

**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	-
Fairview Concentrated Business District	8	8	8	-	-	-	-
Inverness Road, North Side (between Belmont Road and Janes Ave.)	-	-	-	-	-	25	-
Maple Avenue, South Side	-	-	-	-	10	10	-
Ogden Avenue (from ROW centerline)							
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]	-
Rogers Street, South Side (between Prospect Ave. and Fairview Ave.)	-	-	-	-	-	10[5]	-
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 (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>
	<u>Building Height (feet)</u>			
	<u>Maximum</u>	<u>60/5</u> [7]	<u>48/4</u> [4][8]	<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

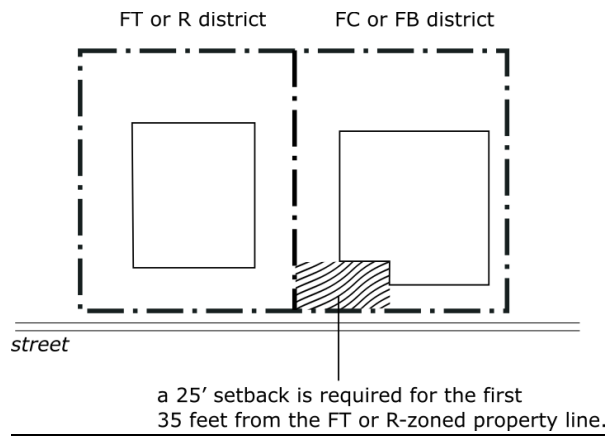


Figure 4-2: FC Districts Side Setback Abutting FT or R-Zoned Lot

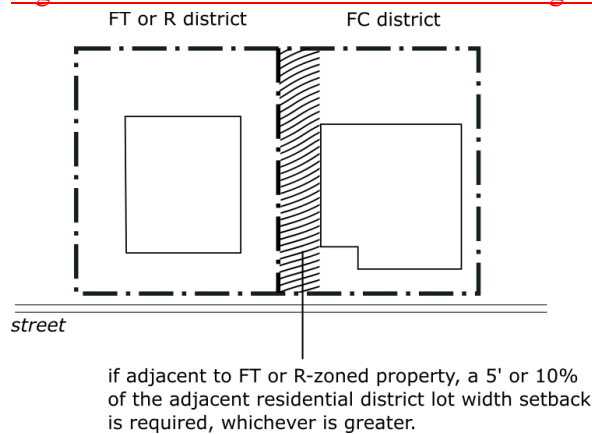
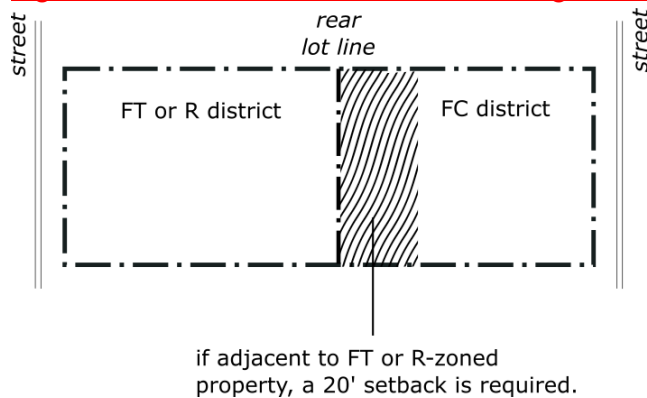


Figure 4-3: FC Districts Rear Setback Abutting FT or R-Zoned Lot



- (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, or 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.

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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

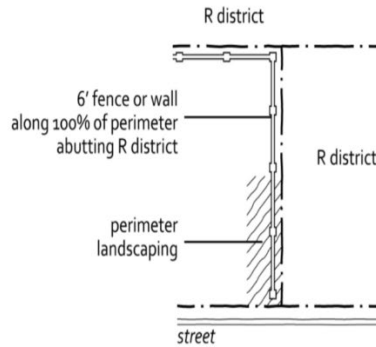
* * *

(c) Interior Yards

- (1) When a parking lot is located in the interior side or rear yard of a lot abutting 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 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 28.9.050 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 ≥ 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

<p>parks and playgrounds or on school or day care center playgrounds, tot lots)</p>					<p>Must meet required R district street setback in corner yards.</p>
<p>Porch, covered and open on at least 3 sides (see also “deck,” above)</p>	Yes	Yes	Yes	Yes	<p>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</p>
<p>Shed, carport or storage structure</p>	No	No	Yes	Yes	<p>5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts</p>
<p>Sign</p>	Yes	Yes	No	No	<p>See Article IX</p>
<p>Solar panel and equipment (building-mounted)</p>	Yes	Yes	Yes	Yes	<p>1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.</p>
<p>Solar panel and equipment (ground-mounted)</p>	No	No	Yes	Yes	<p>2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also DGMC Section 28.6.010(m)</p>
<p>Sport courts & accessory lighting</p>	No	No	Yes	Yes	<p>5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts</p>
<p>Sports equipment</p>	No	No	Yes	Yes	<p>5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts</p>
<p>Steps (for access to building or lot; max. 4 feet above grade)</p>	Yes	Yes	Yes	Yes	<p>No setback in DB, DC, <u>FC and FB</u> districts. 1 ft. min. setback</p>

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 ≥ 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:

- (+) 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.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

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
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
Group Living (except for the following uses)	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	S	==	[17] Located on 2nd floor or above
Group home, small (8-person max. occupancy)	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	==	Sec. 28.06.050
Nursing home	S	S	S	S	S	S	S	P	P	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	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	-	-	-	-	S	S	==	
Community Center	S	S	S	S	S	S	S	-	-	-	S	S	S	-	-	-	-	-	-	S	P	==	
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	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	==	
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	-	P	P	-	-	-	-	-	-	-	-	-	S	S	==	
Library	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-	-	-	-	S	S	==	
Museum or Cultural Facility	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-	-	-	-	S	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	==	
Parks and Recreation	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	P	P	==	
Religious Assembly	S	S	S	S	S	S	S	S	P	P	- [6]	- [6]	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	P	P	==	
School	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	P	==	==	==
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	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	S	==	==	==
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	==	==	==

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																							
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	-	-	-	-	-	-	=	=	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	-	-	=	=	=	

