alternative rezoning map to the Planning and Zoning Commission for their consideration highlighting that the only changes would be limited to having 5108, 5109, and 5113 Grand rezoned from R-6, Residential Detached House 6 to FT, Fairview Transition instead of FB, Fairview Business, which the Planning and Zoning Commission ultimately agreed with concerning their recommendation.

### Public Comment

During the public hearing four members of the public expressed concern over stormwater management and natural habitat disruption. Staff also received an additional public communication after the publication of the Planning and Zoning Commission packet. Staff shared that any future proposal would require a building permit review at that time both items would be reviewed in detail. Another member of the public shared that they did not agree with the proposed density along with the creation of three zoning districts, noting that this was not common practice. Staff explained that three the Fairview Districts were modeled after the creation and success of the existing three districts found in the Downtown. Two members of the public expressed concern over traffic volumes associated with both proposed increases in density and existing uses.

Staff shared that as developments are proposed, each proposal would require a traffic report. Finally one member of the public expressed their preference for wanting to be part of the rezoning. Staff shared that the boundary for the rezoning was based on Council direction.

**ATTACHMENTS**

Presentation  
Ordinance  
Proposed Zoning Map Amendments  
Planning and Zoning Commission Recommended Map Amendments  
Staff Report with attachments dated March 3, 2025  
Draft Minutes of the Planning and Zoning Commission Hearing dated March 3, 2025  
Public Correspondence



**To:** Village Council  
**From:** Stan Popovich, AICP  
 Director of Community Development  
**Re:** **Fairview Focus Area Follow-Up**  
**Date:** April 8, 2025

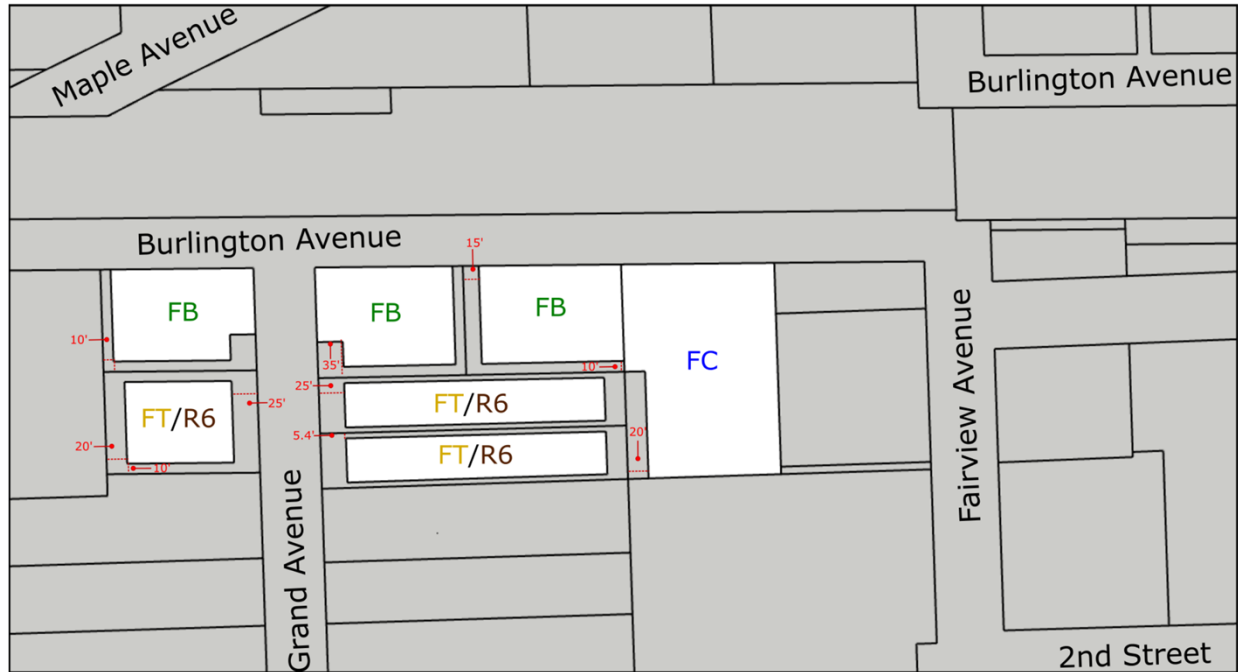
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- Staff's recommendation
  - Rezone all six Grand / Burlington parcels to FT
  - Modify the use table to permit professional, dental and medical offices as Special Uses in the FT zoning district.
  - Massage Therapy as a stand alone use remains not permitted in the FC, FB and FT.
- Staff's recommendation is to rezone all six parcels at Grand and Burlington as a single FT zoning classification.
  - If the area were to redevelop, the individual parcel sizes and depth are not sufficient for current development footprints
  - As such, the parcels would most likely need to be consolidated to facilitate a redevelopment
  - A single zoning district would facilitate the redevelopment process
  - By rezoning to either FB or FT, the uses in the Fairview Focus Area are expanded
- Staff examined three possible zoning districts
  - Rezone all six parcels to **FB** (Fairview Business)
    - 5109 and 5113 Grand will continue to have non-conforming structures
    - 5108, 5109 and 5133 Grand single family residential uses will become non-conforming uses
    - Accomplishes goal to expand allowable uses throughout the Fairview Focus Area
  - Rezone all six parcels to **FT** (Fairview Transition)
    - 5109 and 5113 Grand will continue to have non-conforming structures
    - Dental office use at 425 Burlington will become a non-conforming use
    - Professional, dental and medical offices could become Special Uses in the FT zoning district. As currently proposed it is a Permitted Use in FC (Fairview Core) and FB
    - Accomplishes goal to expand allowable uses throughout the Fairview Focus Area
  - Maintain **R6** (Residential Apartment/Condo 6) zoning on all six parcels
    - 5109 and 5113 Grand continue to have non-conforming structures
    - Uses are not expanded
    - Does not accomplish the goal of expanding the type of uses allowed throughout the Fairview Focus Area
- Graphics below show setbacks and buildable areas, in white, for the PZC recommendation for both FB and FT zoning and the scenarios listed above.

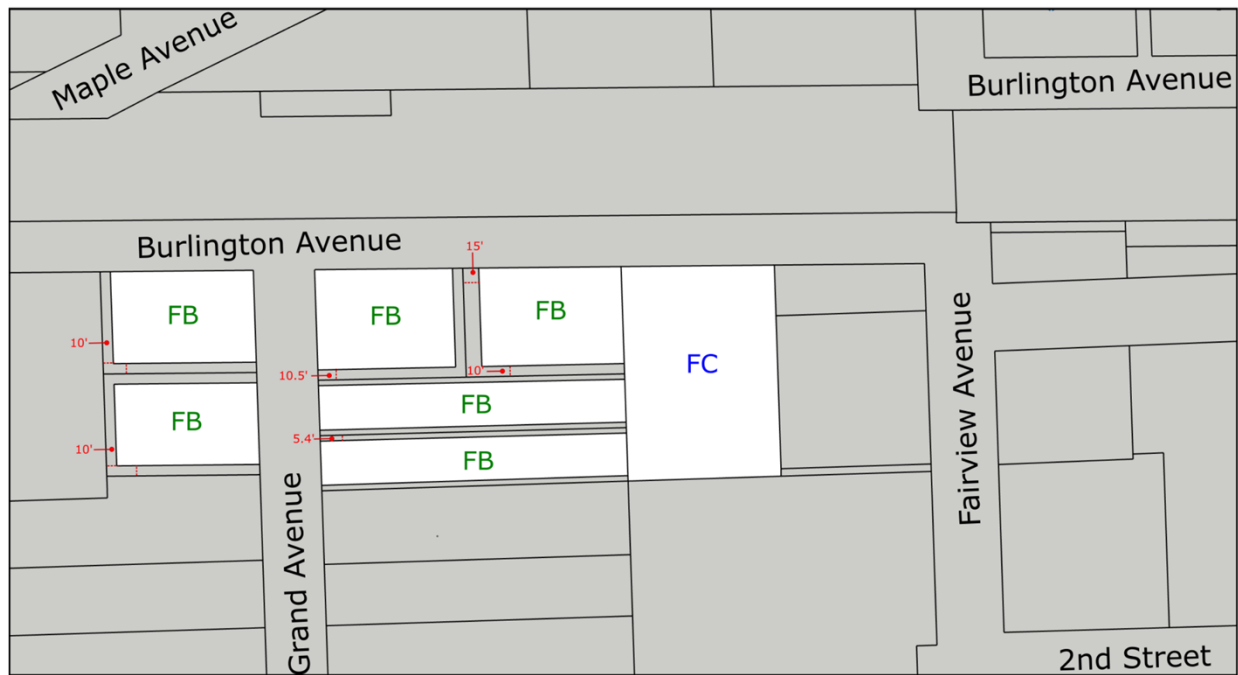




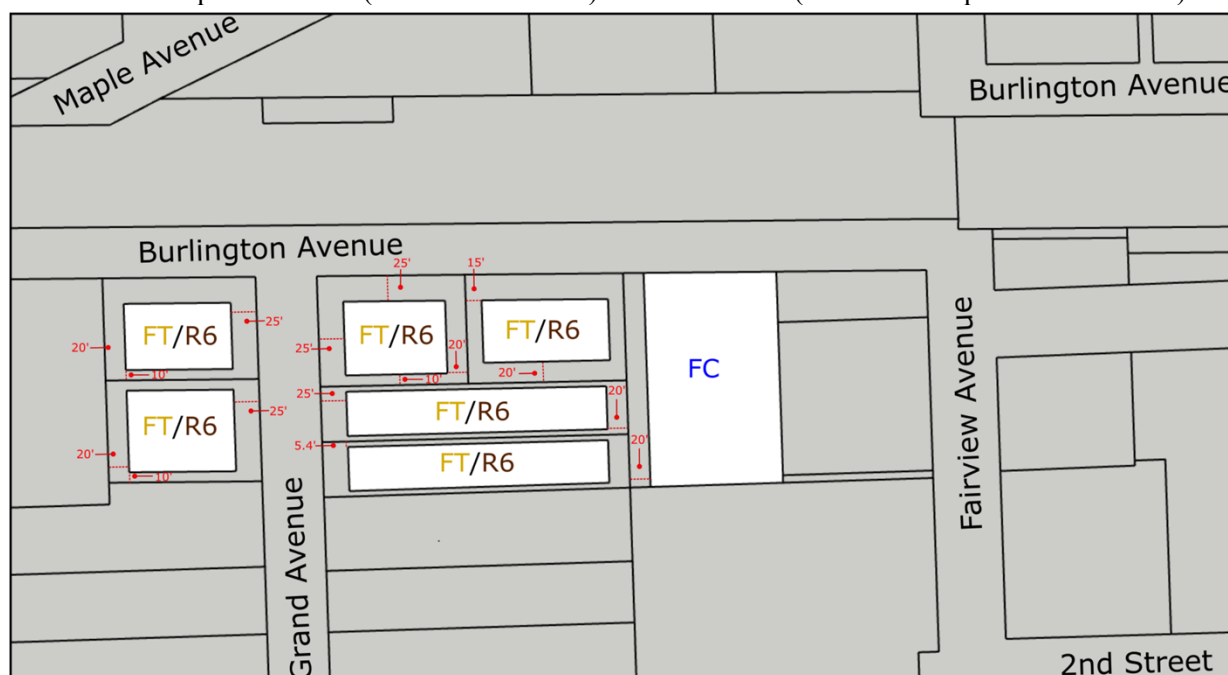
Rezone to both **FB** (Fairview Business) and **FT** (Fairview Transition)



Rezone all parcels to **FB** (Fairview Business)



Rezone all parcels to **FT** (Fairview Business) or Maintain **R6** (Residential Apartment/Condo 6)



- Staff examined zoning regulations as it relates to massage therapy.
  - Massage Therapy - Stand Alone Use
    - Massage Therapy is a Special Use in the following zoning districts
      - ORM (Office, Research and Manufacturing)
      - M1 (Light Manufacturing)
      - M2 (Restricted Manufacturing) zoning districts
    - Massage Therapy definition
      - Establishments whose primary business is that of providing massage – defined as any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor. See also DGMC Section 28.6.070.
    - DGMC Section 28.6.070 details separation requirements.
  - Massage Therapy - As part of a day spa / salon
    - Massage therapy is allowed as part of a menu of services within a beauty and nail salon or day spa.
    - Day spa definition
      - A business which provides a variety of services for the purpose of improving health, beauty and relaxation through personal care and beauty treatments such as facials, manicures, pedicures, waxing, body scrubs and massages.
    - Beauty and nail salons and day spas are classified as ‘General Personal Improvement Services’

- General Personal Improvement Services are a permitted use in the following districts
  - B1 (Limited Retail Business)
  - B2 (General Retail Business)
  - B3 (General Services and Highway Business)
  - DC (Downtown Core)
  - DB (Downtown Business)
  - DT (Downtown Transition) (Located on 1st floor and a 2,500 sq ft maximum size)
- General Personal Improvements are proposed to be a permitted use in the following Fairview Districts
  - FC (Fairview Core)
  - FB (Fairview Business)

The following is a list of current massage establishment licensees:

<b>Name of Business</b>	<b>Address</b>	<b>Conforming / Non-conforming Use</b>
Garden Spa	433 Ogden Ave	Non-conforming use
National Lymphatic Centers	5002 A Main Street Suite A	Non-conforming use
Rocco & Rocco	5127 Main Street	Conforming use
School of Holistic Massage & Reflexology	3051 Oak Grove Road Suite #104	Conforming use
Simply Beautiful Day Spa & Salt Therapy	640 C Ogden Ave	Conforming use
Universal Spa Training Academy	340 Burlington Ave	Conforming use
A+ (Plus) Spa & Beauty	1701 Ogden Ave	Non-conforming use
7 Spa Massage	1732 Ogden Ave	Non-conforming use

# VILLAGE OF DOWNERS GROVE

## COUNCIL ACTION SUMMARY

**INITIATED:** Village Attorney **DATE:** April 15, 2025  
(Name)

**RECOMMENDATION FROM:** Planning & Zoning Commission **FILE REF:** 23-PCE-0034  
(Board or Department)

**NATURE OF ACTION:**

- ☒ Ordinance
- ☐ Resolution
- ☐ Motion
- ☐ Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING CERTAIN ZONING ORDINANCE PROVISIONS CONCERNING THE FAIRVIEW FOCUS AREA", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall amend certain Zoning Ordinance provisions concerning the Fairview Focus Area.

**RECORD OF ACTION TAKEN:**

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**AN ORDINANCE AMENDING  
CERTAIN ZONING ORDINANCE PROVISIONS  
CONCERNING THE FAIRVIEW FOCUS AREA**

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 28.3.040 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.3.040 Special Street Setback Requirements**

Special street setback requirements are established to reflect existing neighborhood conditions, historical building patterns and other unique context issues. The special street setback requirements of Table 3-3 govern in the case of conflict with the lot and building regulations in Table 3-2.

Table 3-3: Special Street Setback Requirements in B, O and M District

Street Frontage or Area[1]	B-1	B-2	B-3	O-R	O-R-M	M-1	M-2
Douglas Road (between Rogers Street and Maple Ave.)	-	-	-	-	-	10	-
<del>Fairview Concentrated Business District</del>	<del>8</del>	<del>8</del>	<del>8</del>	-	-	-	-
Inverness Road, North Side (between Belmont Road and Janes Ave.)	-	-	-	-	-	25	-
Maple Avenue, South Side	-	-	-	-	10	10	-
<b>Ogden Avenue (from ROW centerline)</b>							
Principal and accessory buildings	75	75	75	-	75	75[4]	-
Canopy	50[2]	50[2]	50[2]	-	-	-	-
Other (e.g., parking, fences, light poles)	50	50	50[3]	-	50	50[4]	-
<del>Rogers Street, South Side (between Prospect Ave. and Fairview Ave.)</del>	-	-	-	-	-	<del>10[5]</del>	-
Second Street (between Wilcox Ave. and Cumnor Road)	-	-	-	-	-	60	-
Warren Avenue, South Side (between Lee Street and Saratoga Ave.)	-	-	-	-	-	10[5]	-

**Section 2. That Section 28.4.040 of the Zoning Ordinance is hereby added:**

**28.4.040 F, Fairview Districts**

- (a) List: The Village's Fairview Districts are listed in Table 4-3. When this zoning ordinance refers to "Fairview" zoning districts or "F" districts, it is referring to the districts in Table 4-3.

Table 4-3: Fairview Zoning Districts

<u>Map Symbol</u>	<u>District Name</u>
<u>FC</u>	<u>Fairview Core</u>
<u>FB</u>	<u>Fairview Business</u>
<u>FT</u>	<u>Fairview Transition</u>

(b) Description

- (1) FC, Fairview Core. The FC, Fairview Core, zoning district regulations are intended to maintain and promote a vibrant and compact core within the Fairview area for living, shopping, dining, entertainment with residential uses above. The district regulations are further intended to encourage a broad range of uses and high-quality development. The FC district is designed for the types of development appropriate in the Fairview Core area.
- (2) FB, Fairview Business. The FB, Fairview Business, zoning district regulations are intended to maintain and promote a vibrant Fairview area for living, shopping, dining, and entertainment. The district regulations are further intended to encourage a broad range of uses and high-quality development, with a density that is less than the Fairview Core. The FB district is designed for the types of development appropriate in the Fairview Business area
- (3) FT, Fairview Transition. The FT, Fairview Transition, zoning district regulations are intended to accommodate and promote transitional land uses and development patterns between the FC or FB zoning district and nearby low-density residential areas. The regulations are intended to help prevent intensive Fairview development from encroaching into residential areas. The FT district is intended to be mapped only abutting the FC or FB district.
- (c) Allowed Uses. Principal uses are allowed in Fairview districts in accordance with Table 5-1. Only one (1) principal building may be located on a single lot in the F districts.
- (d) Lot and Building Regulations. The lot and building regulations of Table 4-4 apply to all principal uses and structures in F 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

Table 4-4: F District Lot and Building Regulations

	<u>Regulations</u>	<u>FC</u>	<u>FB</u>	<u>FT</u>
<u>L1</u>	<u>Minimum Lot Area (square feet)</u>			
	<u>Detached house</u>	<u>=</u>	<u>=</u>	<u>7,500</u>
	<u>Attached house</u> <u>(applies to development not individual units)</u>	<u>=</u>	<u>=</u>	<u>8,000</u>

	<u>Two-unit house</u> (applies to development not individual units)	=	=	<u>10,500</u>
	<u>Apartment/condo</u> (applies to development not individual units)	=	=	<u>10,500</u>
	<u>Other nonresidential buildings/uses</u>	=	=	<u>7,500</u>
	<u>Minimum Lot Area per Dwelling Unit (square feet)</u>			
	<u>Detached house</u>	=	=	<u>7,500</u>
	<u>Attached house</u>	=	=	<u>2,500</u>
	<u>Two-unit house</u>	=	=	<u>5,250</u>
	<u>Apartment/condo</u>	<u>800</u>	<u>1,000</u>	<u>1,000</u>
	<u>Other buildings/uses</u>	=	=	=
<u>L2</u>	<u>Minimum Lot Width (feet)</u>			
	<u>Detached house</u>	=	=	<u>50</u>
	<u>Attached house</u>	=	=	<u>80</u>
	<u>Two-unit house</u>	=	=	<u>80</u>
	<u>Apartment/condo</u>	=	=	<u>80</u>
	<u>Other buildings/uses</u>	=	=	<u>50</u>
	<u>Minimum Building Setbacks (feet)</u>			
<u>S1</u>	<u>Street</u>	<u>- [1]</u>	<u>- [1]</u>	<u>25</u>
<u>S2</u>	<u>Side (interior) (% lot width/feet, whichever is greater)</u>	<u>- [2]</u>	<u>10/5 [5]</u>	<u>10/5</u>
<u>S3</u>	<u>Rear</u>	<u>- [3]</u>	<u>10 [6]</u>	<u>20</u>
	<u>Build-to-Zone</u>			
	<u>Minimum/maximum (feet)</u>	<u>0/5</u>	<u>0/10</u>	=
	<u>Minimum percent of building in primary street BTZ</u>	<u>80</u>	<u>80</u>	=
	<u>Minimum percent of building in secondary street BTZ</u>	<u>30</u>	<u>30</u>	=
	<u>Maximum Floor Area Ratio</u>			



	<u>Apartment/condo</u>	=	=	=
	<u>Nonresidential</u>	=	=	=
<u>C</u>	<u>Maximum Building Coverage</u> <u>(% of lot, principal + accessory)</u>	=	=	<u>40%</u>
	<b><u>Building Height (feet)</u></b>			
	<u>Maximum</u>	<u>60/5[7]</u>	<u>48/4</u> <u>[4][8]</u>	<u>35</u>
	<u>Minimum</u>	<u>24/2</u>	=	=

[1] If adjacent to FT or R-zoned property, a twenty-five foot (25') setback is required for the first thirty-five feet (35') from the FT property line.

[2] If adjacent to FT or R-zoned property, a ten percent (10%) of lot width or five foot (5') setback of abutting FT or R district is required, whichever is greater.

[3] If adjacent to FT or R zoned property, a twenty foot (20') setback is required.

[4] Where the rear yard of the property is located adjacent to the railroad right-of-way, a height bonus of twelve feet (12') or one (1) story is permitted for portions of the building that are setback a minimum of half the lot depth.

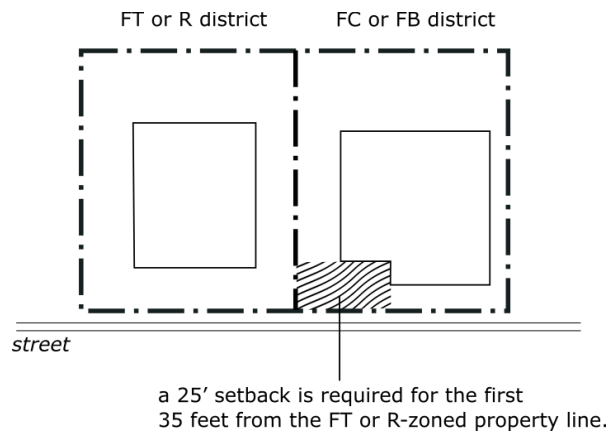
[5] If adjacent to FC, no side setback is required.

[6] If adjacent to FC or railroad right-of-way, no rear setback is required.

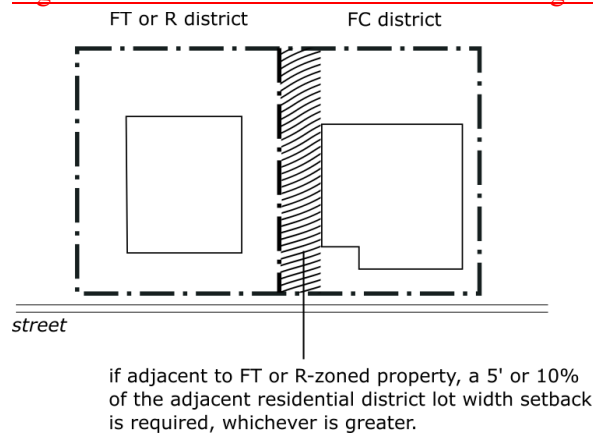
[7] Maximum height is sixty feet (60') or five (5) stories, whichever is less. For all areas that are within thirty-five feet (35') of FT or R zoned lot, the maximum height is thirty-five feet (35').

[8] Maximum height is forty-eight feet (48') or four (4) stories, whichever is less. For all areas that are within thirty-five feet (35') of an FT or R zoned lot, the maximum height is thirty-five feet (35').

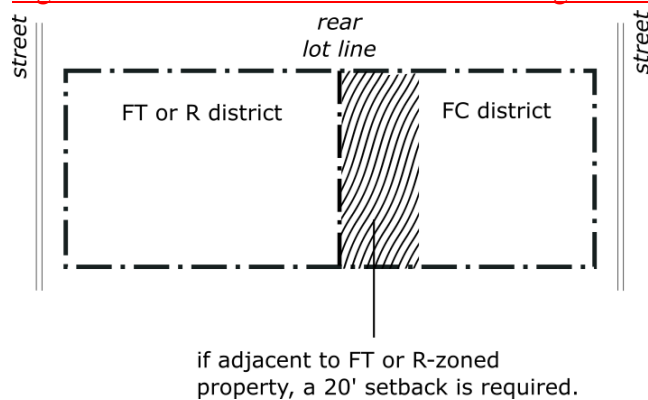
Figure 4-1: FC or FB Districts Street Setback Abutting FT or R-Zoned Lot



**Figure 4-2: FC Districts Side Setback Abutting FT or R-Zoned Lot**



**Figure 4-3: FC Districts Rear Setback Abutting FT or R-Zoned Lot**



- (e) *Affordable Housing Developments.* The purpose of this subsection (e) is to encourage the development of Inclusive Dwelling Units within the Fairview Districts (F Districts) by providing certain incentives to the developers of eligible developments. As used herein, “Affordable Housing Program” means (1) a program that is subject to the rules and regulations promulgated under Title 47, Chapter II of the Illinois Administrative Code and administered by the Illinois Housing Development Authority (“IHDA”) or (2) a program that is devoted to the providing affordable housing to low-income households and very-low income households and is administered by the Federal Department of Housing and Urban Development (“HUD”). As used

herein, “Inclusionary Dwelling Unit” shall mean a dwelling unit that is subject to the requirements of an Affordable Housing Program.

- a. Eligible Developments. To be eligible to receive the benefits set forth in subsection (e)(ii) below, a development must meet the following eligibility requirements:
  1. The development must result in the construction of five or more (5) dwelling units, or the renovation or reconstruction of over fifty percent (50%) of the total square footage of an existing structure that results in a minimum of five (5) or more dwelling units.
  2. The development, or any Inclusive Dwelling Units located therein, must be subject to an Affordable Housing Program that:
    - a) is designed to provide affordable housing to Low-Income Households and Very-Low Income Households, as determined by the U.S. Housing & Urban Development’s Annual Income Limits; and
    - b) is subject to the approval and oversight of IHDA or HUD, as the case may be, for a period of at least ten (10) years from the issuance of a certificate of occupancy for the last Inclusive Dwelling Unit constructed.
  3. Throughout the duration of the ten (10) year period described in subsection (i)(2)(b) above, the owner of the development must annually certify with the Village’s Director of Community Development that the development, or the Inclusive Dwelling Unit(s) located therein, as the case may be, is/are in compliance with the requirements of the relevant IHDA or HUD Affordable Housing Program, and, upon request, provide to the Director of Community Development proof of such compliance.
  4. All Inclusive Dwelling Units must be located within the same building that qualifies for the density bonus provided for in subsection (e)(ii).
- b. Incentives for Inclusive Dwelling Units. Developments that meet the eligibility requirements set forth in subsection (e)(i) above receive the following benefits:
  1. A density bonus that is equal to one (1) additional Inclusive Dwelling Unit for every five (5) dwelling units required pursuant to subsection (i)(1) above; provided that the maximum number of dwelling units in a development shall not exceed one hundred twenty percent (120%) of the total number of dwelling units otherwise authorized under the applicable Fairview District regulations.
    - a) In implementing this density bonus, the requirements of Section 28.4.040(d) may be varied in the sole discretion of the Director of Community Development without additional justification provided that any modification of said regulations shall not violate or be contrary to considerations of public health, safety and welfare of the inhabitants of the residential development or the community at large:
      - i) Minimum lot area.
      - ii) Minimum lot frontage.
  2. A pro rata waiver, or partial waiver, of building permit fees, demolition fees, plan review fees, storm sewer and water connection fees, for the Inclusive Dwelling Units constructed within the development. Customary fees shall apply to all other dwelling units.

**Section 3. That Section 28.5.010 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.5.010 Allowed Uses**

- (a) *Use Table*. Principal uses are allowed in base zoning districts in accordance with [Table 5-1](#).
- (b) *Understanding the Use Table*
  - (1) Uses. Uses are listed in the first column of Table 5-1. See DGMC Section 28.5.020 for an explanation of the use categorization system.
  - (2) Permitted and Special Uses
    - a. Uses identified with a “P” are permitted as-of-right in the subject zoning district.
    - b. Uses identified with an “S” may be allowed in the subject zoning district if reviewed and approved in accordance with the special use procedures of DGMC Section 28.12.050.
    - c. Permitted and special uses are subject to compliance with identified supplemental regulations and all other applicable regulations of this zoning ordinance.
  - (3) Prohibited Uses. Uses identified with an “—” are prohibited. Uses that are not listed in the table and that cannot reasonably be interpreted to fall within one of the use categories described in DGMC Section 28.5.020 are also prohibited, as determined by the Community Development Director in accordance with DGMC Section 28.5.020(d).
  - (4) Supplemental Regulations and Specific Limitations. The “supplemental regulations” column identifies additional regulations that apply to some uses. In addition, some uses may be subject to “specific limitations,” which are identified by a bracketed number (e.g., “[1]”). Corresponding limitations are listed immediately following the table in DGMC Section 28.5.010(d). Compliance with supplemental regulations and specific limitations is required for permitted and special uses.
- (c) *Accessory Uses*. Allowed accessory uses, such as home occupations, are not identified in Table 5-1. Customary accessory uses are permitted in conjunction with allowed principal uses, subject to compliance with all applicable accessory use regulations of DGMC Section 28.6.010.
- (d) *Specific Limitations*

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

**Sec 28.6.010 Accessory Uses**

**(f)(i) Extended Family Accessory Housing**

\* \* \*

**(f)(ii) Extended Family Accessory Housing in the Fairview Transitional (FT) Zoning District:**  
**Notwithstanding anything in subsection (f)(i) above, to the contrary, the following general extended family accessory housing regulations, apply to properties located in the FT district.**

- (1) **Where Allowed. Extended family accessory housing units are permitted in the FT district.**
- (2) **Location. An extended family accessory housing unit may be located within the principal or accessory structure.**
- (3) **Regulations. Approved extended family accessory housing units are subject to all of the following regulations.**
  - a. **Only one (1) extended family accessory housing unit may be located on a single lot of record.**
  - b. **A separate exterior entrance may be added to a principal detached house to serve an extended family accessory housing unit, provided that the door does not face the street.**
  - c. **The principal dwelling unit or the extended family accessory housing unit must be occupied by the legal or beneficial owner of the subject lot.**

- d. Only persons related by blood, marriage, adoption, or civil union to the occupants of the primary unit may occupy the extended family accessory housing unit.
- e. No additional roomers or boarders are allowed in any principal or accessory structure occupied by an extended family accessory housing unit.
- f. Detached houses containing extended family accessory dwelling units must retain the appearance of a detached house.
- g. Floor area devoted to the extended family accessory housing unit located within the principal structure may not exceed forty percent (40%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less. Within an accessory structure the floor area devoted to the extended family accessory housing unit may not exceed one thousand (1,000) square feet. See DGMC 28.6.010 for additional regulations on residential accessory buildings.

\* \* \*

(i) *Garages*

- (1) Only one (1) detached garage and one (1) carport are allowed per lot in R zoning districts.
- (2) Dwelling units are expressly prohibited in the space above any detached garage in all zoning districts, except for the Fairview Transitional District (FT) zoning district. See Figure 6-2.

\* \* \*

(k)(i) *Home Occupations* Home occupations are allowed as an accessory use to an allowed household living use, subject to the regulations of this Section.

- (1) Day care homes are not regulated as home occupations and are exempt from the home occupation regulations of this Section. Day care homes are allowed as indicated in DGMC Section 28.5.010. Supplemental regulations applicable to day care homes can be found in DGMC Section 28.6.030.
- (2) The operator of a home occupation must be a full-time resident of the dwelling unit, and no more than one (1) non-resident may be employed on the premises.
- (3) Floor area devoted to the home occupation may not exceed twenty-five percent (25%) of the floor area of the dwelling or four hundred (400) square feet, whichever is less.
- (4) The home occupation must be conducted entirely within the dwelling and not from a detached or attached garage or other accessory structure. Equipment, materials, samples and vehicles incidental to the home occupation may be stored in a detached or attached garage or other accessory structure, provided that the business activity is confined to the dwelling.
- (5) The home occupation may not involve the sale of goods that are stored and delivered to the buyer on the lot, except as incidental to a permitted service. For the purposes of this provision, the term “sale of goods” does not include the sale of household goods in what is commonly known as a garage sale, provided such sales last for a period no longer than four (4) consecutive days and are held no more than four (4) times in any calendar year.
- (6) There shall be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
- (7) No exterior displays or signs are allowed, except for a single sign that complies with the regulations of DGMC Section 28.9.070(b).
- (8) No outdoor storage of equipment or materials used in connection with the home occupation are allowed.
- (9) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of

electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- (10) The home occupation may not involve regular receipt or delivery of merchandise, goods or equipment by any motor vehicle bearing a Division of Motor Vehicles License Class “C” or higher.
- (11) The home occupation may not result in the simultaneous presence on the subject lot and the adjoining street of more than three (3) motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
- (12) If there is more than one (1) home occupation within the dwelling, the regulations of this Section apply to the sum total of the activity related to such home occupations.
- (13) All of the following uses are expressly prohibited as home occupations:
  - a. animal hospitals, veterinary clinics and kennels;
  - b. eating and drinking establishments;
  - c. retail sales;
  - d. business or commercial storage of recreational vehicles, mobile homes, vehicles or
  - e. mechanical equipment;
  - f. funeral and mortuary services;
  - g. manufacturing;
  - h. medical or dental offices; and
  - i. automobile, truck or large appliance repair.

\* \* \*

(k)(ii) Home Occupations in the Fairview Transitional (FT) Zoning District

In addition to the regulations provided for in subsection (k)(i) above, home occupations in the FT zoning district are also subject to the following regulations. When in conflict with the general home occupation regulations in subsection (k)(i), the FT regulations contained in this subsection shall supersede.

- (1) The operator of a home occupation must be a full-time resident of the principal residential structure.
- (2) No more than three (3) non-resident employees may be on the premises at any time.
- (3) The home occupation may be conducted in the principal structure or in an accessory structure.
- (4) Floor area devoted to the home occupation located within the primary structure may not exceed forty percent (40%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less. Within an accessory structure the floor area devoted to the home occupation may not exceed one thousand (1,000) square feet. See DGMC 28.6.010 for additional regulations on residential accessory buildings.

\* \* \*

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

**Sec 28.7.030 Minimum Motor Vehicle Parking Ratios**

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

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
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Subcategory	
Specific use (See DGMC Section 28.5.020)	
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB, <del>or</del> DC, FC, and FB zoning districts	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
<u>Apartment/Condo</u>  <u>(Inclusive Dwelling Units provided for in the F Zoning Districts)</u>	<u>1 space per Inclusive Dwelling Unit</u>
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per DGMC Section 28.7.040(g)
College or University	per DGMC Section 28.7.040(g)
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per DGMC Section 28.7.040(g)
Hospital	per DGMC Section 28.7.040(g)
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None

Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per DGMC Section 28.7.040(g)
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per DGMC Section 28.7.040(g)
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per DGMC Section 28.7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.



Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off or pick-up space per 1,000 sq. ft. (not to exceed a maximum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.

Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per DGMC Section 28.7.040(g)
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per DGME Section 28.7.130
Medical Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)

Medical Cannabis Cultivation Center	1.17 spaces per 1,000 sq. ft.
Adult Use Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Adult Use Cannabis Graft Grower	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available) for dispensary portion of business plus 1.17 spaces per 1,000 sq. ft. for non-dispensary areas of business
All other Adult Use Cannabis Business Establishments	1.17 spaces per 1,000 sq. ft.

**Section 6. That Section 28.7.050 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.7.050 Parking Exemptions And Reductions**

*(a) Downtown and Fairview ~~Concentrated Business~~ Zoning Districts*

- (1) Minimum off-street parking requirements do not apply in the DC, or DB zoning districts ~~or the Fairview Concentrated Business District~~, except as follows:
  - a. All residential uses, medical, dental and health practitioner offices are required to comply with off-street parking requirements; and
  - b. Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.
- (2) Minimum off-street requirements do not apply in the FC zoning district, except as follows:
  - a. All residential uses are required to comply with off-street parking requirements; and
  - b. All medical, dental and health practitioner offices shall provide 1.5 parking spaces per one thousand (1,000) square feet.
  - c. Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.
- (3) Minimum off-street parking requirements do not apply in the FB zoning districts, except as follows:
  - a. All residential uses are required to comply with off-street parking requirements; and
  - b. Any non-residential uses shall provide parking in accordance with the following requirements:
    - (i) Entertainment and assembly uses shall provide one (1) parking space per every eight (8) occupants; and
    - (ii) All other nonresidential uses shall provide 1.5 parking spaces per one thousand (1,000) square feet;
    - (iii) Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.
- (4) Parking that is voluntarily provided must comply with the parking area design and parking lot

landscape regulations of this zoning ordinance. See Article VIII of this Chapter.

\* \* \*

**Section 7. That Section 28.8.020 of the Zoning Ordinance is hereby amended to read as follows:**

**Section 28.8.020 Parking Lot Perimeter Landscaping**

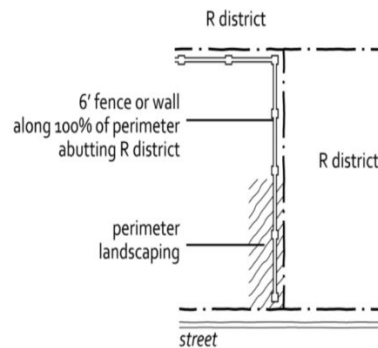
\* \* \*

**(c) Interior Yards**

- (1) When a parking lot is located in the interior side or rear yard of a lot abutting an-other lot, parking lot perimeter landscaping must be provided as follows:
  - a. Landscaping provided in plant groupings of no less than three (3) live plants must be provided along at least fifty percent (50%) of the parking lot perimeter along the abutting interior side and rear lot lines. See Figure 8-6.
  - b. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennials, all of which must reach a minimum height of thirty-six inches (36") at maturity. See Figure 8-7.
- (2) When a parking lot is located in the interior side or rear yard of a lot abutting a residential or FT zoning district, the parking lot perimeter landscaping required by DGMC Section 28.8.020(c)(1) must be supplemented by installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of six feet (6') along one hundred percent (100%) of the parking lot perimeter immediately abutting the R- or FT zoned property. See Figure 8-8.

Figure 8-8: Supplemental Wall or Fence Abutting R or FT zoned Property

Figure 8-8: Supplemental Wall or Fence Abutting R-zoned Property



\* \* \*

**Section 8. That Section 28.9.020 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.020 Prohibited Signs And Sign Characteristics**

The following are expressly prohibited under this ordinance:

- (a) any sign or structure that constitutes a hazard to public health or safety;
- (b) any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs;
- (c) signs, that by their color, location, or design resemble or conflict with traffic control signs or signals;

- (d) except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign may be located on the public right-of-way, or affixed to or upon public property. This prohibition includes any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign;
- (e) portable signs, except for sandwich board signs that are allowed in the DC, DB, DT, FC, FB or FT zoning districts. ~~and Fairview concentrated business districts~~;
- (f) vehicle signs when the vehicle is not licensed, insured or operational;
- (g) advertising off-premise signs;
- (h) moving signs;
- (i) LED and flashing signs;
- (j) signs with bare bulb illumination, except for marquees located in the DC, DB, DT or Fairview concentrated business districts;
- (k) attention-getting devices;
- (l) signs containing exposed gas tubing, exterior to the building, including argon and neon;
- (m) roof signs;
- (n) box-type signs in the DC, DB, DT, FC, FB or FT zoning districts. ~~Fairview concentrated business districts~~;
- (o) any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the previous thirty (30) days;
- (p) any sign painted directly on a wall, roof, or fence;
- (q) any sign placed or attached to a telecommunications tower, pole or antenna;
- (r) signs containing manual changeable copy consisting of more than two (2) lines, except that fueling stations, governmental agencies, schools and religious assembly uses have up four (4) lines of manual changeable copy. The changeable copy surface area is included in the total surface area allowed;
- (s) signs containing electronic changeable copy/message board;
- (t) single pole signs with a base of less than two feet (2') in width; and
- (u) any other sign not expressly permitted in this Article.

**Section 9. That Section 28.9.040 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.040 Temporary Signs**

Temporary signs as identified in this Article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a sign permit and compliance with the following regulations.

- (a) No more than eight (8) permits for temporary signs may be issued in any calendar year for a single lot. Permits may be valid for a maximum period of seven (7) days. Applications for temporary sign permits must be approved by the Village and must contain at minimum a general description of the sign, including size and lighting.
- (b) All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.
- (c) Temporary signs may not contain changeable copy.
- (d) Temporary signs may not exceed thirty-two (32) square feet in area.
- (e) A maximum of one (1) temporary sign may be permitted for each street frontage on a lot.

- (f) All temporary signs must be removed by the person or organization that erected or caused the erection of the sign within three (3) days of the end of the event to which they relate, or at the end of the maximum period for which the sign is allowed, whichever date comes first.
- (g) Temporary window signs are exempt from sign permit requirements. However, unless they are promoting an upcoming event of a nonprofit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.
- (h) Temporary signs may not be located above the first floor in the DC, DB, DT, FC, FB and FT zoning districts ~~and Fairview Avenue Concentrated Business Districts~~.
- (i) The following additional regulations apply to all temporary development signs.
  - (1) A sign permit must be obtained before the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the Village has issued a final approval for the development.
    - a. Residential developments of three (3) or more dwelling units.
    - b. Commercial, industrial or institutional developments consisting of at least twenty thousand (20,000) square feet of land area.
  - (2) Only one (1) development sign per street frontage is permitted.
  - (3) Development signs may not exceed thirty-six (36) square feet in area.
  - (4) Development signs must be removed at such time a final certificate of occupancy is issued. If more than one (1) final certificate of occupancy will be issued for the development, the development signs must be removed when at least seventy-five percent (75%) of the final certificates of occupancy have been issued.
  - (5) Development signs may display only information pertinent to the entity or entities participating in the development project.

**Section 10. That Section 28.9050 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9050 Sign Regulations Generally**

The regulations of this Section apply to signs in all areas of the Village except the DC, DB, DT, FC, FB and FT zoning districts ~~and the Fairview concentrated business district~~.

- (a) *Maximum Total Sign Area.* The maximum allowable sign area may not exceed one and one half (1.5) square feet per linear foot of tenant frontage, plus any signs expressly excluded from maximum sign area calculations. Buildings set back more than three hundred feet (300') from the abutting street right-of-way are allowed a maximum allowable sign area of two (2) square feet per linear foot of tenant frontage, plus any allowed excluding menu boards, window and temporary signs. In no case, may a single tenant exceed three hundred (300) square feet in total sign surface area.
- (b) *Monument Signs and Shingle Signs.* Unless otherwise expressly stated, each lot is allowed either one (1) monument sign or one (1) shingle sign.
  - (1) Monument Signs

	Lot Size		
Monument Sign Regulations	Less than 100 ft. Lot Width	100–259 ft. Lot Width	260 ft. or Greater Lot Width and at Least 2.5 Acres in Area (B-3 District Only)
Maximum Height (feet)	8	10	15

Maximum Area (sq. ft.)	24	36	60
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- a. Monument signs are limited to a maximum of two (2) sign faces and are subject to the height and area limitations of Table 9-1.  
Table 9-1: Monument Sign Height and Area Regulations
- b. Monument signs must be set back at least ten feet (10') from all street rights-of-way and at least twenty-five feet (25') from all other lot lines. Monument signs that are greater than ten feet (10') in height and thirty-six (36) square feet in size must be set back at least one hundred feet (100') from interior (non-street) lot lines.
- c. Monument signs are subject to the intersection visibility regulations of DGMC Section 28.10.020.
- d. Monument signs must display the address number of the subject property with numbers or characters between eight inches (8") and ten inches (10") in height. Address numbers are excluded when calculating the area of the monument sign.
- e. Lots with more than one (1) street frontage are allowed two (2) monument signs, provided the signs are located on different street frontages and separated by a minimum distance of one hundred feet (100').
- f. The base of all monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:
  1. Signs must be surrounded by a landscaped area of at least three feet (3') in width, measured outward from the face of the sign.
  2. Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these monument sign landscaping requirements.
  3. Monument sign landscaping is subject to the landscape maintenance provisions of DGMC Section 28.8.060(i).

\* \* \*

**Section 11. That Section 28.9.060 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.060 Sign Regulations For Downtown And The ~~Fairview Concentrated Business District~~ Fairview Districts**

The regulations of this Section apply in the DC, DB, DT, FC, FB and FT zoning districts ~~and Fairview Concentrate Business District~~

(a) *Maximum Total Sign Area.* The maximum allowable sign area may not exceed one (1) square feet per linear foot of tenant frontage or three hundred (300) square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

(b) *Box Signs Prohibited.* Box-type signs are prohibited.

(c) *Monument, Shingle and Freestanding Signs.* Unless otherwise expressly stated, each lot is allowed either one (1) monument sign, one shingle sign or one (1) freestanding sign, subject to the following regulations.

- (1) Monument Sign. Monument signs may not exceed twenty (20) square feet in area per side or a height of seven feet (7'). Monument signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies. Monument signs must display the address number of the subject property with numbers or characters between eight inches (8") and ten inches (10") in height. Address numbers are excluded when calculating the area of the monument sign.
- (2) Shingle Sign. Shingle signs may not exceed ten (10) square feet in area per side or a height of seven feet (7'). Shingle signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies.
- (3) Freestanding Sign. Freestanding signs may not exceed twenty (20) square feet in area per side or a height of seven feet (7'). Freestanding signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies.

(d) *Landscaping*. The base of all freestanding and monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:

- (1) Signs must be surrounded by a landscaped area of at least three feet (3') in width, measured outward from the face of the sign.
- (2) Landscaping within the required landscape area must consist of shrubs, ever-greens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these landscaping requirements.
- (3) Freestanding and monument sign landscaping is subject to the landscape maintenance provisions of DGMC Section 28.8.060(i).

(e) *Wall Signs*

- (1) Each business or property owner is allowed to display one (1) wall sign per tenant frontage along a public roadway or drivable right-of-way.
- (2) If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.
- (3) Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than twelve inches (12") from the vertical plane of the wall to which it is attached.
- (4) In addition to all other signs allowed by this Section, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed one (1.0) square foot per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to this Section may not exceed three hundred (300) square feet excluding any signs expressly excluded from the maximum sign area calculations.

(f) *Menu Boards*. Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed four (4) square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

(g) *Projecting Signs*

- (1) First Floor. Each first floor establishment is allowed one projecting sign. Such signs may not extend more than thirty-six inches (36") from the vertical plane of the façade to which it is



attached and may not exceed six (6) square feet in area. First floor projecting signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

- (2) Second Floor. The second floor of any building is allowed only one projecting sign, which must be located immediately over or within two feet (2') of the first floor pedestrian access to the building. Such signs may not extend more than thirty-six inches (36") from the vertical plane of the façade to which it is attached and may not exceed six (6) square feet in area. First floor projecting signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

(h) *Awning Signs.* Awning or canopy signs are allowed, subject to the following requirements:

- (1) Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least eight feet (8') above the ground directly beneath it.
- (2) Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

(i) *Under-Canopy Signs.* Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed twelve inches (12") in height or four feet (4') in length. Such signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign.

(j) *Window Signs*

- (1) First floor businesses are allowed permanent and temporary window signs covering a maximum of twenty-five percent (25%) of each window. The window sign area is in addition to the total maximum allowable sign area.
- (2) Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to twenty-five percent (25%) of one (1) window per floor per tenant. Window signs above the first floor may not be illuminated by means of exposed gas tubing including, but not limited to, argon, neon or neon-like substances.

(k) *Heritage Signs.* Signs in place in the DC, DB or DT zoning districts or Fairview concentrated business district before January 1, 1965 are hereby deemed to be "heritage signs" and are allowed to remain in place and be maintained in any manner to allow for continued use. In order to be deemed a "heritage sign," the owner of the sign must provide conclusive evidence to the Community Development Director that the sign was in place before January 1, 1965.

(l) *Sandwich Board Signs.* First floor businesses are allowed up to one sandwich board sign, not to exceed six (6) square feet in area. They are not counted in calculating the maximum sign area allowed on a lot. Sandwich board signs are allowed within the public right-of-way, provided the following requirements are met:

- (1) A license agreement must be entered into in a form and amount approved by the Village indemnifying and holding the Village harmless from liability and naming the Village, its officers and employees as an additional insured on a general liability insurance policy. Such license agreements require the approval and signature of the Village Manager.

- (2) Sandwich board signs may be displayed only during business hours and must be removed each day at the end of business.
- (3) Sandwich board signs may not be placed in any location where the paved area for passage is reduced to less than six feet (6') or within fifteen feet (15') of any intersection, driveway or crosswalk.
- (4) Sandwich board signs must be constructed of wood, metal or durable plastic.
- (5) The minimum fine for a violation of these sandwich board sign regulations is seven hundred fifty dollars (\$750.00). Each day that such violation continues constitutes a separate fineable offense.

**Section 12. That Section 28.9.090 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.090 Nonconforming Signs**

Any sign that existed lawfully on the effective date of the sign regulations of this Article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, or that become nonconforming by reason of annexation to the Village of the lot on which the sign is located, are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

- (a) Ordinary repairs and maintenance, including the removing and replacing of the outer panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.
- (b) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.
- (c) No repair or alteration that increases the size of the nonconforming sign is permitted.
- (d) No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of these sign regulations.
- (e) If a nonconforming sign is located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign must be brought into conformance with the sign regulations of this Article at the time of the transfer unless the business will continue to operate under the same name.
- (f) If a nonconforming sign is abandoned or the described business discontinued for a continuous period of thirty (30) days or more, it must be discontinued and any subsequent sign must conform to all of the sign regulations of this Article.
- (g) With the exception of signage installed in the FC, FB and FT Zoning Districts, on or prior to May 5, 2014, all nonconforming signs must be brought into conformance with the sign regulations of this Article. This period is for all purposes deemed an appropriate amortization period for each and every nonconforming sign presently located within the corporate limits of the Village or hereinafter located within the Village by reason of annexation into the Village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.
- (h) Paragraph (g) does not apply to signs previously granted variances by the Planning and Zoning Commission. Such signs are deemed nonconforming signs to which all other provisions of this Section apply.

**Section 13. That Section 28.14.080 of the Zoning Ordinance is hereby amended to read as follows:**

**Section 28.14.080 Building Coverage**

Building coverage is measured as the area of the lot that is occupied by principal and accessory buildings and by structures with a surface area of more than four (4) square feet and a height of eighteen inches (18") or more, including pergolas and pools. All areas beneath a roof are counted for purposes of measuring building coverage, except on FT or R-zoned lots with a lot width of sixty feet (60') or less, detached garages, Extended Family Accessory Housing or Home Occupation units in the rear yard and rear-loading attached garages with a building footprint of five hundred (500) square feet or less are not counted towards overall building coverage provided that the detached garage, Extended Family Accessory Housing or Home Occupation units in the rear yard or the rear-loading attached garage is the only garage or unit on the subject property.

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

**Section 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	Ground mounted only; 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
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, DC, <u>FC and FB</u> 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 $\geq$ 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, DC, <u>FC and FB</u> 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	<u>No setback in DB, DC, FC and FB districts.</u>  1 ft. min. (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	Yes[3]	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts

parks and playgrounds or on school or day care center playgrounds, tot lots)					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	5 ft. 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, DC, <u>FC and FB</u> 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, DC, <u>FC and FB</u> 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, DC, <u>FC and FB</u> 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.

\* \* \*

**Section 15. That Section 28.14.110 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.14.110 Build-To Zone**

\* \* \*



(d) Outdoor dining, plazas or similar programmed space are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:

(1) in the DB and DC zoning districts:

- ~~(1)~~ a. the space does not exceed thirty-three percent (33%) of the length of the building face or thirty feet (30'), whichever is less;
- ~~(2)~~ b. the area is no more than twenty-five feet (25') in depth; and
- ~~(3)~~ c. no more than one (1) such feature may be counted per frontage.

(2) in the FC and FB zoning districts:

- a. the space does not exceed thirty-three percent (33%) of the length of the building face or forty feet (40'), whichever is less and the area is no more than twenty-five feet (25') in depth; or
- b. the space does not exceed twenty-five percent (25%) of the length of the building face or twenty-five feet (25'), whichever is less and the area is no more than forty feet (40') in depth.
- c. with a or b above, no more than one (1) such feature may be counted per frontage.

\* \* \*

**Section 16. That Section 28.15.090 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.15.090 Words And Terms Beginning With "F"**

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

~~Fairview Concentrated Business District. Lots that have street frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.~~

Financial Service. See DGMC Section 28.5.050(h).

Fence. A structure that functions as a horizontal boundary or barrier consisting of a structural frame with a fabric of wood, metal or masonry.

Festoon Lighting. A group of two (2) or more bulbs hung or strung overhead on a building or structure that are not shaded or hooded to prevent the direct rays of light from being visible at the lot line.

Flag Lot. A parcel of land, whose area and dimensions meet all of the requirements of Chapter 20 of this Code, in which access from the public right-of-way to the land is a narrow extended portion of the parcel that does not comply with minimum lot width requirements.

Floor Area. See DGMC Section 28.14.040.

Floor Area Ratio. See DGMC Section 28.14.050.

Foot-Candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

Fortune-telling/Psychic Services. See DGMC Section 28.14.050 and DGMC Section 28.5.050(e)(4).

Foundation, Permanent. A closed perimeter formation consisting of materials such as concrete or concrete block that extends into the ground below the frost line.

Fraternal Organization. See DGMC Section 28.5.040(e).

Frequency (sound waves). The number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

Frontage, Street. See DGMC Section 28.14.090.

Fueling Station. See DGMC Section 28.5.050(p)(3).

Funeral and Mortuary Service. See DGMC Section 28.5.050(i).

**Section 17. That Section 7.2201 is hereby amended to read as follows:**

**7.2201 Certificate Of Design Appropriateness (CODA) - Required**

(a) A Certificate of Design Appropriateness (CODA) is required for any of the following improvements for structures located in the DB, DB and DT Zoning Districts that require a permit from the Village:

- (1) Facade renovation. A facade renovation as it relates to a CODA is defined as improvements that require a permit and include any combination of two (2) or more of the following:
  - a. changes to exterior materials that currently require a permit as provided by DGMC Section 7.301;
  - b. expansion, removal, or addition of window or door openings;
  - c. changes to the roofline or parapet; or
  - d. changes in building height.
- (2) Building additions visible from a street or alley.
- (3) New multi-family buildings and single-family attached houses that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.
- (4) New commercial buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

(b) A Certificate of Design Appropriateness (CODA) is required for any of the following improvements for structures located in the FC Zoning District that require a permit from the Village:

- (1) New multi-family buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.
- (2) New commercial buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

~~(b)~~ (c) A CODA is not required for any improvements made to a Detached House or Two-Unit House used for residential purposes or any improvements requiring Village Council approval in the DB, DC and DT Zoning Districts as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

**Section 18.** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 19.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Mayor

Table 5-1: Allowed Uses

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP- 1	INP-2	FC	FB	FT	Supplemental Regulations
Subcategory																							
Specific use (See Sec. 28.05.020)																							
RESIDENTIAL																							
Household Living																							
Detached house	P	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	
Attached house	-	-	-	-	P	P	P	-	-	S	-	S[20]	P	-	-	-	-	-	-	-	-	P	
Two-unit house	-	-	-	-	P	P	P	-	-	-	-	S[20]	P	-	-	-	-	-	-	-	-	P	
Apartment/condo	-	-	-	-	-	-	P	P	P	S	S [17]	S	S	-	-	-	-	-	-	S [17]	S	S	[17] Located on 2nd floor or above
Group Living (except for the following uses)	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S	
Group home, small (8-person max. occupancy)	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	Sec. 28.06.050
Group home, large (9 or more occupants)	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S	Sec. 28.06.050
Nursing home	S	S	S	S	S	S	S	P	P	S	-	-	-	-	-	-	-	-	S	-	S	S	Sec. 28.06.080
Sheltered Care	S	S	S	S	S	S	S	P	P	S	-	-	-	-	-	-	-	-	-	-	S	S	Sec. 28.06.080
PUBLIC, CIVIC AND INSTITUTIONAL																							
Aircraft Landing Area	-	-	-	-	-	-	-	-	S	S	-	-	-	S	S	S	S	-	S	-	-	-	
Cemetery	-	-	-	-	-	-	-	-	-	-	S [6]	-	-	-	-	-	-	S	S	-	-	-	
College or University	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	-	-	-	S	S	S	S	S	-	-	-	-	-	-	-	
Community Center	S	S	S	S	S	S	S	-	-	-	-	S	S	S	-	-	-	S	P	S	S	-	
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	S	S	-	-	-	-	-	S	S	S	S	-	
Governmental Facility	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	P	P	-	-	-	-	P	P	S	S	-	
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	-	P	P	-	-	-	-	-	-	-	-	S	-	-	-	
Library	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	S	S	S	S	S	
Museum or Cultural Facility	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-	-	S	S	P	P	S	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	
Religious Assembly	S	S	S	S	S	S	S	S	P	P	- [6]	- [6]	S	S	S	-	-	S	S	-	-	S	Sec. 28.06.120
Safety Service	S	S	S	S	S	S	S	S	P	P	S	S	S	P	P	P	P	P	P	-	-	-	
School	S	S	S	S	S	S	S	-	-	-	-	-	S	-	-	-	-	S	S	-	-	S	
Utilities and Public Service Facility																							
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	S	-	-	-	
Wireless Telecommunications																							
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	P	-	-	-	Sec. 28.06.170
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	Sec. 28.06.170

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP- 1	INP-2	FC	FB	FT	Supplemental Regulations	
Subcategory Specific use (See Sec. 28.05.020)																								
COMMERCIAL																								
Adult Entertainment Establishment	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	–	–	–	–	–	Sec. 28.06.020
Animal Service																								
Boarding or shelter	–	–	–	–	–	–	–	–	S	P	–	–	–	–	–	P	P	–	–	P	P	–	–	
Grooming	–	–	–	–	–	–	–	P	P	P	P	P	P[18]	–	–	P	P	–	–	P	P	–	–	
Veterinary care	–	–	–	–	–	–	–	–	P	P	S	S	S[18]	–	–	P	P	–	–	P	P	–	–	Sec. 28.06.160
Assembly and Entertainment (except for the following uses)	–	–	–	–	–	–	–	–	–	P	S	S	–	–	–	–	–	–	S	P	P	–	–	
Auditorium	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–	S	P	P	–	–	
Cinema	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–	–	P	P	–	–	
Theater	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–	S	P	P	–	–	
Broadcast or Recording Studio	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	–	P	P	–	–	

Commercial Service

Building service	–	–	–	–	–	–	–	–	S	P	-	S	–	–	–	P	P	–	–	–	–	–	–	
Business support service	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	P	–	–	P	P	–	–	
Consumer maintenance and repair	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	–	–	–	P	P	–	–	
Personal improvement service																				P	P	–	–	
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-	P	P	–	–	
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-	P	P	–	–	
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-	P	P	–	–	
Fortune-telling or psychic service	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	P	P	–	–	
Massage therapy	–	–	–	–	–	–	–	–	–	–	-	–	–	–	S	S	S	–	–	–	–	–	–	Sec. 28.06.070
Tattoo and body piercing establishment	–	–	–	–	–	–	–	P	P	P	–	–	–	–	–	P	P	–	–	P	P	–	–	
Research service	–	–	–	–	–	–	–	–	–	P	S	S	S[18]	P	P	P	P	–	–	P	P	–	–	
Day Care																								
Day care home	P	P	P	P	P	P	P	–	–	–	-	–	P	–	–	–	–	–	–	–	–	P	–	Sec. 28.06.030
Day care center	–	–	–	–	S	S	S	P	P	P	-	S	S	P	P	P	P	S	–	–	S	–	–	Sec. 28.06.030

Eating and Drinking Establishment

Restaurant	–	–	–	–	–	–	–	P	P	P	P	P	–	P[7]	P[7]	–	–	–	–	P	P	–	–	
Wine and/or Beer Boutique	–	–	–	–	–	–	–	P	P	P	P	P	S[18]	P	P	–	–	–	–	P	P	–	–	
Financial Service	–	–	–	–	–	–	–	–	P	P	P	P	P[18]	P	P	P	–	–	–	P	P	–	–	
Funeral or Mortuary Service	–	–	–	–	–	–	–	S	S	S	-	–	–	–	–	–	–	–	–	–	–	–	–	
Lodging	–	–	–	–	–	–	–	–	P	P	-	S	–	–	P	–	–	–	–	–	–	–	–	
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	–	–	–	–	

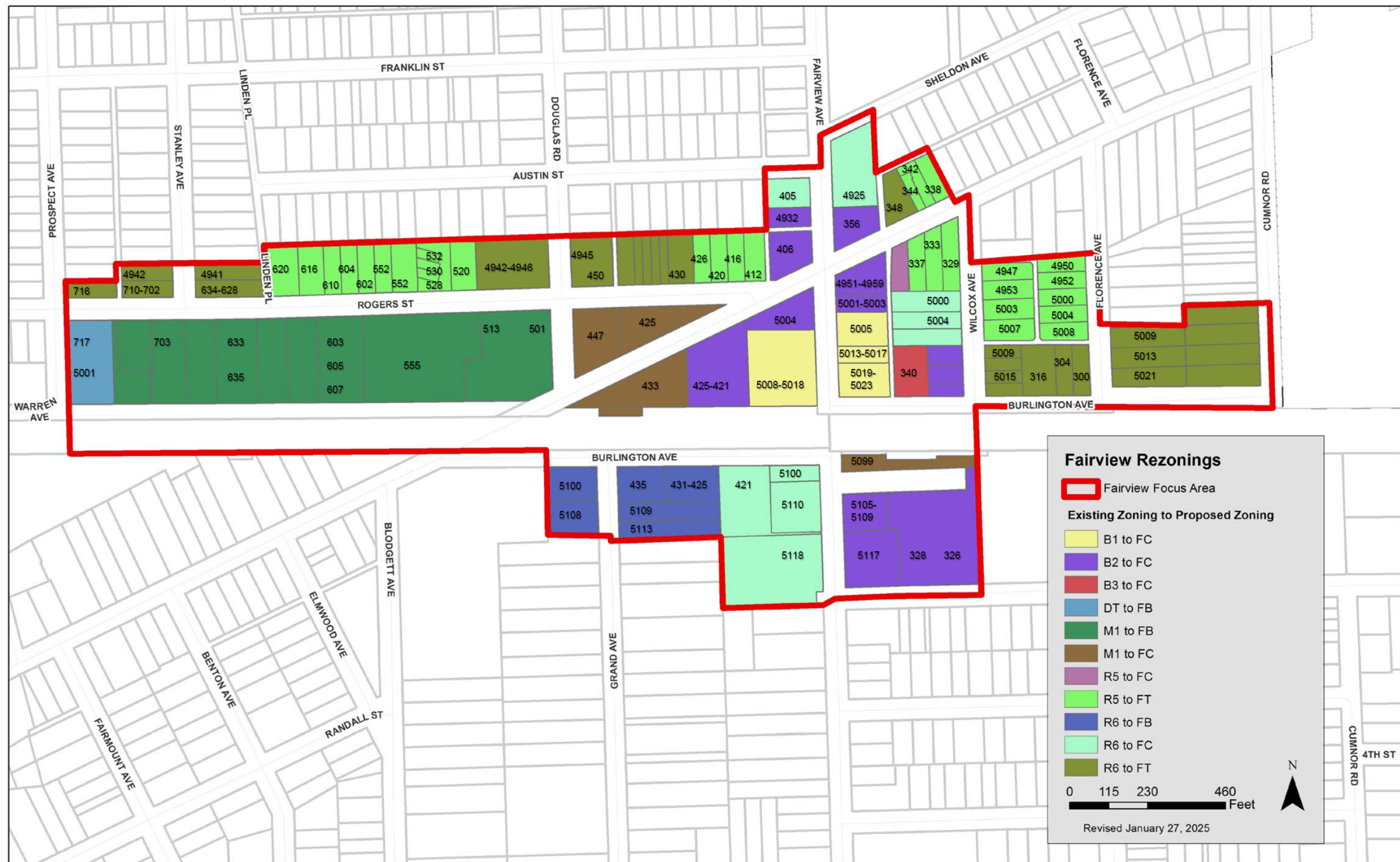
Office

Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	–	–	P	P	S	–	Sec. 28.06.090
Medical, dental and health practitioner	–	–	–	–	–	–	S[4]	–	P	P	P/S[8]	P/S[8]	S	P	P	P	P	–	–	P	P	S	–	
Parking, Non-Accessory	–	–	–	–	–	–	–	–	S	S	-	S	S	S	S	S	S	–	–	–	–	–	–	

USE CATEGORY	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP- 1	INP-2	FC	FB	FT	Supplemental Regulations
Subcategory Specific use (See Sec. 28.05.020)																							
COMMERCIAL (CONTINUED)																							
Retail Sales																							
Convenience goods	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	P[18]	–	–	–	–	–	–	P	P	=	
Consumer shopping goods	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	P[18]	–	–	–	–	–	–	P	P	=	
Guns and firearm supplies	–	–	–	–	–	–	–	[11]	[11]	[11]	-	–	–	–	–	S	–	–	–	–	–	–	
Building supplies and equipment	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	–	–	–	–	–	–	–	–	–	–	
Self-service Storage Facility	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	S	S	–	–	–	–	–	Sec. 28.06.130
Trade School	–	–	–	–	–	–	–	P	P	P	S	S	–	S	S	S	S	–	–	P	P	–	
Vehicle Sales and Service																							
Commercial vehicle repair and maintenance	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	–	–	–	–	–	–	
Commercial vehicle sales and rentals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	–	S	–	–	–	–	–	–	
Fueling station	–	–	–	–	–	–	–	–	S	S	-	–	–	–	S	S	–	–	–	–	–	–	Sec. 28.06.040
Personal vehicle repair and maintenance	–	–	–	–	–	–	–	–	S[10]	S	-	–	–	–	S	S	–	–	–	–	–	–	Sec. 28.06.100
Personal vehicle sales and rentals	–	–	–	–	–	–	–	–	S[10]	S	-	–	–	–	–	S	–	–	–	–	–	–	
Vehicle body and paint finishing shop	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	–	–	–	–	–	–	
Automobile dealership offsite vehicle storage	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	-	–	–	–	–	–	Sec. 28.06.190
WHOLESALE, DISTRIBUTION & STORAGE																							
Equipment and Materials Storage, Outdoor	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	–	–	–	
Trucking and Transportation Terminals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	P	–	–	–	–	–	
Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	S[16]	P	P	P	–	–	–	–	–	
Wholesale Sales and Distribution	–	–	–	–	–	–	–	–	P	P	-	–	–	–	P	P	P	–	–	–	–	–	
INDUSTRIAL																							
Artisan Industrial	–	–	–	–	–	–	–	–	–	P	-	S[19]	S[18]	–	P	P	P	–	–	P	P	–	
Limited Industrial	–	–	–	–	–	–	–	–	–	P[11]	-	–	–	–	–	P	P	P	–	–	–	–	
General Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	P	P	P	–	–	–	–	
Intensive Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	S	–	–	–	–	–	
Junk or Salvage Yard	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	–	–	–	
RECYCLING																							
Recyclable Material Drop-off Facility	–	–	–	–	–	–	–	S	S	S	-	–	–	–	S	S	S	–	–	–	–	–	Sec. 28.06.110
Recyclable Material Processing	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	–	–	–	
AGRICULTURE																							
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	–	–	–	
Crop Agriculture	P	P	P	P	P	P	P	–	–	–	-	–	–	–	–	–	–	–	–	–	–	–	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	
OTHER																							
Drive-in or Drive-through Facility	–	–	–	–	–	–	–	–	S	S	-	–	–	S[15]	s[21]	S[15]	–	–	–	–	–	–	Sec. 28.07.130
Medical Cannabis Cultivation Center	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	–	–	–	Sec. 28.05.100
Medical Cannabis Dispensing Organization	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	–	–	–	Sec. 28.05.100
Adult Use Cannabis Business Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Craft Grower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Infuser Organization or Infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Processing Organization or Processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	–	S	S	-	-	–	–	–	Sec. 28.05.100
Adult Use Cannabis Transporting Organization or Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	–	–	–	Sec. 28.05.100

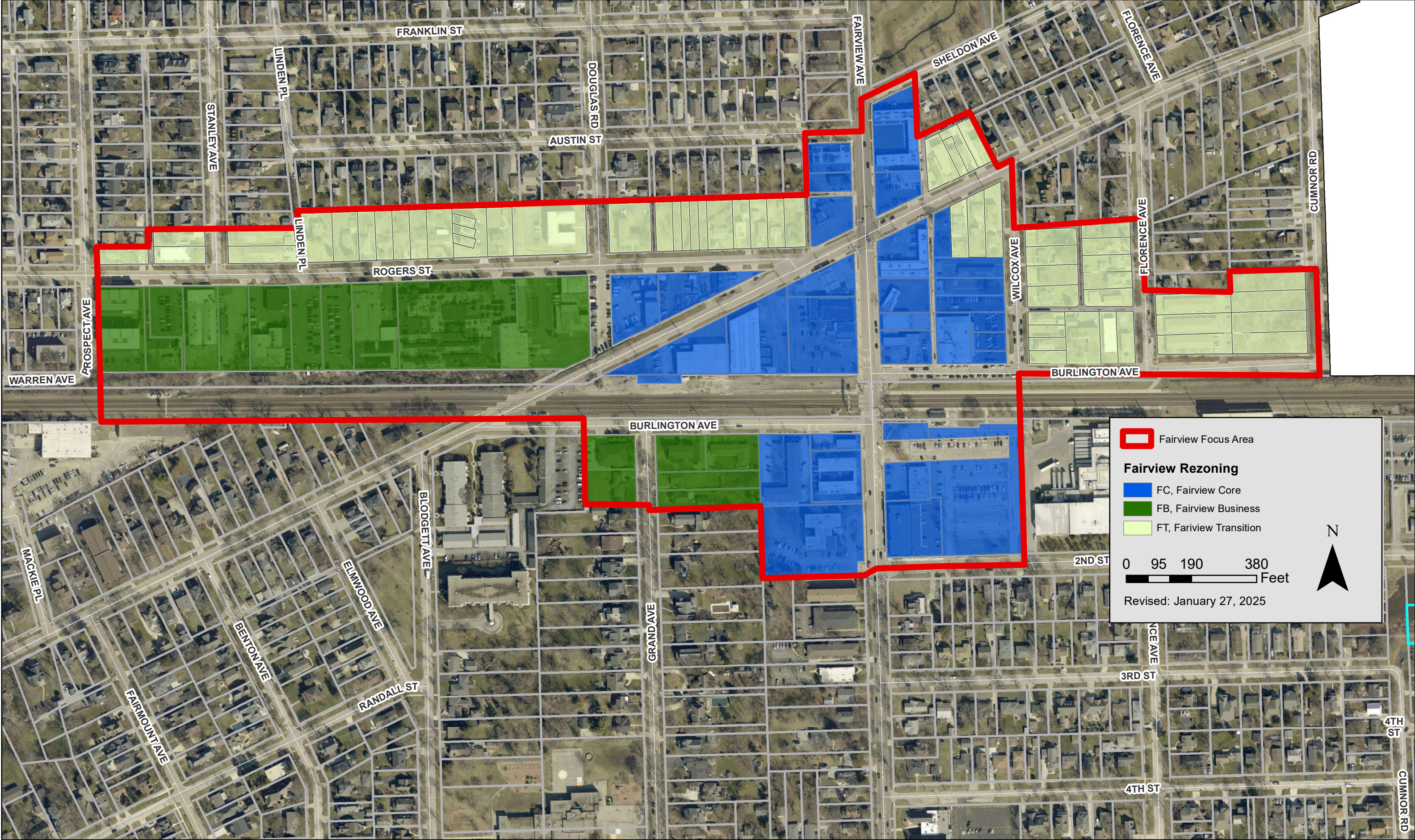



# Proposed Zoning in the Fairview Focus Area (Original Recommendation)









# Rezoning (FC, FB, FT) in the Fairview Focus Area



 Fairview Focus Area


**Fairview Rezoning**

-  FC, Fairview Core
-  FB, Fairview Business
-  FT, Fairview Transition



0 95 190 380 Feet

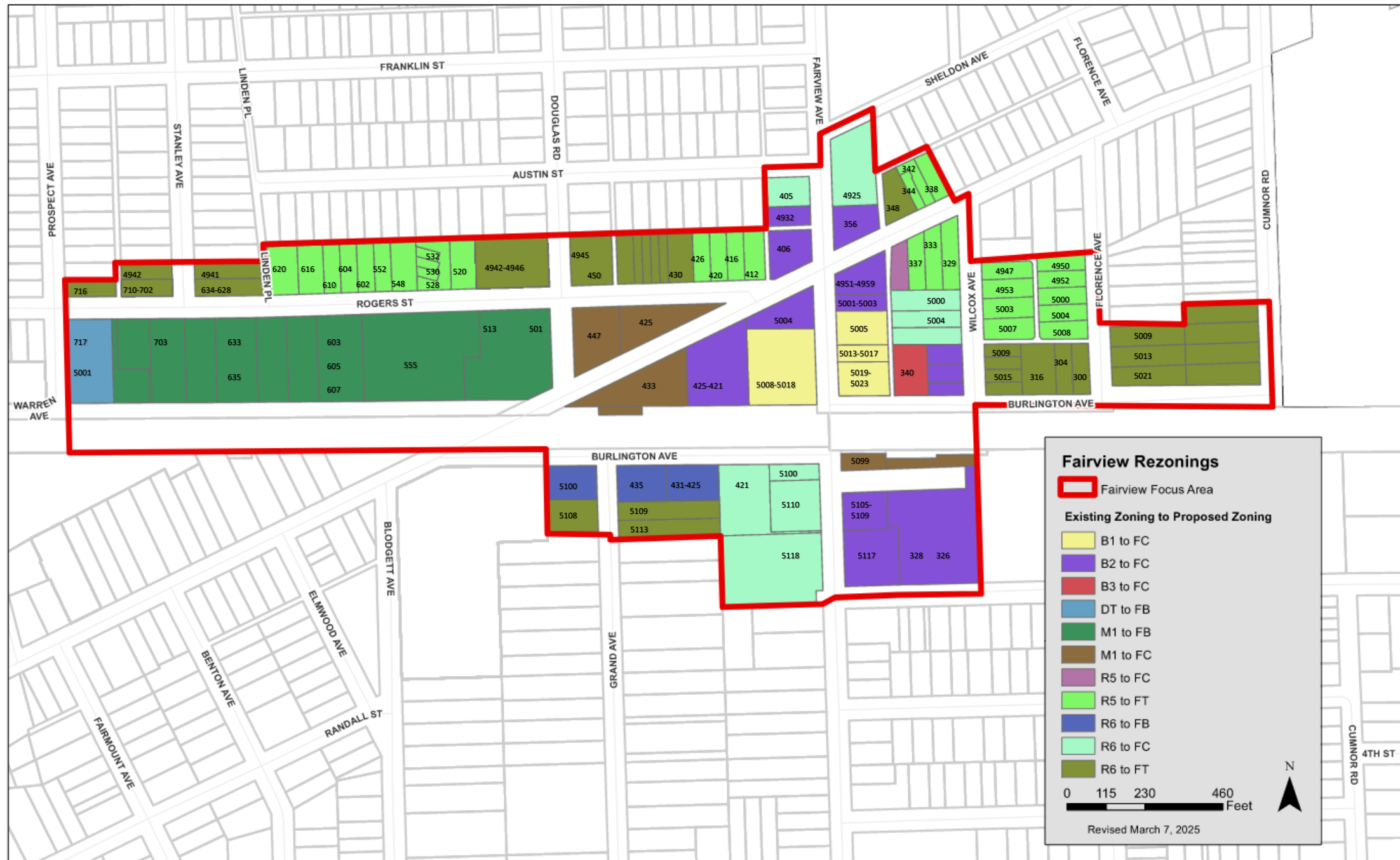
Revised: January 27, 2025



N



# Rezoning (FC, FB, FT) in the Fairview Focus Area (PZC Recommendation)











**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE PLANNING AND ZONING COMMISSION**  
**MARCH 3, 2025 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
23-PCE-0034 Fairview Focus Area	Zoning Ordinance Text and Map Amendments	Jason Zawila, AICP Planning Manager

### **REQUEST**

The Village is requesting an amendment to various sections of the Zoning Ordinance to implement the Fairview Focus Area Regulatory Framework. The Village is also requesting approval of zoning map amendments (rezoning) for 126 properties in the Fairview Focus Area.

### **NOTICE**

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

### **GENERAL INFORMATION**

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**PETITIONER:** Village of Downers Grove  
850 Curtiss Street  
Downers Grove, IL 60515

### **ANALYSIS**

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#### **SUBMITTALS**

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

1. Fairview Focus Area Regulatory Framework
2. Zoning Ordinance (Proposed Amendments)
3. Existing Zoning Map
4. Zoning Amendments Map
5. Neighborhood Meeting Summary
6. Comprehensive Plan

#### **PROJECT DESCRIPTION**

The Village is taking steps to enhance the area surrounding Fairview Avenue and the Fairview Train Station, following recommendations outlined in the Comprehensive Plan. Recommendations in the plan intend to create a distinct identity for the neighborhood, improve all modes of transportation, and foster mixed-use developments that provide goods and services for nearby residents and visitors. A more detailed description of the project can be found at <https://www.downers.us/fairview-focus-area>

As part of the overall project, the Village is requesting approval of multiple text amendments to the Zoning Ordinance. The proposed text amendments are necessary to implement the Comprehensive Plan's Fairview Focus Area goals and Village Council accepted the Fairview Focus Area Regulatory Framework. The Village is also requesting approval of zoning map amendments (rezonings) for 126

properties located in the Fairview Focus Area to implement the recommendations of the Comprehensive Plan and Fairview Focus Area Regulatory Framework.

*Implementation of the Fairview Regulatory Framework – Zoning Ordinance Text Amendments*

The Village approved the current Comprehensive Plan in June 2017. Based on the Comprehensive Plan's goals for the Fairview Focus Area, the Village undertook the development of a Fairview Focus Area Regulatory Framework that was accepted by the Village Council in March 2024 and reconfirmed in October 2024, before work started on the development of the zoning ordinance text amendments and zoning map amendments. The Framework contemplated the creation of the following Fairview Focus Area Zoning Districts: Fairview Core (FC), Fairview Business (FB) and Fairview Transition (FT).

A summary list of the proposed amendments is shown below and are identified in the attached Zoning Ordinance excerpts.

*Table 1 – Proposed Zoning Ordinance Text Amendments*

Section	Description
28.3.040 – Table 3-3	Deleted references to the Fairview Concentrated Business District setbacks related to Rogers Street.
28.4.040.F.	Added the Fairview Core (FC), Fairview Business (FB) and Fairview Transition (FT) descriptions, references and zoning regulations.
28.5.010 – Table 5-1	Added FC, FB and FT district and uses to the table.
28.6.010(g)	Added extended family housing regulations specific to the FT district.
28.6.010(j)	Added allowance of extended family accessory housing in garages/accessory structures in the FT district.
28.6.010(m)	Added home occupation regulations specific to the FT district.
28.7.030 – Table 7-1	Added parking regulations specific to the Fairview zoning districts.
28.7.050(a)	Modified parking regulations specific to the Fairview zoning districts.
28.8.020(c)	Modified parking lot perimeter landscaping requirements specific to properties adjacent to properties in the FT district.
28.9.020	Modified prohibited signage regulations where regulations affect Fairview districts.
28.9.040	Modified temporary signage regulations where regulations affect Fairview districts.
28.9.050	Modified general signage regulations where regulations affect Fairview districts.
28.9.060	Replaced references to the Fairview Concentrated Business District with the Fairview zoning districts.
28.9.090	Modified nonconforming signage regulations where regulations affect Fairview districts.
28.14.080	Modified building coverage regulations related to extended family accessory housing and home occupations structures.
28.14.100 – Table 14-1	Added references to FC, FB and FT in the setback regulations table.
28.14.110(d)	Modified the outdoor dining zoning regulations to include regulations for the FC and FB districts.

28.15.090	Removed the Fairview Concentrated Business District regulations.
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The above proposed amendments implement the policies and goals of the Comprehensive Plan and the Fairview Focus Area Regulatory Framework.

*Implementation of the Fairview Regulatory Framework – Zoning Map Amendments*

The Village is also requesting approval of 126 zoning map amendments in the Fairview Focus Area to implement the vision and recommendations of the Comprehensive Plan and the Fairview Focus Area Regulatory Framework. The attached map, ‘Proposed Zoning in the Fairview Focus Area,’ identifies the properties that are proposed for rezoning. The map identifies each properties zoning change. The proposal would rezone the following number of properties:

*Table 2 – Proposed Rezoning Summary*

<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Number of Properties</b>
Limited Retail Business (B1)	Fairview Core (FC)	4
General Business Retail Business (B2)	Fairview Core (FC)	13
General Services and Highway Business (B3)	Fairview Core (FC)	1
Downtown Transition (DT)	Fairview Business (FB)	1
Manufacturing (M1)	Fairview Business (FB)	10
Manufacturing (M1)	Fairview Core (FC)	6
Residential Attached House 5 (R5)	Fairview Transition (FT)	26
Residential Attached House 5 (R5)	Fairview Core (FC)	1
Residential Apartment/Condo 6 (R6)	Fairview Transition (FT)	49
Residential Apartment/Condo 6 (R6)	Fairview Business (FB)	6
Residential Apartment/Condo 6 (R6)	Fairview Core (FC)	9

**PUBLIC COMMENT**

The legal notice was published in the *Daily Herald*. At this time, the Village has received ten comments on the proposed map amendments. Principally, the comments have been related to understanding the proposed rezoning and how the map amendments, if approved, would impact existing residential and commercial uses; two property owners in particular were concerned about the resale of their properties that currently have single family homes, which will not be allowed in the FB District if the amendments are approved. The Village also received communication from one of the property owners, subject to the proposed map amendment. Staff communicated that the homes would be deemed non-conforming structures and will be allowed to remain per Village Ordinance Section 28.11.030 and 28.11.040. The Village has met with individual property owners at their request.

In accordance with Section 28.12.010.F.3 of the Zoning Ordinance, the Village held two informational meetings for affected property owners and property owners within 250 feet of the proposed map amendments. The meetings were held on January 29<sup>th</sup> and January 30<sup>th</sup>, 2025. A summary report is attached.

**FINDINGS OF FACT**

***Section 28.12.020.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 and the Plan's Fairview Focus Area. The proposed amendments implement the Plan's vision, policies and goals, including the goal that "development regulations should encourage mixed-use, transit-oriented development that is appropriate in height". 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.**

These proposed text amendments are necessary to implement the Fairview Focus Area development policies identified in the Comprehensive Plan and the Fairview Focus Area Regulatory Framework that was recently accepted by the Village. This standard is met.

***Section 28.12.030.I. Review and Approval Criteria – Zoning Map Amendments (Rezoning)***

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

***(1) The existing uses and zoning of nearby property.***

The zoning surrounding the 126 subject properties are Residential Detached House 2 (R-2), Residential Detached House 4 (R-4), Residential Attached House 5 (R-5), Residential Apartment/Condo (R6), Downtown Transition (DT) and Light Manufacturing (M-1). The uses include single family homes, apartments/condos, parks and recreation, and industrial uses. The proposed zoning map amendments have taken into account the nearby uses and zoning and is compatible with the surrounding classifications and uses. This criteria is met.

***(2) The extent to which the particular zoning restrictions affect property values.***

The proposed map amendments allow an opportunity for continued reinvestment in the subject properties. The zoning district regulations permit a variety of uses to occupy the subject properties. This criteria is met.

***(3) The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare.***

The Comprehensive Plan identified recommendations related to improving the form, function and appearance of the focus area consistent with the principles of transit-oriented development to be more representative of the character and image of Downers Grove. The recommendations further that the focus area should have mixed-use development that provides goods and services targeted towards commuters and nearby residents that is intended to complement, not compete with, Downtown Downers Grove. The Plan's recommendation to rezone the subject properties is intended to increase the welfare of the community.

Furthermore, the Fairview Transition area plays an important role in helping transition between more intensive uses in the Fairview Core and Fairview Business districts into the neighborhoods that surround the Fairview Focus Area. This criteria is met.

***(4) The suitability of the subject property for the zoned purposes.***

The 126 subject properties are suitable for the proposed zoning classifications. The permitted uses in the FC, FB and FT zoning district are similar to the permitted uses as recommended by the Comprehensive Plan and the Fairview Focus Area Regulatory Framework. The subject properties exhibit traits that comport to the bulk regulations of each of the Fairview zoning districts as applicable. This criteria is met.

**(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.***

The subject properties in the proposed FC and FB districts are not vacant. The subject properties have seen improvements principally through interior and exterior renovations. This criteria is met.

The subject properties in the proposed FT districts are not vacant. Development in the area is expected to include bulkier and denser development nearer the center of the Fairview Focus Area, while single-family residential redevelopment has taken place within and near the subject properties on the opposite side. This criteria has been met.

**(6) *The value to the community of the proposed use.***

The Comprehensive Plan notes the Fairview Focus Area should have mixed-use development that provides goods and services targeted towards commuters and nearby residents that is intended to complement, not compete with, Downtown Downers Grove. The uses proposed in the Fairview (F\_ districts will continue to provide value to the community. This criteria is met.

**(7) *The Comprehensive Plan.***

The proposed map amendments are based on the recommendations in the Comprehensive Plan's Fairview Focus Area Plan. The Comprehensive Plan's vision, policies and goals, include the goal to develop regulations that "encourage mixed-use, transit-oriented development that is appropriate in height". The proposed rezoning of the 126 properties follows the recommendations of the Comprehensive Plan and will implement the community's vision for the Fairview Focus Area as described in the Comprehensive Plan. This criteria is met.

## **RECOMMENDATION**

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The Planning and Zoning Commission should make two separate motions regarding the Village's request.

*Recommendation 1 – Zoning Text Amendments*

As detailed above, staff finds the proposed text amendments meet the review and approval criteria identified in Section 28.12.020.F of the Zoning Ordinance. The proposed text amendments are in conformity with the Comprehensive Plan, implement the Fairview Focus Area Framework, and meet the challenges of changing conditions and uses while ensuring consistency within the ordinance.

Should the Planning and Zoning Commission find that the request complies with 28.12.020.F of the Zoning Ordinance, staff has prepared the first draft motion that the Planning and Zoning Commission may make for approval of the zoning text amendments for 23-PCE-0034:

"Based on the staff report and the testimony presented, I find that the proposed zoning ordinance text amendments meet the standards of 28.12.020.F. of the Zoning Ordinance. Therefore I move that the Planning and Zoning Commission recommend that Village Council approve the proposed zoning ordinance text amendments for 23-PCE-0034."

*Recommendation 2 – Zoning Map Amendments*

As detailed above, staff finds the proposed zoning map amendments meet the review and approval criteria identified in Section 28.12.030.I of the Zoning Ordinance and are in conformity with the Comprehensive Plan.

Should the Planning and Zoning Commission find that the request complies with Section 28.12.030.I of the Zoning Ordinance, staff has prepared a draft motion that the Planning and Zoning Commission may make for approval of 23-PCE-0034:

“Based on the staff report and the testimony presented, I find that the proposed map amendments meet the standards of Section 28.12.030.I of the Zoning Ordinance. Therefore, I move that the Planning and Zoning Commission recommend that Village Council approve the proposed zoning map amendments for 23-PCE-0034.”

Staff Report Approved By:



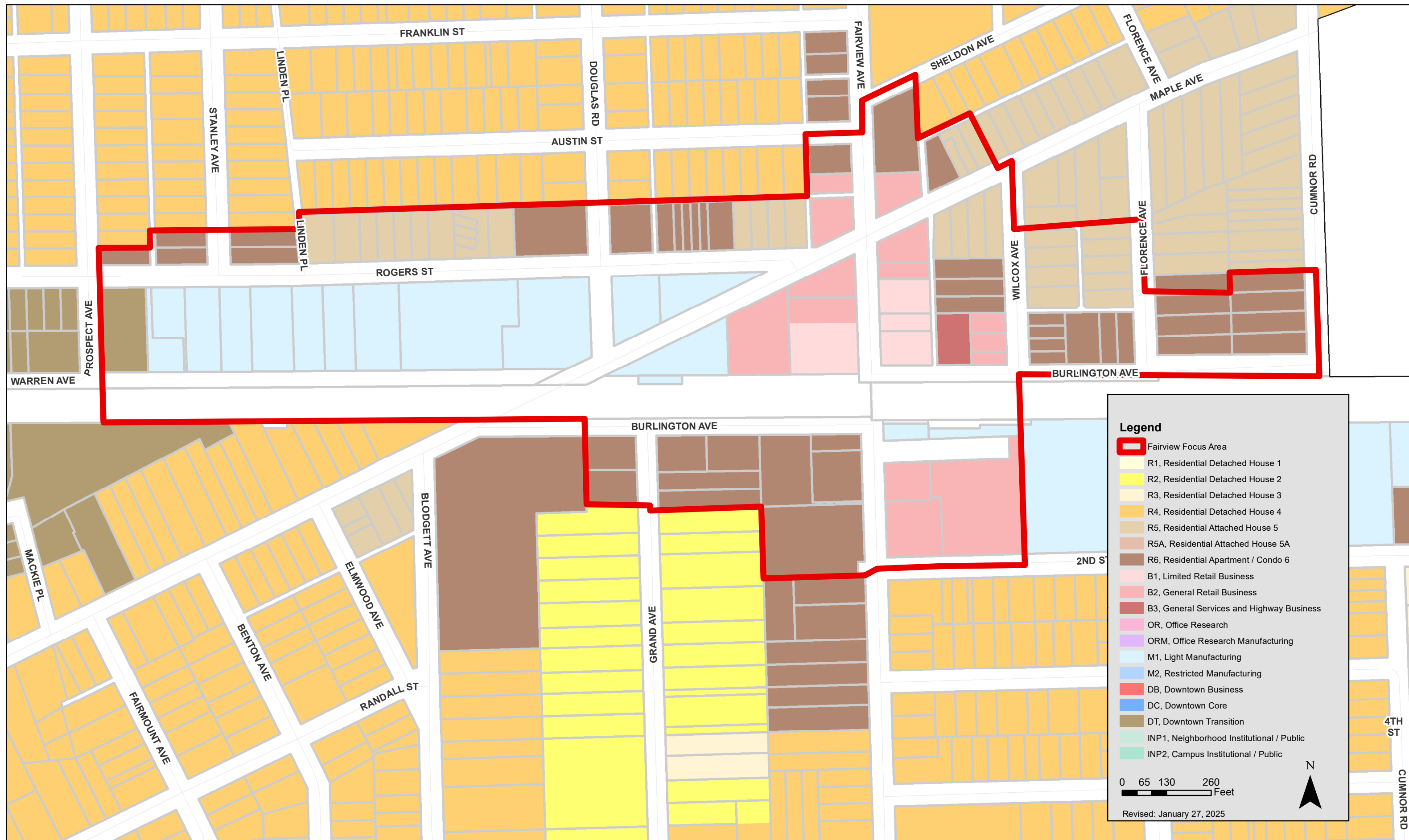
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Stanley J. Popovich, AICP  
Director of Community Development

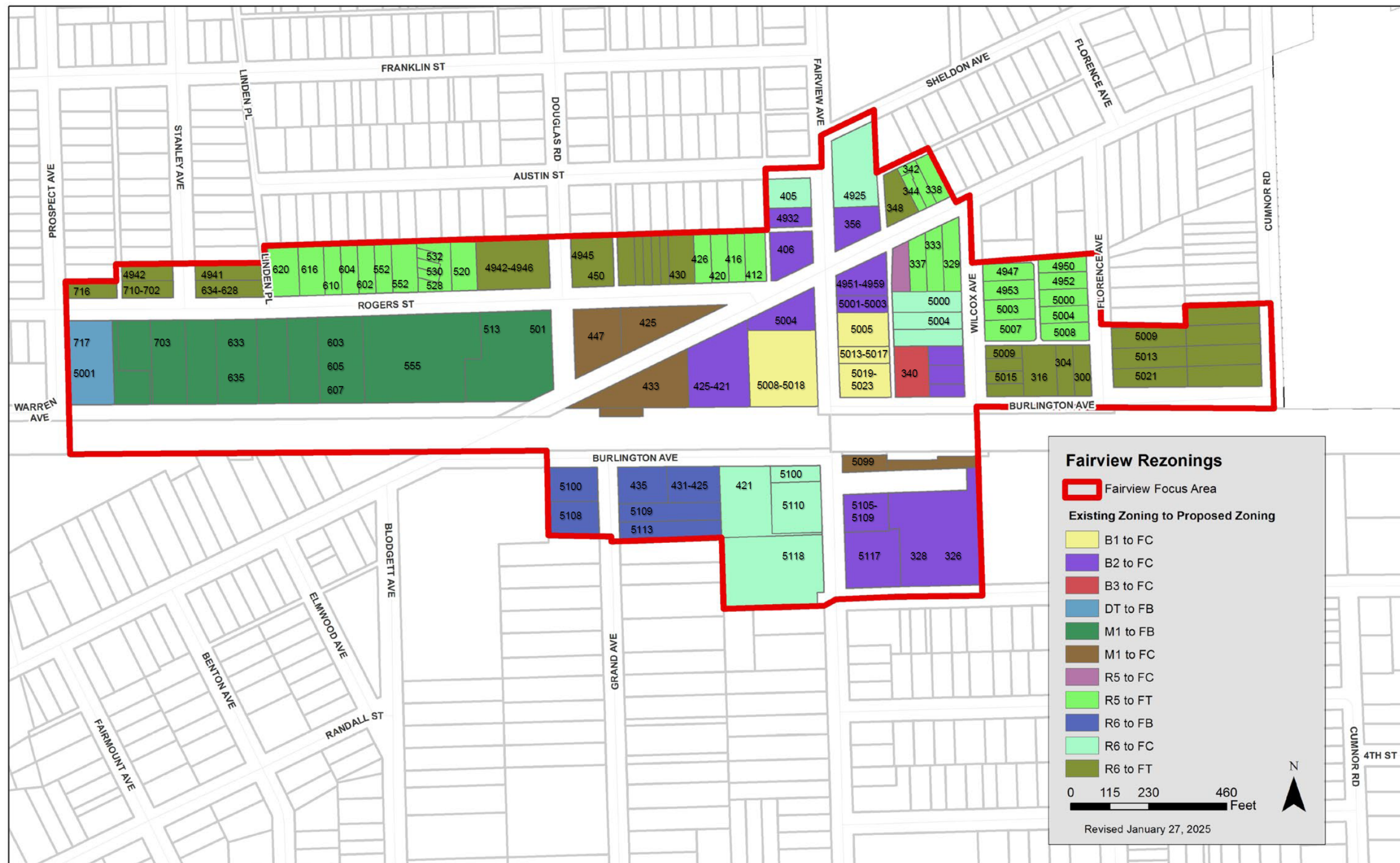
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# Existing Zoning in the Fairview Focus Area



# Proposed Zoning in the Fairview Focus Area



### **Neighborhood Meeting Summary**

The Village of Downers Grove mailed invitations to all property owners affected by the rezoning (131 letters) and to all property owners within 250' of the Fairview Focus Area (498 letters). A copy of these two letters are attached below. The letter notified property owners of the two in-person meetings that were hosted by the Village at the Downers Grove Civic Center Betty Cheever Council Chambers located at 850 Curtiss Street on both Wednesday January 29<sup>th</sup> from 5:00 p.m. to 7 p.m. and Thursday January 30<sup>th</sup> from 2:30 p.m. to 4:30 p.m.

Both meetings began with a welcome and introduction by the Stan Popovich, AICP the Village of Downers Grove Director of Community Development. This was followed by a PowerPoint presentation that included steps to enhance the area surrounding Fairview Avenue and the Train Station, a summary of the 2017 Comprehensive Plan goals for this area, an explanation of how the Zoning Ordinance functions, current zoning districts in the Fairview Focus Area, proposed zoning districts in the Fairview Focus Area, and bulk regulations associated with the proposed zoning districts. The public was invited to scan a QR code on the screen that would lead them to an interactive online map. From here they could type in their address and see the proposed zoning district change along with bulk regulations tables to compare between the existing and proposed zoning districts.

The presentation concluded by sharing that the next steps would include a public hearing before the Planning and Zoning Commission on March 3<sup>rd</sup>, 2025 with a Village Council consideration in April of 2025. After each of the presentations were complete, a question and answer session was available to all participants. At the conclusion of the question and answer sessions, members of the public were invited to take their time reviewing the maps on display in the Betty Cheever Council Chambers. Staff members from the Community Development Department were available to address any additional comments. A summary of all the comments is included below.

**January 29<sup>th</sup> 5-7pm (25-30 people)**

#	QUESTION	RESPONSE
1	Traffic Volumes are high on 2 <sup>nd</sup> Street as people use it to cut through and find their way over to Cass Avenue in Westmont	New multi-family developments will require a traffic study. Reductions or significant changes to lane configurations along Fairview Avenue will likely require a traffic study. Concern about current traffic concerns are noted by the Village's Transportation Manager.
2	Traffic Volumes are high on 2 <sup>nd</sup> Street with semi-truck traffic. Also, there is concern the northeast corner is too tight for the semi-trucks heading northbound on Fairview Avenue.	Traffic Study will likely be required prior to improvements associated with the Guiding DG Streetscapes Project. Concern about current traffic concerns are noted by the Village's Transportation Manager.
2	Traffic Control "No Left Turn" should be considered at Burlington and Fairview heading southbound on Fairview Avenue.	Traffic Study will likely be required prior to improvements associated with the Guiding DG Streetscapes Project. Concern about current traffic concerns are noted by the Village's Transportation Manager.
4	Traffic Control Stop Sign should be considered at 2 <sup>nd</sup> and Victor Street.	Traffic Study will likely be required prior to improvements associated with the Guiding DG Streetscapes Project. Concern about current traffic concerns are noted by the Village's Transportation Manager.
5	On Street Parking at Wilcox is flooded with Spa School students.	The Village can respond to this concern separate from this project.
6	Height and Density increases are concerning, one member of the public noted they moved away from the downtown for a smaller scale	Village appreciates comments and feedback regarding scale.
7	FT Expansion Opportunities: owner at the northeast corner of Maple and Wilcox asks about the opportunity to expand the FT east of Wilcox.	At this time the Fairview Focus Area boundary will remain as shown.
8	Tenant at 5021 Fairview expresses concerns over redevelopment and asks if tenants have any say over future development	Village is not purchasing property as part of this project. Any Village led development would take place only on Village owned property. Tenant improvements are left to property owner discretion
9	Noise Concerns: Condo owners at the northwest intersection of Douglas and Rogers express concerns over development south of Rogers and more noise in the area.	Village appreciates comments and feedback regarding noise. The municipal code does include noise regulations.
10	Property Taxes: Will there be an increase.	This is reviewed by the township. However, redevelopment does tend to increase property values which in turn may affect property taxes.
11	Utilities: Resident ask if the Village will bury utility lines in the area.	The Village does not have plans at this time to do this.
12	Rezoning and Nonconformities: Resident expresses concerns over being able to sell their single family home if their property is rezoned to FB and is now a prohibited use.	Staff explains that the single family use would be deemed an existing nonconforming use and would be allowed to remain.



**January 30<sup>th</sup> 2:30-4:30pm (15-20 people)**

#	QUESTION	RESPONSE
13	Outdoor Dining: Resident asks if new developments will be able to incorporate space for outdoor dining.	Yes this is accounted for in the build-to-zone zoning ordinance text amendments and will be accounted for with the Guiding DG Streetscapes Project.
14	Parking Control: Wilcox is very busy with much of the parking from the Spa School pouring over into this street.	The Village can respond to this concern separate from this project.
15	Maple Avenue Realignment: Resident asks if that idea from the 2010 Comprehensive Plan will still be part of this rezoning.	At this time the proposal does not include realigning Maple Avenue.
16	Parking Inventory: Concerns expressed that there is not enough parking in the area if density will increase.	Due to a decline in Metra commuters this may allow for parking to occur in the Village owned Metra parking lot.
17	Parking Metra: Resident asks about future back to work numbers and if the Metra lot will truly be available for additional parking.	Due to a decline in commuters, the Fairview Train station has reduced their train frequency. This indicates that Metra themselves do not anticipate an increase in the numbers of commuters.
18	Parking Deficiency: At 5009-5021 Fairview the multifamily does not have sufficient parking and this pours over onto Florence Avenue.	Concern about current traffic and parking concerns are noted by the Village's Transportation Manager.
19	Stormwater Management: At the northwest corner of Fairview and Austin. Resident asks if there are any plans to upgrade the flooding control.	The Village does not have any plans currently for infrastructure improvements.
20	Rogers Pedestrian Connection: Resident asks if the Village plans to provide a connection between the Downtown and Fairview.	Yes, as part of the Guiding DG Streetscapes Project, staff is reviewing the opportunity to improve Rogers Street and brand it as a connection from Downtown to Fairview.
21	Timeframe: Resident asks about estimated timeframe.	The Village anticipates a March 3 Planning and Zoning Commission public hearing and April 2025 Village Council consideration.
22	Property Taxes: Will there be an increase.	This is reviewed by the township. However, redevelopment does tend to increase property values which in turn may affect property taxes.



# Fairview Revitalization

## Please Join Us to Learn More!

The Village is taking steps to enhance the area surrounding Fairview Avenue | and the Fairview Train Station, following recommendations outlined in the Village's 2017 Comprehensive Plan.

In March of 2024, the Village Council approved a regulatory framework that includes key concepts for the zoning regulations and zoning districts for the area. The rezoning process, which kicks off later this month, includes opportunities for discussion at neighborhood meetings, public hearings before the Planning & Zoning Commission and discussion at Village Council meetings.

The revitalization of Downtown Downers Grove took over 25 years. Efforts in the Fairview Area may take just as long. And like our beloved Downtown, we believe this area offers fantastic potential to increase in value and opportunity for our residents and businesses.

**Your property is not being discussed for rezoning, but to learn more about potential improvements that could occur in the Fairview Area, please visit [downers.us/fairview-focus-area](https://downers.us/fairview-focus-area).**

Please also join us at one of the two meetings listed below to discuss how the proposed rezoning affects your property.

**WHEN:** January 29th, 2025 5:00 p.m. to 7:00 p.m. OR  
January 30th, 2025, 2:30 p.m. to 4:30 p.m.

**WHERE:** Betty Cheever Council Chambers,  
850 Curtiss Street, Downers Grove, IL

### Questions?

Contact Jason Zawila at 630.434.5515 or email [jzawila@downers.us](mailto:jzawila@downers.us)  
For additional information on the Fairview Focus Area, visit  
[downers.us/fairview-focus-area](https://downers.us/fairview-focus-area)



# Fairview Revitalization

## Please Join Us to Learn More!

The Village is taking steps to enhance the area surrounding Fairview Avenue and the Fairview Train Station, following recommendations outlined in the Village's 2017 Comprehensive Plan.

In March of 2024, the Village Council approved a regulatory framework that includes key concepts for the zoning regulations and zoning districts for the area. The rezoning process, which kicks off later this month, includes opportunities for discussion at neighborhood meetings, public hearings before the Planning & Zoning Commission and discussion at Village Council meetings.

The revitalization of Downtown Downers Grove took over 25 years. Efforts in the Fairview Area may take just as long. And like our beloved Downtown, we believe this area offers fantastic potential to increase in value and opportunity for our residents and businesses.

**Your property is part of the proposed rezoning. To learn more about potential zoning changes to your property, including building setbacks, height and uses, please visit [downers.us/fairview-focus-area](https://downers.us/fairview-focus-area).**

Please also join us at one of the two meetings listed below to discuss how the proposed rezoning affects your property.

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**AN ORDINANCE AMENDING  
CERTAIN ZONING ORDINANCE PROVISIONS  
CONCERNING THE FAIRVIEW FOCUS AREA**

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 28.3.040 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.3.040 Special Street Setback Requirements**

Special street setback requirements are established to reflect existing neighborhood conditions, historical building patterns and other unique context issues. The special street setback requirements of Table 3-3 govern in the case of conflict with the lot and building regulations in Table 3-2.

Table 3-3: Special Street Setback Requirements in B, O and M District

Street Frontage or Area[1]	B-1	B-2	B-3	O-R	O-R-M	M-1	M-2
Douglas Road (between Rogers Street and Maple Ave.)	-	-	-	-	-	10	-
<del>Fairview Concentrated Business District</del>	<del>8</del>	<del>8</del>	<del>8</del>	-	-	-	-
Inverness Road, North Side (between Belmont Road and Janes Ave.)	-	-	-	-	-	25	-
Maple Avenue, South Side	-	-	-	-	10	10	-
<b>Ogden Avenue (from ROW centerline)</b>							
Principal and accessory buildings	75	75	75	-	75	75[4]	-
Canopy	50[2]	50[2]	50[2]	-	-	-	-
Other (e.g., parking, fences, light poles)	50	50	50[3]	-	50	50[4]	-
<del>Rogers Street, South Side (between Prospect Ave. and Fairview Ave.)</del>	-	-	-	-	-	<del>10[5]</del>	-
Second Street (between Wilcox Ave. and Cumnor Road)	-	-	-	-	-	60	-
Warren Avenue, South Side (between Lee Street and Saratoga Ave.)	-	-	-	-	-	10[5]	-



**Section 2. That Section 28.4.040 of the Zoning Ordinance is hereby added:****28.4.040 F, Fairview Districts**

- (a) List: The Village’s Fairview Districts are listed in Table 4-3. When this zoning ordinance refers to “Fairview” zoning districts or “F” districts, it is referring to the districts in Table 4-3.

Table 4-3: Fairview Zoning Districts

<u>Map Symbol</u>	<u>District Name</u>
<u>FC</u>	<u>Fairview Core</u>
<u>FB</u>	<u>Fairview Business</u>
<u>FT</u>	<u>Fairview Transition</u>

- (b) Description

- (1) FC, Fairview Core. The FC, Fairview Core, zoning district regulations are intended to maintain and promote a vibrant and compact core within the Fairview area for living, shopping, dining, entertainment with residential uses above. The district regulations are further intended to encourage a broad range of uses and high-quality development. The FC district is designed for the types of development appropriate in the Fairview Core area.
  - (2) FB, Fairview Business. The FB, Fairview Business, zoning district regulations are intended to maintain and promote a vibrant Fairview area for living, shopping, dining, and entertainment. The district regulations are further intended to encourage a broad range of uses and high-quality development, with a density that is less than the Fairview Core. The FB district is designed for the types of development appropriate in the Fairview Business area
  - (3) FT, Fairview Transition. The FT, Fairview Transition, zoning district regulations are intended to accommodate and promote transitional land uses and development patterns between the FC or FB zoning district and nearby low-density residential areas. The regulations are intended to help prevent intensive Fairview development from encroaching into stable-residential areas. The FT district is intended to be mapped only abutting the FC or FB district.
- (c) Allowed Uses. Principal uses are allowed in Fairview districts in accordance with Table 5-1. Only one (1) principal building may be located on a single lot in the F districts.
- (d) Lot and Building Regulations. The lot and building regulations of Table 4-4 apply to all principal uses and structures in F 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

Table 4-4: F District Lot and Building Regulations

	<u>Regulations</u>	<u>FC</u>	<u>FB</u>	<u>FT</u>
<u>L1</u>	<u>Minimum Lot Area (square feet)</u>			
	<u>Detached house</u>	=	=	<u>7,500</u>
	<u>Attached house</u> <u>(applies to development not individual units)</u>	=	=	<u>8,000</u>
	<u>Two-unit house</u> <u>(applies to development not individual units)</u>	=	=	<u>10,500</u>
	<u>Apartment/condo</u> <u>(applies to development not individual units)</u>	=	=	<u>10,500</u>
	<u>Other nonresidential buildings/uses</u>	=	=	<u>7,500</u>
	<u>Minimum Lot Area per Dwelling Unit (square feet)</u>			
	<u>Detached house</u>	=	=	<u>7,500</u>
	<u>Attached house</u>	=	=	<u>2,500</u>
	<u>Two-unit house</u>	=	=	<u>5,250</u>
	<u>Apartment/condo</u>	<u>800</u>	<u>1,000</u>	<u>1,000</u>
	<u>Other buildings/uses</u>	=	=	=
<u>L2</u>	<u>Minimum Lot Width (feet)</u>			
	<u>Detached house</u>	=	=	<u>50</u>
	<u>Attached house</u>	=	=	<u>80</u>
	<u>Two-unit house</u>	=	=	<u>80</u>
	<u>Apartment/condo</u>	=	=	<u>80</u>
	<u>Other buildings/uses</u>	=	=	<u>50</u>
	<u>Minimum Building Setbacks (feet)</u>			
<u>S1</u>	<u>Street</u>	<u>-[1]</u>	<u>-[1]</u>	<u>25</u>

<u>S2</u>	<u>Side (interior) (% lot width/feet, whichever is greater)</u>	<u>- [2]</u>	<u>10/5 [5]</u>	<u>10/5</u>
<u>S3</u>	<u>Rear</u>	<u>- [3]</u>	<u>10 [6]</u>	<u>20</u>
	<b><u>Build-to-Zone</u></b>			
	<u>Minimum/maximum (feet)</u>	<u>0/5</u>	<u>0/10</u>	<u>=</u>
	<u>Minimum percent of building in primary street BTZ</u>	<u>80</u>	<u>80</u>	<u>=</u>
	<u>Minimum percent of building in secondary street BTZ</u>	<u>30</u>	<u>30</u>	<u>=</u>
	<u>Maximum Floor Area Ratio</u>			
	<u>Apartment/condo</u>	<u>=</u>	<u>=</u>	<u>=</u>
	<u>Nonresidential</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>C</u>	<u>Maximum Building Coverage (% of lot, principal + accessory)</u>	<u>=</u>	<u>=</u>	<u>40%</u>
	<b><u>Building Height (feet)</u></b>			
	<u>Maximum</u>	<u>60/5[7]</u>	<u>48/4 [4][8]</u>	<u>35</u>
	<u>Minimum</u>	<u>24/2</u>	<u>=</u>	<u>=</u>

[1] If adjacent to FT or R-zoned property, a twenty-five foot (25') setback is required for the first thirty-five feet (35') from the FT property line.

[2] If adjacent to FT or R-zoned property, a ten percent (10%) of lot width or five foot (5') setback of abutting FT or R district is required, whichever is greater.

[3] If adjacent to FT or R zoned property, a twenty foot (20') setback is required.

[4] Where the rear yard of the property is located adjacent to the railroad right-of-way, a height bonus of twelve feet (12') or one (1) story is permitted for portions of the building that are setback a minimum of half the lot depth.

[5] If adjacent to FC, no side setback is required.

[6] If adjacent to FC or railroad right-of-way, no rear setback is required.

[7] Maximum height is sixty feet (60') or five (5) stories, whichever is less. For all areas that are within thirty-five feet (35') of FT or R zoned lot, the maximum height is thirty-five feet (35').

[8] Maximum height is forty-eight feet (48') or four (4) stories, whichever is less. For all areas that are within thirty-five feet (35') of an FT or R zoned lot, the maximum height is thirty-five feet (35').

Figure 4-1: FC or FB Districts Street Setback Abutting FT or R-Zoned Lot

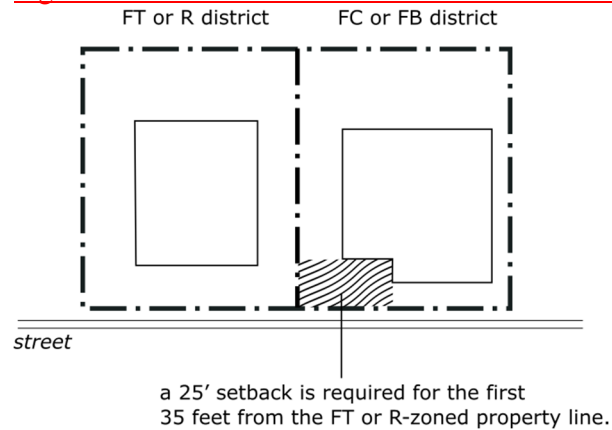


Figure 4-2: FC Districts Side Setback Abutting FT or R-Zoned Lot

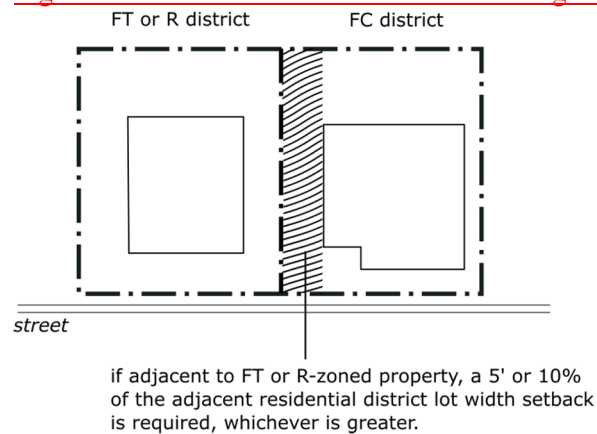
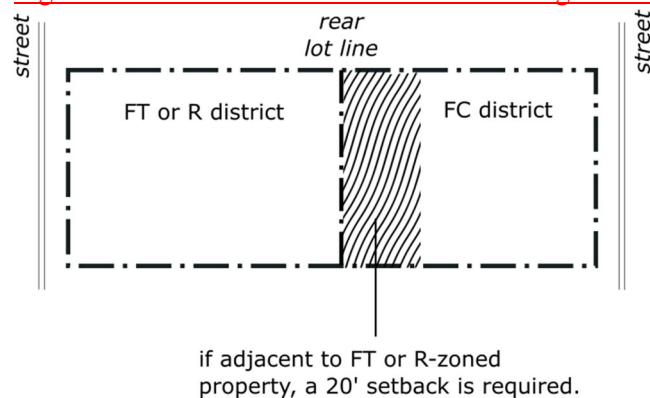


Figure 4-3: FC Districts Rear Setback Abutting FT or R-Zoned Lot



(e) *Affordable Housing Developments.* The purpose of this subsection (e) is to encourage the development of Inclusive Dwelling Units within the Fairview Districts (F Districts) by providing certain incentives to the developers of eligible developments. As used herein, “Affordable Housing Program” means (1) a program that is subject to the rules and regulations promulgated under Title 47, Chapter II of the Illinois Administrative Code and administered by the Illinois Housing Development Authority (“IHDA”) or (2) a program that is devoted to the providing affordable housing to low-income households and very-low income households and is administered by the Federal Department of Housing and Urban Development (“HUD”). As used herein, “Inclusionary Dwelling Unit” shall mean a dwelling unit that is subject to the requirements of an Affordable Housing Program.

a. *Eligible Developments.* To be eligible to receive the benefits set forth in subsection (e)(ii) below, a development must meet the following eligibility requirements:

1. The development must result in the construction of five or more (5) dwelling units, or the renovation or reconstruction of over fifty percent (50%) of the total square footage of an existing structure that results in a minimum of five (5) or more dwelling units.
2. The development, or any Inclusive Dwelling Units located therein, must be subject to an Affordable Housing Program that:
  - a) is designed to provide affordable housing to Low-Income Households and Very-Low Income Households, as determined by the U.S. Housing & Urban Development’s Annual Income Limits; and
  - b) is subject to the approval and oversight of IHDA or HUD, as the case may be, for a period of at least ten (10) years from the issuance of a certificate of occupancy for the last Inclusive Dwelling Unit constructed.
3. Throughout the duration of the ten (10) year period described in subsection (i)(2)(b) above, the owner of the development must annually certify with the Village’s Director of Community Development that the development, or the Inclusive Dwelling Unit(s) located therein, as the case may be, is/are in compliance with the requirements of the relevant IHDA or HUD Affordable Housing Program, and, upon request, provide to the Director of Community Development proof of such compliance.
4. All Inclusive Dwelling Units must be located within the same building that qualifies for the density bonus provided for in subsection (e)(ii).

b. *Incentives for Inclusive Dwelling Units.* Developments that meet the eligibility requirements set forth in subsection (e)(i) above receive the following benefits:

1. A density bonus that is equal to one (1) additional Inclusive Dwelling Unit for every five (5) dwelling units required pursuant to subsection (i)(1) above; provided that the maximum number of dwelling units in a development shall not exceed one hundred twenty percent (120%) of the total number of dwelling units otherwise authorized under the applicable Fairview District regulations.
  - a) In implementing this density bonus, the requirements of Section 28.4.040(d) may be varied in the sole discretion of the Director of Community Development without additional justification provided that any modification of said regulations shall not violate or be contrary to

considerations of public health, safety and welfare of the inhabitants of the residential development or the community at large:

- i) Minimum lot area.
  - ii) Minimum lot frontage.
2. A pro rata waiver, or partial waiver, of building permit fees, demolition fees, plan review fees, storm sewer and water connection fees, for the Inclusive Dwelling Units constructed within the development. Customary fees shall apply to all other dwelling units.

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

**Sec 28.6.010 Accessory Uses**

**(f)(i) Extended Family Accessory Housing**

\* \* \*

**(f)(ii) Extended Family Accessory Housing in the Fairview Transitional (FT) Zoning District:**

Notwithstanding anything in subsection (f)(i) above, to the contrary, the following general extended family accessory housing regulations, apply to properties located in the FT district.

- (1) Where Allowed. Extended family accessory housing units are permitted in the FT district.
- (2) Location. An extended family accessory housing unit may be located within the principal or accessory structure.
- (3) Regulations. Approved extended family accessory housing units are subject to all of the following regulations.
  - a. Only one (1) extended family accessory housing unit may be located on a single lot of record.
  - b. A separate exterior entrance may be added to a principal detached house to serve an extended family accessory housing unit, provided that the door does not face the street.
  - c. The principal dwelling unit or the extended family accessory housing unit must be occupied by the legal or beneficial owner of the subject lot.
  - d. Only persons related by blood, marriage, adoption, or civil union to the occupants of the primary unit may occupy the extended family accessory housing unit.
  - e. No additional roomers or boarders are allowed in any principal or accessory structure occupied by an extended family accessory housing unit.
  - f. Detached houses containing extended family accessory dwelling units must retain the appearance of a detached house.
  - g. Floor area devoted to the extended family accessory housing unit located within the principal structure may not exceed forty percent (40%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less. Within an accessory structure the floor area devoted to the extended family accessory housing unit may not exceed one thousand (1,000) square feet. See DGMC 28.6.010 for additional regulations on residential accessory buildings.

\* \* \*

**(i) Garages**

- (1) Only one (1) detached garage and one (1) carport are allowed per lot in R zoning districts.
- (2) Dwelling units are expressly prohibited in the space above any detached garage in all zoning districts, except for the Fairview Transitional District (FT) zoning district. See Figure 6-2.

\* \* \*

(k)(i) *Home Occupations* Home occupations are allowed as an accessory use to an allowed household living use, subject to the regulations of this Section.

- (1) Day care homes are not regulated as home occupations and are exempt from the home occupation regulations of this Section. Day care homes are allowed as indicated in DGMC Section 28.5.010. Supplemental regulations applicable to day care homes can be found in DGMC Section 28.6.030.
- (2) The operator of a home occupation must be a full-time resident of the dwelling unit, and no more than one (1) non-resident may be employed on the premises.
- (3) Floor area devoted to the home occupation may not exceed twenty-five percent (25%) of the floor area of the dwelling or four hundred (400) square feet, whichever is less.
- (4) The home occupation must be conducted entirely within the dwelling and not from a detached or attached garage or other accessory structure. Equipment, materials, samples and vehicles incidental to the home occupation may be stored in a detached or attached garage or other accessory structure, provided that the business activity is confined to the dwelling.
- (5) The home occupation may not involve the sale of goods that are stored and delivered to the buyer on the lot, except as incidental to a permitted service. For the purposes of this provision, the term “sale of goods” does not include the sale of household goods in what is commonly known as a garage sale, provided such sales last for a period no longer than four (4) consecutive days and are held no more than four (4) times in any calendar year.
- (6) There shall be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
- (7) No exterior displays or signs are allowed, except for a single sign that complies with the regulations of DGMC Section 28.9.070(b).
- (8) No outdoor storage of equipment or materials used in connection with the home occupation are allowed.
- (9) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (10) The home occupation may not involve regular receipt or delivery of merchandise, goods or equipment by any motor vehicle bearing a Division of Motor Vehicles License Class “C” or higher.
- (11) The home occupation may not result in the simultaneous presence on the subject lot and the adjoining street of more than three (3) motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
- (12) If there is more than one (1) home occupation within the dwelling, the regulations of this Section apply to the sum total of the activity related to such home occupations.
- (13) All of the following uses are expressly prohibited as home occupations:
  - a. animal hospitals, veterinary clinics and kennels;
  - b. eating and drinking establishments;

- c. retail sales;
- d. business or commercial storage of recreational vehicles, mobile homes, vehicles or
- e. mechanical equipment;
- f. funeral and mortuary services;
- g. manufacturing;
- h. medical or dental offices; and
- i. automobile, truck or large appliance repair.

\* \* \*

(k)(ii) Home Occupations in the Fairview Transitional (FT) Zoning District

In addition to the regulations provided for in subsection (k)(i) above, home occupations in the FT zoning district are also subject to the following regulations. When in conflict with the general home occupation regulations in subsection (k)(i), the FT regulations contained in this subsection shall supersede.

- (1) The operator of a home occupation must be a full-time resident of the principal residential structure.
- (2) No more than three (3) non-resident employees may be on the premises at any time.
- (3) The home occupation may be conducted in the principal structure or in an accessory structure.
- (4) Floor area devoted to the home occupation located within the primary structure may not exceed forty percent (40%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less. Within an accessory structure the floor area devoted to the home occupation may not exceed one thousand (1,000) square feet. See DGMC 28.6.010 for additional regulations on residential accessory buildings.

\* \* \*

**Section 4. That Section 28.7.030 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.7.030 Minimum Motor Vehicle Parking Ratios**

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

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY	Minimum Motor Vehicle Parking
Subcategory	
Specific use (See DGMC Section 28.5.020)	
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit



Apartment/condo in DB, <del>or</del> DC, FC, and FB zoning districts	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
<u>Apartment/Condo</u> <u>(Inclusive Dwelling Units provided for in the F Zoning Districts)</u>	<u>1 space per Inclusive Dwelling Unit</u>
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per DGMC Section 28.7.040(g)
College or University	per DGMC Section 28.7.040(g)
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per DGMC Section 28.7.040(g)
Hospital	per DGMC Section 28.7.040(g)
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court

Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per DGMC Section 28.7.040(g)
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per DGMC Section 28.7.040(g)
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per DGMC Section 28.7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.

Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off or pick-up space per 1,000 sq. ft. (not to exceed a maximum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per 4 occupants (maximum capacity)

Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per DGMC Section 28.7.040(g)
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per DGME Section 28.7.130
Medical Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Medical Cannabis Cultivation Center	1.17 spaces per 1,000 sq. ft.

Adult Use Cannabis Dispensing Organization	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available)
Adult Use Cannabis Graft Grower	6 spaces per 1,000 sq. ft. (where shared parking is available) or 7.5 spaces per 1,000 sq. ft. (where shared parking is not available) for dispensary portion of business plus 1.17 spaces per 1,000 sq. ft. for non-dispensary areas of business
All other Adult Use Cannabis Business Establishments	1.17 spaces per 1,000 sq. ft.

**Section 5. That Section 28.7.050 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.7.050 Parking Exemptions And Reductions**

*(a) Downtown and Fairview ~~Concentrated Business~~ Zoning Districts*

(1) Minimum off-street parking requirements do not apply in the DC, or DB zoning districts ~~or the Fairview Concentrated Business District~~, except as follows:

- a. All residential uses, medical ~~\_offices, and~~ dental ~~and/or~~ health practitioner offices are required to comply with off-street parking requirements; and
- b. Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.

*(2) Minimum off-street requirements do not apply in the FC zoning district, except as follows:*

- a. All residential uses are required to comply with off-street parking requirements; and
- b. All medical, dental and health practitioner offices shall provide 1.5 parking spaces per one thousand (1,000) square feet.
- c. Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.

*(3) Minimum off-street parking requirements do not apply in the FB zoning districts, except as follows:*

- a. All residential uses are required to comply with off-street parking requirements; and
- b. Any non-residential uses shall provide parking in accordance with the following requirements:
  - (i) Entertainment and assembly uses shall provide one (1) parking space per every eight (8) occupants; and
  - (ii) All other nonresidential uses shall provide 1.5 parking spaces per one thousand (1,000) square feet;
  - (iii) Any nonresidential uses requiring Village Council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.

*(4) Parking that is voluntarily provided must comply with the parking area design and parking lot landscape regulations of this zoning ordinance. See Article VIII of this Chapter.*

\* \* \*

**Section 6. That Section 28.8.020 of the Zoning Ordinance is hereby amended to read as follows:**

**Section 28.8.020 Parking Lot Perimeter Landscaping**

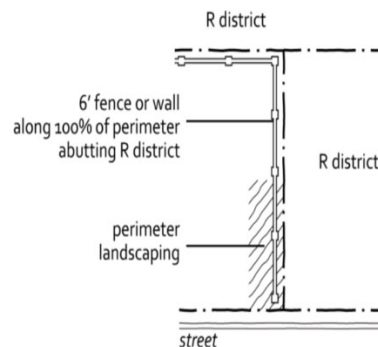
\* \* \*

**(c) Interior Yards**

- (1) When a parking lot is located in the interior side or rear yard of a lot abutting another lot, parking lot perimeter landscaping must be provided as follows:
  - a. Landscaping provided in plant groupings of no less than three (3) live plants must be provided along at least fifty percent (50%) of the parking lot perimeter along the abutting interior side and rear lot lines. See Figure 8-6.
  - b. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennials, all of which must reach a minimum height of thirty-six inches (36") at maturity. See Figure 8-7.
- (2) When a parking lot is located in the interior side or rear yard of a lot abutting a residential or FT zoning district, the parking lot perimeter landscaping required by DGMC Section 28.8.020(c)(1) must be supplemented by installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of six feet (6') along one hundred percent (100%) of the parking lot perimeter immediately abutting the R- or FT zoned property. See Figure 8-8.

Figure 8-8: Supplemental Wall or Fence Abutting R- or FT zoned Property

Figure 8-8: Supplemental Wall or Fence Abutting R-zoned Property



\* \* \*

**Section 7. That Section 28.9.020 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.020 Prohibited Signs And Sign Characteristics**

The following are expressly prohibited under this ordinance:

- (a) any sign or structure that constitutes a hazard to public health or safety;
- (b) any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs;

- (c) signs, that by their color, location, or design resemble or conflict with traffic control signs or signals;
- (d) except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign may be located on the public right-of-way, or affixed to or upon public property. This prohibition includes any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign;
- (e) portable signs, except for sandwich board signs that are allowed in the DC, DB, DT, FC, FB or FT zoning districts. ~~and Fairview concentrated business districts~~;
- (f) vehicle signs when the vehicle is not licensed, insured or operational;
- (g) advertising off-premise signs;
- (h) moving signs;
- (i) LED and flashing signs;
- (j) signs with bare bulb illumination, except for marquees located in the DC, DB, DT or Fairview concentrated business districts;
- (k) attention-getting devices;
- (l) signs containing exposed gas tubing, exterior to the building, including argon and neon;
- (m) roof signs;
- (n) box-type signs in the DC, DB, DT, FC, FB or FT zoning districts. ~~Fairview concentrated business districts~~;
- (o) any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the previous thirty (30) days;
- (p) any sign painted directly on a wall, roof, or fence;
- (q) any sign placed or attached to a telecommunications tower, pole or antenna;
- (r) signs containing manual changeable copy consisting of more than two (2) lines, except that fueling stations, governmental agencies, schools and religious assembly uses have up four (4) lines of manual changeable copy. The changeable copy surface area is included in the total surface area allowed;
- (s) signs containing electronic changeable copy/message board;
- (t) single pole signs with a base of less than two feet (2') in width; and
- (u) any other sign not expressly permitted in this Article.

**Section 8. That Section 28.9.040 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.040 Temporary Signs**

Temporary signs as identified in this Article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a sign permit and compliance with the following regulations.

- (a) No more than eight (8) permits for temporary signs may be issued in any calendar year for a single lot. Permits may be valid for a maximum period of seven (7) days. Applications for temporary sign permits must be approved by the Village and must contain at minimum a general description of the sign, including size and lighting.

- (b) All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.
- (c) Temporary signs may not contain changeable copy.
- (d) Temporary signs may not exceed thirty-two (32) square feet in area.
- (e) A maximum of one (1) temporary sign may be permitted for each street frontage on a lot.
- (f) All temporary signs must be removed by the person or organization that erected or caused the erection of the sign within three (3) days of the end of the event to which they relate, or at the end of the maximum period for which the sign is allowed, whichever date comes first.
- (g) Temporary window signs are exempt from sign permit requirements. However, unless they are promoting an upcoming event of a nonprofit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.
- (h) Temporary signs may not be located above the first floor in the DC, DB, DT, FC, FB and FT zoning districts and Fairview Avenue Concentrated Business Districts.
- (i) The following additional regulations apply to all temporary development signs.
  - (1) A sign permit must be obtained before the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the Village has issued a final approval for the development.
    - a. Residential developments of three (3) or more dwelling units.
    - b. Commercial, industrial or institutional developments consisting of at least twenty thousand (20,000) square feet of land area.
  - (2) Only one (1) development sign per street frontage is permitted.
  - (3) Development signs may not exceed thirty-six (36) square feet in area.
  - (4) Development signs must be removed at such time a final certificate of occupancy is issued. If more than one (1) final certificate of occupancy will be issued for the development, the development signs must be removed when at least seventy-five percent (75%) of the final certificates of occupancy have been issued.
  - (5) Development signs may display only information pertinent to the entity or entities participating in the development project.

**Section 9. That Section 28.9050 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.050 Sign Regulations Generally**

The regulations of this Section apply to signs in all areas of the Village except the DC, DB, ~~and DT~~, FC, FB and FT zoning districts and the Fairview concentrated business district.

- (a) *Maximum Total Sign Area.* The maximum allowable sign area may not exceed one and one half (1.5) square feet per linear foot of tenant frontage, plus any signs expressly excluded from maximum sign area calculations. Buildings set back more than three hundred feet (300') from the abutting street right-of-way are allowed a maximum allowable sign area of two (2) square feet per linear foot of tenant frontage, plus any allowed excluding menu boards, window and temporary signs. In no case, may a single tenant exceed three hundred (300) square feet in total sign surface area.
- (b) *Monument Signs and Shingle Signs.* Unless otherwise expressly stated, each lot is allowed either one (1) monument sign or one (1) shingle sign.
  - (1) Monument Signs



	Lot Size		
Monument Sign Regulations	Less than 100 ft. Lot Width	100–259 ft. Lot Width	260 ft. or Greater Lot Width and at Least 2.5 Acres in Area (B-3 District Only)
Maximum Height (feet)	8	10	15
Maximum Area (sq. ft.)	24	36	60

- a. Monument signs are limited to a maximum of two (2) sign faces and are subject to the height and area limitations of Table 9-1.

Table 9-1: Monument Sign Height and Area Regulations

- b. Monument signs must be set back at least ten feet (10') from all street rights-of-way and at least twenty-five feet (25') from all other lot lines. Monument signs that are greater than ten feet (10') in height and thirty-six (36) square feet in size must be set back at least one hundred feet (100') from interior (non-street) lot lines.
- c. Monument signs are subject to the intersection visibility regulations of DGMC Section 28.10.020.
- d. Monument signs must display the address number of the subject property with numbers or characters between eight inches (8") and ten inches (10") in height. Address numbers are excluded when calculating the area of the monument sign.
- e. Lots with more than one (1) street frontage are allowed two (2) monument signs, provided the signs are located on different street frontages and separated by a minimum distance of one hundred feet (100').
- f. The base of all monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:
1. Signs must be surrounded by a landscaped area of at least three feet (3') in width, measured outward from the face of the sign.
  2. Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these monument sign landscaping requirements.
  3. Monument sign landscaping is subject to the landscape maintenance provisions of DGMC Section 28.8.060(i).

\* \* \*

**Section 10. That Section 28.9.060 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.060 Sign Regulations For Downtown And The ~~Fairview Concentrated Business District~~ Fairview Districts**

The regulations of this Section apply in the DC, DB, DT, FC, FB and FT zoning districts ~~and Fairview Concentrate Business District~~

(a) *Maximum Total Sign Area.* The maximum allowable sign area may not exceed one (1) square feet per linear foot of tenant frontage or three hundred (300) square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

(b) *Box Signs Prohibited.* Box-type signs are prohibited.

(c) *Monument, Shingle and Freestanding Signs.* Unless otherwise expressly stated, each lot is allowed either one (1) monument sign, one shingle sign or one (1) freestanding sign, subject to the following regulations.

- (1) *Monument Sign.* Monument signs may not exceed twenty (20) square feet in area per side or a height of seven feet (7'). Monument signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies. Monument signs must display the address number of the subject property with numbers or characters between eight inches (8") and ten inches (10") in height. Address numbers are excluded when calculating the area of the monument sign.
- (2) *Shingle Sign.* Shingle signs may not exceed ten (10) square feet in area per side or a height of seven feet (7'). Shingle signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies.
- (3) *Freestanding Sign.* Freestanding signs may not exceed twenty (20) square feet in area per side or a height of seven feet (7'). Freestanding signs must be set back at least eight feet (8') from all interior lot lines. No street setback applies.

(d) *Landscaping.* The base of all freestanding and monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:

- (1) Signs must be surrounded by a landscaped area of at least three feet (3') in width, measured outward from the face of the sign.
- (2) Landscaping within the required landscape area must consist of shrubs, ever-greens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these landscaping requirements.
- (3) Freestanding and monument sign landscaping is subject to the landscape maintenance provisions of DGMC Section 28.8.060(i).

(e) *Wall Signs*

- (1) Each business or property owner is allowed to display one (1) wall sign per tenant frontage along a public roadway or drivable right-of-way.
- (2) If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.
- (3) Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than twelve inches (12") from the vertical plane of the wall to which it is attached.

- (4) In addition to all other signs allowed by this Section, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed one (1.0) square foot per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to this Section may not exceed three hundred (300) square feet excluding any signs expressly excluded from the maximum sign area calculations.

(f) *Menu Boards.* Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed four (4) square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

(g) *Projecting Signs*

- (1) First Floor. Each first floor establishment is allowed one projecting sign. Such signs may not extend more than thirty-six inches (36") from the vertical plane of the façade to which it is attached and may not exceed six (6) square feet in area. First floor projecting signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.
- (2) Second Floor. The second floor of any building is allowed only one projecting sign, which must be located immediately over or within two feet (2') of the first floor pedestrian access to the building. Such signs may not extend more than thirty-six inches (36") from the vertical plane of the façade to which it is attached and may not exceed six (6) square feet in area. First floor projecting signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

(h) *Awning Signs.* Awning or canopy signs are allowed, subject to the following requirements:

- (1) Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least eight feet (8') above the ground directly beneath it.
- (2) Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

(i) *Under-Canopy Signs.* Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed twelve inches (12") in height or four feet (4') in length. Such signs must be placed to allow at least eight feet (8') of vertical clearance above the ground directly beneath the sign.

(j) *Window Signs*

- (1) First floor businesses are allowed permanent and temporary window signs covering a maximum of twenty-five percent (25%) of each window. The window sign area is in addition to the total maximum allowable sign area.
- (2) Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to twenty-five percent (25%) of one (1) window per floor per tenant.

Window signs above the first floor may not be illuminated by means of exposed gas tubing including, but not limited to, argon, neon or neon-like substances.

(k) *Heritage Signs*. Signs in place in the DC, DB or DT zoning districts or Fairview concentrated business district before January 1, 1965 are hereby deemed to be “heritage signs” and are allowed to remain in place and be maintained in any manner to allow for continued use. In order to be deemed a “heritage sign,” the owner of the sign must provide conclusive evidence to the Community Development Director that the sign was in place before January 1, 1965.

(l) *Sandwich Board Signs*. First floor businesses are allowed up to one sandwich board sign, not to exceed six (6) square feet in area. They are not counted in calculating the maximum sign area allowed on a lot. Sandwich board signs are allowed within the public right-of-way, provided the following requirements are met:

- (1) A license agreement must be entered into in a form and amount approved by the Village indemnifying and holding the Village harmless from liability and naming the Village, its officers and employees as an additional insured on a general liability insurance policy. Such license agreements require the approval and signature of the Village Manager.
- (2) Sandwich board signs may be displayed only during business hours and must be removed each day at the end of business.
- (3) Sandwich board signs may not be placed in any location where the paved area for passage is reduced to less than six feet (6') or within fifteen feet (15') of any intersection, driveway or crosswalk.
- (4) Sandwich board signs must be constructed of wood, metal or durable plastic.
- (5) The minimum fine for a violation of these sandwich board sign regulations is seven hundred fifty dollars (\$750.00). Each day that such violation continues constitutes a separate fineable offense.

**Section 11. That Section 28.9.090 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.9.090 Nonconforming Signs**

Any sign that existed lawfully on the effective date of the sign regulations of this Article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, or that become nonconforming by reason of annexation to the Village of the lot on which the sign is located, are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

- (a) Ordinary repairs and maintenance, including the removing and replacing of the outer panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.
- (b) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.
- (c) No repair or alteration that increases the size of the nonconforming sign is permitted.
- (d) No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of these sign regulations.

- (e) If a nonconforming sign is located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign must be brought into conformance with the sign regulations of this Article at the time of the transfer unless the business will continue to operate under the same name.
- (f) If a nonconforming sign is abandoned or the described business discontinued for a continuous period of thirty (30) days or more, it must be discontinued and any subsequent sign must conform to all of the sign regulations of this Article.
- (g) With the exception of signage installed in the FC, FB and FT Zoning Districts, on or prior to May 5, 2014, all nonconforming signs must be brought into conformance with the sign regulations of this Article. This period is for all purposes deemed an appropriate amortization period for each and every nonconforming sign presently located within the corporate limits of the ~~V~~Village or hereinafter located within the Village by reason of annexation into the Village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.
- (h) Paragraph (g) does not apply to signs previously granted variances by the Zoning Board of Appeals~~Planning and Zoning Commission~~. Such signs are deemed nonconforming signs to which all other provisions of this Section apply.

**Section 12. That Section 28.14.080 of the Zoning Ordinance is hereby amended to read as follows:**

**Section 28.14.080 Building Coverage**

Building coverage is measured as the area of the lot that is occupied by principal and accessory buildings and by structures with a surface area of more than four (4) square feet and a height of eighteen inches (18") or more, including pergolas and pools. All areas beneath a roof are counted for purposes of measuring building coverage, except on FT or R-zoned lots with a lot width of sixty feet (60') or less, detached garages, Extended Family Accessory Housing or Home Occupation units in the rear yard and rear-loading attached garages with a building footprint of five hundred (500) square feet or less are not counted towards overall building coverage provided that the detached garage, Extended Family Accessory Housing or Home Occupation units in the rear yard or the rear-loading attached garage is the only garage or unit on the subject property.

**Section 13. That Section 28.14.100 of the Zoning Ordinance is hereby amended to read as follows:**

**Section 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	Ground mounted only; 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
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, DC, <u>FC</u> and <u>FB</u> 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 $\geq$ 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 $\geq$ 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, DC, <u>FC and FB</u> 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	<u>No setback in DB, DC, FC and FB districts.</u>  1 ft. min. (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 6 ft. 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 $\geq$ 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	5 ft. 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, DC, <u>FC</u> and <u>FB</u> 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, DC, <u>FC</u> and <u>FB</u> 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, DC, <u>FC</u> and <u>FB</u> 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 $\geq$ 6 ft.

\* \* \*

**Section 14. That Section 28.14.110 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.14.110 Build-To Zone**

\* \* \*

(d) Outdoor dining, plazas or similar programmed space are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:

(1) in the DB and DC zoning districts:

- ~~(1)~~ a. the space does not exceed thirty-three percent (33%) of the length of the building face or thirty feet (30'), whichever is less;
- ~~(2)~~ b. the area is no more than twenty-five feet (25') in depth; and
- ~~(3)~~ c. no more than one (1) such feature may be counted per frontage.

(2) in the FC and FB zoning districts:

- a. the space does not exceed thirty-three percent (33%) of the length of the building face or forty feet (40'), whichever is less and the area is no more than twenty-five feet (25') in depth; or
- b. the space does not exceed twenty-five percent (25%) of the length of the building face or twenty-five feet (25'), whichever is less and the area is no more than forty feet (40') in depth.
- c. with a or b above, no more than one (1) such feature may be counted per frontage.

\* \* \*

**Section 15. That Section 28.15.090 of the Zoning Ordinance is hereby amended to read as follows:**

**Sec 28.15.090 Words And Terms Beginning With "F"**

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

~~Fairview Concentrated Business District. Lots that have street frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.~~

Financial Service. See DGMC Section 28.5.050(h).

Fence. A structure that functions as a horizontal boundary or barrier consisting of a structural frame with a fabric of wood, metal or masonry.

Festoon Lighting. A group of two (2) or more bulbs hung or strung overhead on a building or structure that are not shaded or hooded to prevent the direct rays of light from being visible at the lot line.

Flag Lot. A parcel of land, whose area and dimensions meet all of the requirements of Chapter 20 of this Code, in which access from the public right-of-way to the land is a narrow extended portion of the parcel that does not comply with minimum lot width requirements.

Floor Area. See DGMC Section 28.14.040.

Floor Area Ratio. See DGMC Section 28.14.050.

Foot-Candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

Fortune-telling/Psychic Services. See DGMC Section 28.14.050 and DGMC Section 28.5.050(e)(4).



Foundation, Permanent. A closed perimeter formation consisting of materials such as concrete or concrete block that extends into the ground below the frost line.

Fraternal Organization. See DGMC Section 28.5.040(e).

Frequency (sound waves). The number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

Frontage, Street. See DGMC Section 28.14.090.

Fueling Station. See DGMC Section 28.5.050(p)(3).

Funeral and Mortuary Service. See DGMC Section 28.5.050(i).

**Section 16. That Section 7.2201 is hereby amended to read as follows:**

**7.2201 Certificate Of Design Appropriateness (CODA) - Required**

(a) A Certificate of Design Appropriateness (CODA) is required for any of the following improvements for structures located in the DB, DB and DT Zoning Districts that require a permit from the Village:

- (1) Facade renovation. A facade renovation as it relates to a CODA is defined as improvements that require a permit and include any combination of two (2) or more of the following:
  - a. changes to exterior materials that currently require a permit as provided by DGMC Section 7.301;
  - b. expansion, removal, or addition of window or door openings;
  - c. changes to the roofline or parapet; or
  - d. changes in building height.
- (2) Building additions visible from a street or alley.
- (3) New multi-family buildings and single-family attached houses that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.
- (4) New commercial buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

(b) A Certificate of Design Appropriateness (CODA) is required for any of the following improvements for structures located in the FC Zoning District that require a permit from the Village:

- (1) New multi-family buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.
- (2) New commercial buildings that are not required to seek Village Council approval as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

(b) (c) A CODA is not required for any improvements made to a ~~Detached~~ Detached House or Two-Unit House used for residential purposes or any improvements requiring Village Council approval in the DB, DC and DT Zoning Districts as provided in DGMC Section 28.12.040 or DGMC Section 28.12.050.

**Section 17.** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 18.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Mayor

Table 5-1: Allowed Uses

USE CATEGORY																							
Subcategory	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP- 1	INP-2	<u>FC</u>	<u>FB</u>	<u>FT</u>	Supplemental Regulations
Specific use (See Sec. 28.05.020)																							
RESIDENTIAL																							
Household Living																							
Detached house	P	P	P	P	P	P	P	–	–	–	-	–	P	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>P</u>	
Attached house	–	–	–	–	P	P	P	–	–	S	-	S[20]	P	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>P</u>	
Two-unit house	–	–	–	–	P	P	P	–	–	–	-	S[20]	P	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>P</u>	
Apartment/condo	–	–	–	–	–	–	P	P	P	S	S [17]	S	S	–	–	–	–	–	–	<u>S [17]</u>	<u>S</u>	<u>S</u>	[17] Located on 2nd floor or above
Group Living (except for the following uses)	S	S	S	S	S	S	S	–	–	–	–	–	–	–	–	–	–	S	S	<u>–</u>	<u>–</u>	<u>S</u>	
Group home, small (8-person max. occupancy)	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	P	P	<u>–</u>	<u>–</u>	<u>P</u>	Sec. 28.06.050
Group home, large (9 or more occupants)	S	S	S	S	S	S	S	–	–	–	–	–	–	–	–	–	–	S	S	<u>–</u>	<u>–</u>	<u>S</u>	Sec. 28.06.050
Nursing home	S	S	S	S	S	S	S	P	P	S	–	–	–	–	–	–	–	–	S	<u>–</u>	<u>S</u>	<u>S</u>	Sec. 28.06.080
Sheltered Care	S	S	S	S	S	S	S	P	P	S	–	–	–	–	–	–	–	–	–	<u>–</u>	<u>S</u>	<u>S</u>	Sec. 28.06.080
PUBLIC, CIVIC AND INSTITUTIONAL																							
Aircraft Landing Area	–	–	–	–	–	–	–	–	S	S	-	–	–	S	S	S	S	–	S	<u>–</u>	<u>-</u>	<u>-</u>	
Cemetery	–	–	–	–	–	–	–	–	–	–	S [6]	-	–	–	–	–	–	S	S	<u>–</u>	<u>–</u>	<u>–</u>	
College or University	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	–	–	–	S	S	S	S	S	–	–	–	S	<u>S</u>	<u>S</u>	<u>–</u>	
Community Center	S	S	S	S	S	S	S	–	–	–	S	S	S	–	–	–	–	S	P	<u>S</u>	<u>S</u>	<u>–</u>	
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	S	S	–	–	–	–	–	S	S	<u>S</u>	<u>S</u>	<u>–</u>	
Governmental Facility	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	P	P	–	–	–	–	P	P	<u>S</u>	<u>S</u>	<u>–</u>	
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	–	P	P	-	–	–	–	–	–	–	–	S	<u>–</u>	<u>–</u>	<u>–</u>	
Library	–	–	–	–	–	–	–	–	–	S	S	S	S	S	S	–	–	S	S	<u>S</u>	<u>S</u>	<u>S</u>	
Museum or Cultural Facility	–	–	–	–	–	–	–	–	–	S	S	S	S	S	S	–	–	S	S	<u>P</u>	<u>P</u>	<u>S</u>	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	
Parks and Recreation	S	S	S	S	S	S	S	–	–	–	-	–	–	–	–	–	–	P	P	<u>–</u>	<u>P</u>	<u>P</u>	
Religious Assembly	S	S	S	S	S	S	S	S	P	P	- [6]	- [6]	S	S	S	–	–	S	S	<u>–</u>	<u>–</u>	<u>S</u>	Sec. 28.06.120
Safety Service	S	S	S	S	S	S	S	S	P	P	S	S	S	P	P	P	P	P	P	<u>–</u>	<u>–</u>	<u>–</u>	
School	S	S	S	S	S	S	S	–	–	–	-	–	S	–	–	–	–	S	S	<u>–</u>	<u>–</u>	<u>S</u>	
Utilities and Public Service Facility																							
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>–</u>	<u>–</u>	<u>–</u>	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	S	<u>–</u>	<u>–</u>	<u>–</u>	
Wireless Telecommunications																							
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	P	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.170
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.170

USE CATEGORY																							
Subcategory Specific use (See Sec. 28.05.020)	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R- M	M-1	M-2	INP- 1	INP-2	<u>FC</u>	<u>FB</u>	<u>FT</u>	Supplemental Regulations
COMMERCIAL																							
Adult Entertainment Establishment	–	–	–	–	–	–	–	–	–	–	-	–	–	–	P	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.020
Animal Service																							
Boarding or shelter	–	–	–	–	–	–	–	–	S	P	-	–	–	–	–	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Grooming	–	–	–	–	–	–	–	P	P	P	P	P	P[18]	–	–	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Veterinary care	–	–	–	–	–	–	–	–	P	P	S	S	S[18]	–	–	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	Sec. 28.06.160
Assembly and Entertainment (except for the following uses)	–	–	–	–	–	–	–	–	–	P	S	S	–	–	–	–	–	–	S	<u>P</u>	<u>P</u>	<u>–</u>	
Auditorium	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	-	–	–	S	<u>P</u>	<u>P</u>	<u>–</u>	
Cinema	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–		<u>P</u>	<u>P</u>	<u>–</u>	
Theater	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–	S	<u>P</u>	<u>P</u>	<u>–</u>	
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	<u>P</u>	<u>P</u>	<u>–</u>	

Commercial Service

Building service	–	–	–	–	–	–	–	–	S	P	-	S	–	–	–	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Business support service	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Consumer maintenance and repair	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	–	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Personal improvement service																				<u>P</u>	<u>P</u>	<u>–</u>	
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>–</u>	
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-	<u>P</u>	<u>P</u>	<u>–</u>	
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>–</u>	
Fortune-telling or psychic service	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Massage therapy	–	–	–	–	–	–	–	–	–	–	-	–	–	–	S	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.070
Tattoo and body piercing establishment	–	–	–	–	–	–	–	P	P	P	–	–	–	–	–	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Research service	–	–	–	–	–	–	–	–	–	P	S	S	S[18]	P	P	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Day Care																							
Day care home	P	P	P	P	P	P	P	–	–	–	-	–	P	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>P</u>	Sec. 28.06.030
Day care center	–	–	–	–	S	S	S	P	P	P	-	S	S	P	P	P	P	S	–	<u>–</u>	<u>S</u>	<u>–</u>	Sec. 28.06.030

Eating and Drinking Establishment

Restaurant	–	–	–	–	–	–	–	P	P	P	P	P	–	P[7]	P[7]	–	–	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Wine and/or Beer Boutique	–	–	–	–	–	–	–	P	P	P	P	P	S[18]	P	P	–	–	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Financial Service	–	–	–	–	–	–	–	–	P	P	P	P	P[18]	P	P	P	–	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Funeral or Mortuary Service	–	–	–	–	–	–	–	S	S	S	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Lodging	–	–	–	–	–	–	–	–	P	P	-	S	–	–	P	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	–	–	<u>–</u>	<u>–</u>	<u>S</u>	

Office

Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	Sec. 28.06.090
Medical, dental and health practitioner	–	–	–	–	–	–	S[4]	–	P	P	P/S[8]	P/S[8]	S	P	P	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Parking, Non-Accessory	–	–	–	–	–	–	–	–	S	S	-	S	S	S	S	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	

USE CATEGORY																							
Subcategory Specific use (See Sec. 28.05.020)	R-1	R-2	R-3	R-4	R-5	R- 5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R- M	M-1	M-2	INP- 1	INP-2	<u>FC</u>	<u>FB</u>	<u>FT</u>	Supplemental Regulations
COMMERCIAL (CONTINUED)																							
Retail Sales																							
Convenience goods	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	P[18]	–	–	–	–	–	–	<u>P</u>	<u>P</u>	<u>=</u>	
Consumer shopping goods	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	P[18]	–	–	–	–	–	–	<u>P</u>	<u>P</u>	<u>=</u>	
Guns and firearm supplies	–	–	–	–	–	–	–	[11]	[11]	[11]	-	–	–	–	–	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Building supplies and equipment	–	–	–	–	–	–	–	P	P	P	P/S[12] 	P	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Self-service Storage Facility	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.130
Trade School	–	–	–	–	–	–	–	P	P	P	S	S	–	S	S	S	S	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Vehicle Sales and Service																							
Commercial vehicle repair and maintenance	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Commercial vehicle sales and rentals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	–	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Fueling station	–	–	–	–	–	–	–	–	S	S	-	-	–	–	S	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.040
Personal vehicle repair and maintenance	–	–	–	–	–	–	–	–	S[10]	S	-	–	–	–	S	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.100
Personal vehicle sales and rentals	–	–	–	–	–	–	–	–	S[10]	S	-	-	–	–	–	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Vehicle body and paint finishing shop	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Automobile dealership off-site vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	--	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.190
WHOLESALE, DISTRIBUTION & STORAGE																							
Equipment and Materials Storage, Outdoor	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Trucking and Transportation Terminals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Warehouse	–	–	–	–	–	–	–	–	–	–	-	–	–	S[16]	P	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Wholesale Sales and Distribution	–	–	–	–	–	–	–	–	P	P	-	–	–	–	P	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
INDUSTRIAL																							
Artisan Industrial	–	–	–	–	–	–	–	–	–	P	-	S[19]	S[18]	–	P	P	P	–	–	<u>P</u>	<u>P</u>	<u>–</u>	
Limited Industrial	–	–	–	–	–	–	–	–	–	P[11]	-	–	–	–	P	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
General Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	P	P	P	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Intensive Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Junk or Salvage Yard	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
RECYCLING																							
Recyclable Material Drop-off Facility	–	–	–	–	–	–	–	S	S	S	-	–	–	–	S	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.06.110
Recyclable Material Processing	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
AGRICULTURE																							
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Crop Agriculture	P	P	P	P	P	P	P	–	–	–	-	–	–	–	–	–	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>–</u>	<u>–</u>	<u>–</u>	
OTHER																							
Drive-in or Drive-through Facility	–	–	–	–	–	–	–	–	S	S	-	–	-	S[15]	s[21]	S[15]	–	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.07.130
Medical Cannabis Cultivation Center	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Medical Cannabis Dispensing Organization	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Business Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Craft Grower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Infuser Organization or Infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Processing Organization or Processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	--	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100
Adult Use Cannabis Transporting Organization or Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	<u>–</u>	<u>–</u>	<u>–</u>	Sec. 28.05.100



Jason Zawila &lt;jzawila@downers.us&gt;

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## Fwd: Rezoning on Grand Ave

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David Fieldman &lt;dfieldman@downers.us&gt;

Tue, Feb 25, 2025 at 6:54 PM

To: Stanley Popovich &lt;spopovich@downers.us&gt;, Jason Zawila &lt;jzawila@downers.us&gt;

----- Forwarded message -----

From: **Stephen Doyle** <[REDACTED]>

Date: Tue, Feb 25, 2025 at 6:28 PM

Subject: Rezoning on Grand Ave

To: <[mayorcouncil@downers.us](mailto:mayorcouncil@downers.us)>

Dear Council Members,

We are writing to express our strong opposition to the proposed rezoning of our property at 5113 Grand Ave from R6 (Residential apartment) to FB (business). For 32 years, we have called this single-family home our sanctuary, investing time, effort, and resources into numerous improvements, including a significant addition. This home is not just a building; it is a testament to our commitment to the community and our love for the neighborhood.

Rezoning our property to business will severely limit our options when we decide to sell, potentially devaluing the years of hard work and dedication we have poured into our home. It is disheartening to learn that the zoning map from 2017, as reviewed by our lawyer, does not indicate that our property is zoned R6. We do not recall receiving any notice regarding this zoning change, which raises concerns about the transparency and fairness of the process.

Furthermore, it is concerning that only three single-family properties on Grand Ave, including ours, are being targeted for rezoning from R6 to FB. This selective rezoning undermines the integrity of our quiet, family-friendly neighborhood, which many families have come to love for its proximity to the train station and schools.

We have observed that other properties zoned R6 are being rezoned to FT (Fairview Transition District), a more suitable and balanced solution that preserves the residential character of our community while accommodating necessary transitions. We firmly believe that this approach would be a better solution for the three properties on Grand Ave, including ours.

We urge you to reconsider the proposed rezoning and to prioritize the well-being and stability of our neighborhood. Your decision will have a lasting impact on our lives and the future of our community. Sincerely,

*Julie & Steve Doyle*  
[5113 Grand Ave.](#)  
[Downers Grove, IL 60515](#)

Sent from AT&T Yahoo Mail for iPhone

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David Fieldman  
Village Manager  
[Village of Downers Grove](#)  
[850 Curtiss Street](#)  
630-434-5526



VILLAGE OF DOWNERS GROVE  
PLANNING AND ZONING COMMISSION MEETING

March 3, 2025, 7:00 P.M.

**FILE 23-PCE-0034: A PETITION SEEKING APPROVAL OF TEXT AMENDMENTS TO CHAPTER 28 (ZONING ORDINANCE) OF THE MUNICIPAL CODE OF THE VILLAGE OF DOWNERS GROVE AND A PETITIONER SEEKING MAP AMENDMENTS FOR 4 PARCELS FROM LIMITED RETAIL BUSINESS (B1) TO FAIRVIEW CORE (FC); 13 PARCELS FROM GENERAL BUSINESS RETAIL BUSINESS (B2) TO FAIRVIEW CORE (FC); 1 PARCEL FROM GENERAL SERVICES AND HIGHWAY BUSINESS (B3) TO FAIRVIEW CORE (FC); 1 PARCEL FROM DOWNTOWN TRANSITION (DT) TO FAIRVIEW BUSINESS (FB); 10 PARCELS FROM MANUFACTURING (M1) TO FAIRVIEW BUSINESS (FB); 6 PARCELS FROM MANUFACTURING (M1) TO FAIRVIEW CORE (FC); 26 PARCELS FROM RESIDENTIAL ATTACHED HOUSE 5 (R5) TO FAIRVIEW TRANSITION (FT); 1 PARCEL FROM RESIDENTIAL ATTACHED HOUSE 5 (R5) TO FAIRVIEW CORE (FC); 49 PARCELS FROM RESIDENTIAL APARTMENT/CONDO 6 (R6) TO FAIRVIEW TRANSITION (FT); 6 PARCELS FROM RESIDENTIAL APARTMENT/CONDO 6 (R6) FOR FAIRVIEW BUSINESS (FB); AND 9 PARCELS FROM RESIDENTIAL APARTMENT/CONDO 6 (R6) TO FAIRVIEW CORE (FC). THE SUBJECT PROPERTIES ARE LOCATED IN VARIOUS LOCATIONS THROUGHOUT THE FAIRVIEW FOCUS AREA. VILLAGE OF DOWNERS GROVE, PETITIONER; VARIOUS OWNERS.**

Jason Zawila, Planning Manager, presented on the Fairview Focus Area Zoning Ordinance Text Amendment and Map Amendments. He explained there will be two motions on this case, including one to offer a recommendation for the approval of the text amendments for Fairview Focus Area, and then there will be a motion for the request for zoning changes to properties within this corridor. He noted that Staff has been working on this since October 2023. He said that in March of last year and confirmed again in October, the Village Council established the framework and worked on outreach with property owners, residents, and business in the corridor to get to the zoning ordinance they are discussing tonight. He assured that they followed the proper procedures when it came to the public hearing, including a newspaper notice for both amendments, mailings that went to all property owners located in the Fairview Focus Area and 250 feet outside of the boundaries, and held two neighborhood meetings. Mr. Zawila explained that they are proposing a rezoning of the Fairview Focus Area, with three specific zoning districts, Fairview Core, Fairview Business District, and Fairview Transition. He noted that the Village is not acquiring any properties or specifically moving businesses out of the Fairview Focus Area, and they do not have any development proposals that they are considering.

Mr. Zawila then provided an overview of the zoning ordinance text amendments. He noted that the Fairview Core will offer the highest density and allow the largest scale of potential development and will be similar to downtown, although at lower heights. It will also include a density bonus for inclusive housing. He said in regard to text amendments, it is recommended there will be reduced parking regulations for certain uses. He then provided an overview of the Fairview Business, which is characterized with slightly less density and height than Fairview Core. He noted that the Guiding DG project is proposing recommendations on how to connect downtown to Fairview. He added

there will be the requirement for buildings to be constructed in the build to zone where the Village wants to see buildings close to the sidewalk to give the sense of enclosure and street wall that is expected in Transit Oriented Development. He also highlighted that there will be a height bonus that will be given to development along the train tracks. He noted this area can take advantage of reduced parking regulations for certain uses and they encourage any construction service parking lots to be at the back of the building. Regarding the Fairview Transition, it is intended to be lower scale and serve as a transition into the single family neighborhoods to the north, west, and south of this corridor. The regulations will required a 35 foot maximum height and can also include townhomes and lower scale apartment buildings, along with single family. He shared they will see reduced parking regulation for multifamily, but there is an expectation of provision of on street parking. Mr. Zawila summarized that multifamily will be allowed in all three districts, the build to zone will be required in the FB and FC districts, and the districts will have specific building height maximums. He went into more depth on explaining the build to zone and building heights with diagrams on the screen. He discussed additional code changes including expanding extended family accessory housing regulations, home occupations and provided changes to the use table, and how the design guidelines would be used with the FC district. He stated that they 34 properties or parcels that are proposed for rezoning to FC, 17 parcels recommended for rezoning to FB, and 75 parcels recommended for rezoning to FT. Staff felt the criteria for the text and map amendments have been met.

Chairman Rickard asked for questions for the petitioner.

There were none.

Chairman Rickard asked for public input.

Suzanne Lestina had concerns and recommendations regarding the rezoning request. She said Fairview Avenue is great and she is excited about revitalizing the Fairview area and bringing in pedestrian opportunities. She expressed concerns regarding stormwater runoff, as her property floods every single spring from the runoff of all the homes that goes to the bottom of Burlington and Cumnor. She stated that maintaining stormwater is essential to managing water runoff issues in Downers Grove and she is concerned that building on this property will exacerbate their existing stormwater drainage system issues, which will increase maintenance problems and cost to the Village and impact neighboring homes, and disrupt the biodiversity of the wetland in this area. She requested a comprehensive analysis of the impacted development of this property be conducted to determine their potential long term consequences in relation to wetland stormwater degradation in this neighborhood before considering any rezoning requests or property development proposals of that area.

Donna Andrzejewski stated that shortly after she moved in, her property was rezoned R-5, and she never thought something big would go in beside her property, but a developer bought the property and put in a four-story building. She explained that a French drain goes between their properties but it ends at the back of the property and the rest of the land in the easement are higher and titled towards her property, so she gets water from it. She noted that is why she has a concerns with buildings of that size going in next to residential properties. She talked about another issue, where a balcony on that building faces her house and furniture from the balcony has landed into her backyard when it is windy, and she can also hear every sound that comes from the balcony. She voiced that she loves Downers Grove and appreciates everything the Commission does, and agrees

there should be zoning changes, but wants consideration for the impact of building of maximum size on adjoining properties.

Nancy Brown voiced that her issue is water, as St. Joseph Creek runs behind her property and always floods, especially at the end of Austin. She expressed that the Village is usually very careful about water, but they have more flooding now than they used to, so she hopes one issue will be how to handle the protection so the flooding does not get worse and that people that come in have to do something to help with the flooding.

Steve and Julie Doyle stated they are a single family home zoned R-6, and now the Village wants to switch it over to business zoning. Mr. Doyle felt that may not affect their property value, but would affect their chances of selling their house if they ever wanted to. Mrs. Doyle added that Grand Avenue is a beautiful neighborhood and there are three houses that are being put in the business zone and she is not sure why that is happening. Mr. Doyle added that they chose the area because it was quiet. He said he was fine with anything along Burlington or Fairview, but this is purely a residential area.

Cathleen Worley asked if she could get some information on what was discussed in the meeting on the 29th, as she was not aware of it. She also noted that she thought she saw online where it went over to Blodgett, but she is not seeing it now. Mr. Zawila responded that there is a summary of the neighborhood meetings in the packet.

Tim Postmus stated that he and his wife own the 7-Eleven Building at 5105 Fairview. He expressed there is a height minimum map and he was told that is unusual, as most of the buildings that were built next to him are one-story, but he is reading that anything that has been rebuilt in that corridor has to be 24 feet in height or two stories, which means that once this zoning passes, all of those people will be underinsured. He shared that one of the things he hears talked about is making Fairview a possible second downtown, and that is a concern. He agreed that development is great and progress needs to happen, but the vision that Downers Grove has for the Fairview are multi-story buildings and he is not sure that is what they should be after. He added that there are ways Fairview Corridor can be improved, but Downers Grove needs to work with individual properties, as all the properties in that corridor are very unique and it is important to keep that in mind. Mr. Postmus voiced that he understands they are making a recommendation to Village Council for full vote, but asked if they will vote on that as it is being presented tonight or could there be changes before it goes to the Commission. Chairman Rickard explained there will be discussion and there may or may not be suggestions, but they will vote today after discussion.

Matt McDonald commented that this area does not directly affect him, but he has noticed that in everything south of the tracks, there is not a transition between the Core and Business Districts to the residential properties. He believes there should be a transition.

Mark McDermott stated that a theme he has heard being discussed is the fact that there is vacant property that is currently functioning as a wetland and cannot be helped at any time they try to improve the area around it. He encouraged them to take more of that into consideration. He said for the most part, he is encouraged to see there is plan moving forward for Fairview.

Sarah DiPasquale had a question around the Core District and how much would be allocated to high density population units and when in the process will they look at population simulation, as she is

trying to understand how many people that will bring and if the space around it is set up to handle the additional population.

Sareen Musselman shared that they have a very narrow lot and a single family home situated between two family units, and the Fairview Transition area comes right to the edge of their lot. She wanted to know if that zoning moves forward what that would look like for them in terms of resale and who would be interested in their property, as there is not a lot of room to expand or build a larger building. She added that it seems if the zoning moves forward, it would be more desirable to be part of the Fairview Transition area, and would like to be included.

Tom Beckmann asked if they were to do a development and not demolish the building, like making the outdoor patio more permanent, would they be subject to the new regulations under the new zoning.

Sheila Robbins Campbell voiced concerns about Rogers Street, as there is a lot of traffic and cars weaving in and out to get down Rogers. She said they have a lot of woodsman people that park on the street while trying to juxtaposition in the mornings, Goldfinger occasionally has people park all the way down the street, and there are parents jostling children into the child's center. She stated that people come up Fairview and fly down Rogers, and there are days when she cannot even get out of her own driveway. She asked to think about that as they consider putting more buildings and people and influx on that particular road or consider a parking garage.

Chairman Rickard asked the petitioner to come back up and address any comments or questions.

Mr. Zawila first addressed comments on stormwater. He stated that is something that is looked at with every development that comes in, as they have a rigorous stormwater ordinance, a stormwater administrator, and have amended the code several times in the last couple of years. In regards to a property on Grand that is currently zoned R-5 that is being recommended for FB, he noted that if the zoning was changed to FB, that single family will not be permitted moving forward. He shared that was the framework that was established, but that does not mean there cannot be a recommendation that differs from what was proposed. In terms of the three properties, he said they could recommend that those three properties are rezoned to FT, so they can still be allowed a single family house, which would be subject to setback requirements and the district will still allow townhomes and multifamily but at a lower density than the other two districts.

Mr. Zawila answered the question of what non-conforming uses and structures look like, explaining that if a building is burned down or destroyed, the code states if they are a non-conforming structure, that building can be rebuilt as a non-conforming structure, but it cannot be expanded. He added that if there is a use currently permitted under the current zoning for a property in that corridor, that use is allowed to remain there until it goes vacant for more than six months. He informed that they cannot add any new properties to the zoning districts at this time, but once regulations go in, that zoning district is available for anyone to come in and potentially rezone. He went over the wetland concerns and how that is reviewed. Regarding the businessowner at 513 Rogers question about requirements for the patio, he explained that was for new buildings, but they would have to look at things like parking if they want to add to it.

Chairman Rickard asked for clarification on if a legal non-conforming use has a loss of more than 50% in any one of those districts with the six month grace period, if they can rebuild just the use,

the size of the building, or both, and when the six month grace period starts. Mr. Zawila explained that if there is a fire, they have up to a year to submit a permit to rebuild the non-conforming structure/use that fits in the code. He said if it is a remodel or renovation, a non-conforming structure with the current code, they are allowed to take down 50% of the walls and not have to bring the whole building back into conformance, but if it starts to go over that 50%, the whole structure has to come down. The six month grace period starts when the business or use has vacated the premises or they will lose the non-conforming status.

Chairman Rickard asked in the instance of a fire, does the six months start the day the fire happens, and what happens if insurance has ties them up for longer than that. Mr. Zawila responded that is why they have a longer period of 12 months for a fire.

Chairman Rickard asked the commissioners if there were any other questions.

Commissioner Lincoln said he noticed a mention of accessory dwelling units in this district. He asked if that was new and only for Fairview. Mr. Zawila answered that Village-wide they allow extended family units, but there are very specific regulations. However, for Fairview Transition only, they are proposing to expand those regulations.

Commissioner Lincoln asked if it would still be special use or were they permitted use by right. Mr. Zawila responded they are permitted by right in this district, as it was under Council direction to be more flexible with this.

Commissioner Lincoln felt this should be something they should be discussing Village-wide instead of special rules for just Fairview. He expressed that it is also seems needlessly complicated to have three different zoning types there and feels like it could maybe be consolidated to two. Mr. Zawila stated that is what was established through the framework, as it was important to establish different densities through Council direction. He added that is also consistent with downtown, as they also have three zoning districts.

Commissioner Lincoln said he thought it was odd that the boundary line zigzagged and excluded the house on the northside of the track, but he did not know if they could mention reconsideration of that to Council. He asked why they are not including buildings that already function as a transition. Mr. Zawila responded that boundaries and framework was established by Council.

Commissioner Lincoln inquired if the Village did any population traffic simulation for the full buildout of this. Mr. Zawila answered they have not, but they look at traffic, stormwater, density, and impact that it could have on the adjacent neighborhoods, and will look at the recommendations of the comp plan, and they have contributions that go to schools and parks.

Commissioner Lincoln voiced that one traffic study for one building will not let them know if they need a parking garage, but looking at a neighborhood as a whole and the big pictures of everything may tell them if they need a parking garage or even more turn lanes or traffic lights. Mr. Zawila stated they get a traffic study for each project that will look at actual traffic for the newer projects that have occurred and make recommendations off of that.

Commissioner Eberhardt expressed that parking, traffic and stormwater are the concerns that keep coming up, and they have to keep looking out for that, as there are some key areas in Downers

Grove that they do not know about where these are already a problem and they need to try not to make it worse. Mr. Zawila assured that is always important for himself, his team, and staff members of the Village that participate in the development review process.

Chairman Rickard asked if the Traffic and Parking Commission was part of this or had any input. Mr. Zawila answered they were not part of it, as this is strictly changes to the zoning ordinance and the requested map amendments, but staff is reviewing traffic calming improvements, as proposed in the Active Transportation Plan that will look at the entire community and various ways to move people around with bikes, pedestrians, and other means of transportation. He noted Fairview was included in that.

Commissioner Eberhardt asked if the proposed zoning alternate was on the table. Mr. Zawila responded yes.

Chairman Rickard asked for commission discussion.

Commissioner Frankovic stated she would support the alternate plan, including the three properties in the transition versus business, as it is an unfair advantage for them to have the option to rebuild.

Commissioner Eberhardt said she did a lot of research on those three houses and the difference between FB and FT and it did not feel right, as it does not seem like it is ready for that change yet. She said FT makes perfect sense.

Commissioner Toth expressed it was a very robust conversation and the response that staff provided explained all the different issues behind it.

Commissioner Lincoln voiced that he is conflicted. He said normally in neighborhoods like this is he pro reducing the bureaucracy multiple types of zoning and making it more simple or mixed use, as it is more robust and as times change, they can change out building uses and move with the economy. He agreed that the alternate seems better, because he has an issue going from this core down to not being rezoned, and that is odd to him. He shared that he still has concerns with some of the big changes and boundary lines, and not knowing what the full buildout will look like, or if they need to have more parking, but those are mostly outweighed by the positive for Fairview, as it makes sense for the train station being there to utilize it more fully and allowing more density of the commuter area.

Chairman Rickard voiced that after this gets underway and they start seeing what is starting to develop, that will help form additional parking needs at that point. He viewed having three zoning districts as a positive, because it gives more opportunity to blend into the neighborhood and the transitions between zoning classes are not as drastic.

Commissioner Eberhardt shared that she appreciates the process of making a prediction and laying out the roadmap of what they think it is going to be.

Chairman Rickard added that after they went through a similar process for downtown, there was a lot being proposed, but after it was enacted, there was a follow-up application where they went back in and fine-tuned an area, so that always could happen again. He said he liked this plan and what is



being proposed, and also likes the alternate plan of the small transitional strip between the businesses and the single family neighborhood.

Commissioner K. Patel expressed that he was excited about this, and it seems logical and put forth well, but also supports the alternate plan as well.

Commissioner Toth agreed with the alternate plan for the map amendments..

Commissioner Lincoln stated in regard to the text amendments, it is a lot of regulations and rules of one person on one lot versus another.

**WITH RESPECT TO FILE 23-PCE-0034 BASED ON THE STAFF REPORT AND THE TESTIMONY PRESENTED, IT IS FOUND THAT THE PROPOSED ZONING ORDINANCE TEXT AMENDMENTS MET THE STANDARDS OF 28.12.020.F OF THE ZONING ORDINANCE, AND THEREFORE, COMMISSIONER TOTH MADE A MOTION THAT THE PLANNING AND ZONING COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE PROPOSED ZONING ORDINANCE TEXT AMENDMENTS OR FILE 23-PCE-0034, SUBJECT TO THE CONDITIONS AS IDENTIFIED IN THE STAFF REPORT.**

**SECOND BY COMMISSIONER K. PATEL**

**ROLL CALL:**

**AYE: TOTH, K. PATEL, FRANKOVIC, LINCOLN, EBERHARDT, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION APPROVED. VOTE: 6-0**

**WITH RESPECT TO FILE 23-PCE-0034 BASED ON THE STAFF REPORT AND THE TESTIMONY PRESENTED, WITH THE AMENDMENT THAT 5108 GRAND, 5109 GRAND, AND 5113 GRAND, IS RECOMMENDED FOR A MAP AMENDMENT TO THE FAIRVIEW TRANSITION DISTRICT. IT IS FOUND THAT THE PROPOSED MAP AMENDMENTS MEET THE STANDARDS OF SECTION 28.12.030.I OF THE ZONING ORDINANCE AND THEREFORE, COMMISSIONER EBERHARDT MADE THE MOTION THAT THE PLANNING AND ZONING COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE PROPOSED ZONING MAP AMENDMENTS FOR FILE 23-PCE-0034, SUBJECT TO THE CONDITIONS AS IDENTIFIED IN THE STAFF REPORT.**

**SECOND BY COMMISSIONER FRANKOVICH**

**ROLL CALL:**

**AYE: TOTH, K. PATEL, FRANKOVIC, LINCOLN, EBERHARDT, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION APPROVED. VOTE: 6-0**

/s/ Celeste K. Weilandt  
Recording Secretary

(As transcribed by Ditto Transcripts)

Good afternoon Jason,

I am submitting my comments for consideration during the public hearing by the planning and zoning commission at village hall of Downers Grove on February 3<sup>rd</sup>, 2025.

Re: File 23-PLC-0034; a petition seeking a zoning map amendment for the Fairview area, specifically for request 11 that encompasses the northwest corner of Cumnor and Burlington Ave. My property adjoins this undeveloped plot of land and I have some concerns and recommendations regarding the rezoning request of this area.

First and foremost, I am excited about the concept of revitalizing the Fairview area and bringing in pedestrian opportunities to our local neighborhood.

However, I want to call attention to the fact that this particular proposal is 3 blocks east of Fairview and the property in question slopes down to a wetland/ stormwater runoff for my house and my neighbors going up the block (north) on Cumnor (and most likely those on the street west of Cumnor as well.)

From a stormwater runoff perspective, as residents of this area, we have had to implement water remediation solutions to ensure that our yards are useable (and not constantly wet and muddy) and that our basements are protected from flooding.

From a wetland perspective, I have enjoyed the wildlife that inhabit this area, including foxes, coyotes, bunnies, possums, skunks, birds (like hawks and eagles) and of course, our state insect, the monarch butterfly.

Maintaining stormwater areas is essential to managing water runoff issues in Downers Grove. As you know, a stormwater/wetland not only drains stormwater, it also removes pollutants, and provides habitat and aesthetic benefits to our neighborhood and village. I am concerned that building on this property will exacerbate Downers Grove's existing storm water drainage system issues, increasing maintenance problems and costs to the village, as well as impacting neighboring homes.

Wetlands are a key part of the water cycle, maintaining the ecological balance by potentially filtering stormwater as it moves downstream and percolates into groundwater. In addition, wetlands play an important role in biodiversity. They support birds, insects, animals and plant species by providing vital breeding, feeding, and nesting grounds. I am concerned that building on this property will disrupt the biodiversity of the wetland in this area.

I am requesting that a comprehensive analysis of the impacts of development on this property be conducted to determine the potential long-term consequences in relation to wetland/stormwater degradation in this neighborhood before considering any rezoning requests or property development proposals.

Thank you,

Suzanne Lestina  
5002 Cumnor Rd  
Downers Grove, IL 60515