

ORDINANCE NO. 5914**AN ORDINANCE AMENDING
CERTAIN ZONING ORDINANCE PROVISIONS**

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

Section 1. That Section 28.2.030 of the Zoning Ordinance is hereby amended to read as follows:**Sec 28.2.030 Lot And Building Regulations**

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

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

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- (6) Residential Accessory Buildings. The following additional regulations apply to buildings that are accessory to (principal) residential uses:
- a. Accessory buildings are prohibited in street yards.
 - b. No more than three (3) detached accessory buildings are allowed on any lot.
 - c. The aggregate footprint or coverage of all accessory buildings on a lot may not exceed one thousand (1,000) square feet or the gross floor area of the principal building, whichever is less.
 - d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of five feet (5'). In all other R districts, the minimum side and rear setback for accessory buildings is six feet (6').
 - e. Residential accessory buildings may not occupy more than forty percent (40%) of the corner, rear or side yard area.
 - f. Residential accessory buildings may not exceed twenty-three feet (23') in height, as measured to the highest point on the building.
 - g. Residential accessory buildings and structures are permitted in corner yards, as specified in Table 14-1 within DGMC Section 28.14.100.
 - h. A building is not considered accessory if it is connected to the principal structure with a foundation and a covered access walkway.

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

Sec 28.6.010(d) Accessory Uses – Donation Drop Boxes

* * *

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

- (1) Authorization of Use: Donation drop boxes may only be placed on properties zoned B-1, B-2, B-3, O-R, O-R-M, M-1, M-2, INP-1 and INP-2.
- (2) Permit Requirement: A permit shall be obtained prior to the placement of a donation drop box outside of the principal building in the village. Applications for a permit to construct or locate a donation drop box shall include, in addition to any requirements contained in this code, the following documents:
 - a. Proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.
 - b. A site plan drawn to scale of the lot upon which the donation drop box is to be located, showing thereon the proposed location of donation drop box.
 - c. Plans and specifications of the donation drop box including the dimensions (height, width, depth) of the box, elevations, configuration, foundation and any additional information that may be requested by the Community Development Director.
- (3) Number per Lot: Only one (1) donation drop box shall be permitted per lot or per shopping center, whichever is more restrictive.
- (4) Location: Donation drop boxes shall be located within a parking lot or other paved surface, but in no case shall donation drop boxes be located in the following locations:
 - a. Within a required street or corner setbacks areas.
 - b. Designated driveway or drive aisle.
 - c. Within five feet (5') of a fire hydrant.
 - d. Designated pedestrian crosswalk.
 - e. Private sidewalk unless at least five feet (5') of clearance can be maintained.
 - f. Any parking space as required by DGMC or any ordinance or resolution governing the development of a property, or any parking space as deemed necessary by the Community Development Director. When a single lot is part of a larger planned development with shared parking, the required parking shall be determined based on the total required parking approved for the entire development.
 - g. Any location in such a manner as to cause a sight obstruction for pedestrians or motorists.
 - h. Any public right of way.
- (5) Height and Size: A donation drop box shall not exceed a maximum of seven feet (7') in height and twenty-five (25) square feet in ground area.

- (6) Required Information: Signage on donation drop boxes shall not exceed five-inch (5") letter height. All donation boxes shall contain the following contact information in two-inch (2") type visible from the front of the box: the name, address, email, and phone number of both the permittee and operator.
- (7) Maintenance: Donation drop boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of debris or other material. All donations shall be placed within the donation drop box. No donations may be left outside of the donation drop box.
- (8) Upon telephone and/or email notification from the Village that materials are being placed outside of the donation drop box, the donation drop box owner shall have twenty-four (24) hours to remove said materials. Failure to do so may result in penalties listed under DGMC Section 28.13.020 and/or revocation of permit. Three (3) violations of this Section shall result in immediate revocation of the permit.
- (9) Revocation of Permit: Any permit granted pursuant to the provisions of this Section may be subject to revocation for cause by the Community Development Director (or his/her designee), including, but not limited to the failure to comply with this Section or any other applicable provisions of the DGMC. Upon revocation of the permit the donation drop box shall be removed immediately.

* * *

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

Sec 28.6.010(i) Accessory Uses - Garages

* * *

(i) Garages

- (1) Only one detached garage and one carport is are allowed per lot in R zoning districts.
- (2) Dwelling units are expressly prohibited in the space above any detached garage. See Figure 6-2.

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

Sec 28.6.010(m) Accessory Uses – Solar Energy Systems

* * *

(m) Solar Energy Systems

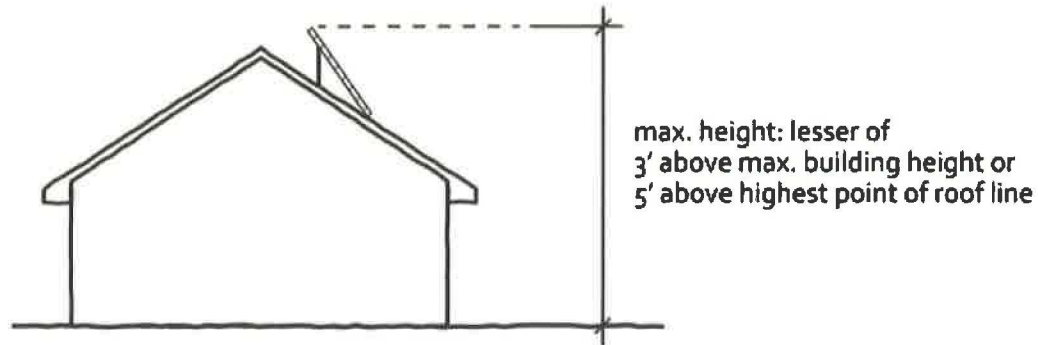
- (1) General

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

(2) Building-Mounted Solar Energy Systems

- a. Building-mounted solar energy systems may be mounted on principal and accessory structures. The below regulations apply to solar energy systems on both principal and accessory structures.
- b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with DGMC Section 28.14.100(b). Additionally, building-mounted solar energy systems may be installed up to the lawfully established building line of a principal structure, in cases where homes lawfully encroach into the required yard setback.
- c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations and may not extend further than the lawfully established street facing building line of the principal structure.
- d. Solar energy systems may not extend more than three feet (3') above the applicable maximum building height limit for the subject building type or more than five feet (5') above the highest point of the roof line, whichever is less. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



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

Sec 28.6.040 Fueling Stations

Fueling stations are subject to the following regulations:

(a) Setbacks

- (1) Interior side and rear setbacks with a minimum depth of twenty feet (20') must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements.
- (2) Except for approved driveways and drive aisles, setbacks may not be paved and must be landscaped green space.

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

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

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

Sec 28.6.170(k) Wireless Telecommunications.

* * *

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

- (1) Residential Districts. The maximum height of telecommunications towers in R zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.
- (2) Business Districts. The maximum height of telecommunications towers in B-1, B-2 and B-3 zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.
- (3) Office and Manufacturing Districts. The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed one hundred twenty-five feet (125') for a single user; one hundred fifty feet (150') for two (2) users; or one hundred seventy-four feet (174') for three (3) or more users.
- (4) Downtown Districts. The maximum height of telecommunications towers in DB, DC and DT zoning districts may not exceed one hundred feet (100') for a single user; one hundred twenty feet (120') for two (2) users; or one hundred forty feet (140') for three (3) or more users.
- (5) Institutional Districts. The maximum height of telecommunications towers in INP-1 and INP-2 zoning districts may not exceed ninety feet (90') for a single user; one hundred ten feet (110') feet for two (2) users; or one hundred thirty feet (130') for three (3) or more users.

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

Sec 28.7.050(e) Parking Exemptions And Reductions

* * *

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

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

Sec 28.7.100(i) Parking Area Design

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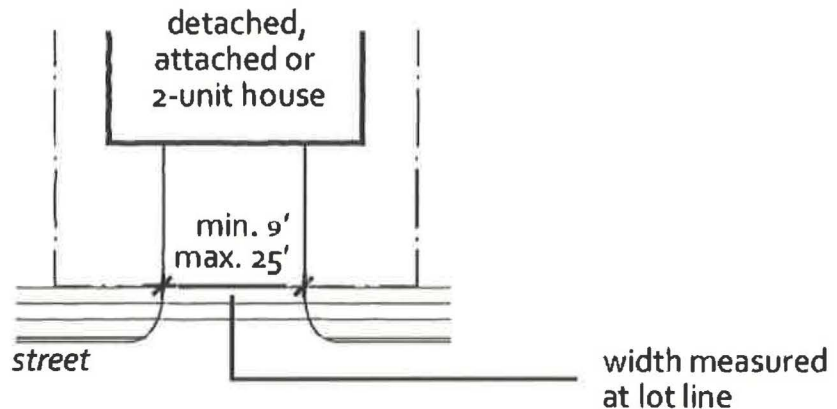
(i) *Access*

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

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

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

Figure 7-5: Driveway Width



- (4) The driveway width must match the apron width at the street lot line.
- (4)(5) All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Public Works Director.
- (5)(6) All driveways must be improved with a compacted stone base and surfaced with asphalt, concrete or other comparable all-weather, dustless material.
- (6)(7) Shared driveways, lawfully existing before October 13, 2020, may be replaced if either property does not allow sufficient space to meet the minimum driveway width and setback requirements, as approved by the Community Development Director.
- (8) Parking pads, lawfully existing before October 13, 2020, may be replaced, but not expanded or enlarged, unless behind the required street or corner street setback.
- (9) If a legal nonconforming driveway is to be removed in part or whole in order to improve the driveway, it may be required to bring the driveway further into compliance. The Community Development Director is authorized to approve alternative design to promote compliance while recognizing site specific limitations. Sealcoating is not subject to this requirement.
- (10) In the case that a parking pad cannot be located behind the street yard setback line

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

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

Sec 28.10.010(a) Fences

- (a) *General.* The general regulations of this subsection apply to all fences.
- (1) *Applicability.* All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this Section.
 - (2) *Permits Required.* It is unlawful to erect or alter any fence within the Village unless a permit has been issued by the Community Development Director. A written application for a fence permit, including applicable fees as established in the User-Fee, License & Fine Schedule must be filed with the Community Development Department. A fence permit issued under this Section is valid for a term of six (6) months.
 - (3) *Public Safety.* Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.
 - (4) *Structural Elements.* All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.
 - (5) *Open-Design Fences.* Open design fences must be constructed in such a manner that no post or vertical and horizontal element exceeds a width of six inches (6"), and the ratio of open area to closed area does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.
 - (6) *Electrified or Barbed Wire Fences.* Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the special use process.

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

Sec 28.11.020 Nonconforming Lots

- (a) *Description.* A nonconforming lot is a lot that was lawfully created in accordance with lot area and lot width regulations in effect at the time of the lot's establishment but that does not comply with currently applicable lot area or lot width regulations.
- (b) *Use of and Building on Nonconforming Lots*
- (1) A nonconforming lot in an R district may be improved with use as a building site for a single detached house or accessory structure, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width, provided except that when a structure is constructed across a common lot line(s) of two (2) or more contiguous nonconforming lots that are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements. Except that lot consolidations are not required for decks,

front porches and stoops or when:

- a. addition does not exceed three hundred fifty (350) square feet; or
 - b. an addition does not include the installation of a foundation, footers or piers; or
 - c. the construction of an accessory structure is less than eight hundred (800) square feet.
- (2) Nonconforming lots in nonresidential districts may be ~~utilized for~~ improved with any use allowed in the subject zoning district, provided that:
- a. the lot area ~~and lot width are~~ is not less than seventy-five percent (75%) of the minimums required in the subject zoning district, or the lot width is not less than fifty feet (50') and the lot area is not less than seven thousand five hundred (7,500) square feet;
 - b. if the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.
 - c. when a structure is constructed across common lot line(s) of two (2) or more contiguous nonconforming lots that are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area ~~and lot width~~ requirements.

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

Sec 28.11.040 Nonconforming Structures

- (a) *Description.* A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in DGMC Section 28.9.090.
- (b) *Use.* A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.
- (c) *Alterations and Expansions*
 - (1) Nonconforming principal structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A principal building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.
 - (2) A principal structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the Zoning Board of Appeals may approve either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the zoning exception procedures of DGMC Section 28.12.80. In order to approve such horizontal or vertical extension, the Zoning Board of Appeals must find that all of the following criteria have been met:
 - a. the extended wall will comply with all other applicable lot and building

- regulations (other than the nonconforming setback);
- b. the extension will not obstruct farther into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than fifteen percent (15%) of its existing length;
 - c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;
 - d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and
 - e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
- (d) *Moving.* A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.
- (e) *Loss of Nonconforming Status*
- (1) *Damage or Destruction*
 - a. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.
 - b. When a nonconforming principal structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than fifty percent (50%) of the market value of the structure, as determined by the property owner's certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.
 - (2) *Damage or Destruction after Right-of-Way Acquisition.* If a structure is rendered nonconforming or made more nonconforming by a public agency's acquisition of right-of-way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within twelve (12) months of the date of occurrence of such damage.
- (f) *Nonconforming Fences.* Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of DGMC Section 28.11.040(e)(1) apply to nonconforming fences.
- (g) *Nonconforming Accessory Structures.* Any nonconforming residential accessory structure such as a garage, shed, deck or porch may be razed and replaced in its entirety, provided that it is replaced in the same location, and for the same purpose, with no footprint expansion and no more than an increase of fifteen percent (15%) or the original height. This provision does not apply to nonconforming accessory structures located within in the Special Management Areas

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

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

Sec 28.12.040(c)(5) Planned Unit Developments

* * *

- (5) Review and Approval Criteria. The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:
- a. the zoning map amendment review and approval criteria of DGMC Section 28.12.030(i) in the case of new Planned Unit Development proposals;
 - b. whether the proposed PUD development plan and map amendment would be consistent and in substantial compliance with the comprehensive plan, downtown design guidelines and any other adopted plans for the subject area;
 - c. whether PUD development plan complies with the PUD overlay district provisions of DGMC Section 28.4.030;
 - d. whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and
 - e. whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

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

Sec 28.12.050(h) Special Uses

* * *

- (h) *Approval Criteria.* No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all Village Council policies and plans, including, but not limited to, the Comprehensive Plan and the Downtown Design Guidelines and that the applicant has presented evidence to support each of the following conclusions:
- (1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;
 - (2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
 - (3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

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

* * *

- (b) *Permitted Obstructions.* Yards in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 14-1.

Table 14-1: Permitted Yard Obstructions

Obstruction/Projection	Permitted in these Yards				Minimum Setback/Maximum Encroachment into required setback
	Corner	Street	Side	Rear	
A/C units, generators, compressors, transformers, associated equipment, rainwater collection and geothermal equipment (ground-mounted)	No	No[1]	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, R-5A, R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	Yes	No setback required
Antenna, amateur radio	No	No	No	Yes	
Antenna, receive-only and satellite dish	Yes	Yes	Yes	Yes	
Arbor, pergola or trellis	Yes	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Architectural building features (e.g., sills, belt courses, cornices, wing walls)	Yes	Yes	Yes	Yes	<u>No setback in DB and DC districts</u> 1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy architectural light shelf or solar shading device	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	Yes	Yes	Yes	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	Yes	

Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
Bicycle Parking	Yes	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Breezeway	No	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See Chapter 13 of this Code)	No	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Deck or patio, uncovered and open- air (see also “porch,” below) [2]	Yes	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side and rear property line
Dog house or dog run	No	No	No	Yes	<u>No setback in DB and DC districts</u> 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	Yes	1 ft. min. side <u>(interior) or rear</u> setback
Eaves and gutters	Yes	Yes	Yes	Yes	In street setback and rear setback - 2.5 ft. max. encroachment In side setback - 2 ft. max. encroachment
Electric vehicle charging equipment	Yes	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	Yes	See also Sec. 10.010

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

Shed, carport or storage structure	No	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	Yes	No	No	See Article IX
Solar panel and equipment (building-mounted)	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel and equipment (ground-mounted)	No	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also DGMC Section 28.6.010(m)
Sport courts & accessory lighting	No	No	Yes	Yes	5ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	Yes	<u>No setback in DB and DC districts</u> 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
<u>Vegetable Garden</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No setback required</u>
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	<u>No setback in DB or DC districts</u> 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	<u>No setback in DB or DC districts</u> 5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards	Yes	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

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

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

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

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

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

Sec 28.15.250 Words And Terms Beginning With "V"

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

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

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

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

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

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

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

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

Section 17. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Passed: 02/15/2022

Published: 02/16/2022

Attest:


Village Clerk



Mayor