VILLAGE BOARD OF TRUSTEES
REGULAR MEETING NOTICE/AGENDA
TO BE HELD AT THE RICHARD T. FLICKINGER MUNICIPAL CENTER
SCANLON CONFERENCE ROOM

January 27, 2020
6:00 pm

(The hour between 6:00 and 7:00 pm is set aside for Executive Session per 1-5-7A of the Village of Morton Grove Municipal Code.
If the Agenda does not include an Executive Session, the meeting will begin at 7:00 pm.)

1. Call to Order
2. Pledge of Allegiance
3. Executive Session

THE BALANCE OF THE MEETING SHALL COMMENCE AT 7:00 PM
IN THE COUNCIL CHAMBERS
OF THE RICHARD T. FLICKINGER MUNICIPAL CENTER

4. Reconvene Meeting
5. Pledge of Allegiance
6. Roll Call
7. Approval of Minutes — Regular Meeting – January 13, 2020
8. Special Reports
9. Public Hearings
10. Residents' Comments (agenda items only)
11. President's Report – Administration, Comprehensive Plan, Council of Mayors, Northwest Municipal Conference, Strategic Plan Committee
12. Clerk's Report – Condominium Association, Strategic Plan Committee
13. Staff Reports
   a. Village Administrator
      1) Miscellaneous Reports and Updates
   b. Corporation Counsel
14. Reports by Trustees
   a. Trustee Grear – Police Department, Police Pension Bd, Police Facility Committee, Plan Commission/Zoning Board, Lehigh/Ferris TIF, Special Events Commission (Trustee Minx)
      1) Ordinance 20-01 (Introduced January 13, 2020) (Second Reading)
         Approving a Text Amendment to Modify Selected Regulations Relating to Accessory Structures and Yards, Impermeable Lot Coverage in Residential District, and Fences
      2) Ordinance 20-02 (Introduced January 13, 2020) (Second Reading)
         Approving a Special Use Permit for an Automotive Repair Shop at 6100 Dempster Street
      3) Ordinance 20-04 (Introduced January 27, 2020) (First Reading)
         Amending Title 6, Chapter 7; Title 4, Chapter 3, Section 5; Title 1, Chapter 4, Section 2; and Title 5, Chapter 1, Section 3 of the Municipal Code Relative to the Use and Distribution of Cannabis and Cannabis Products
   b. Trustee Minx – Finance Department, Finance Advisory Commission, Appearance Commission, Capital Projects, Natural Resource Commission, Waukegan Road TIF (Trustee Grear)
   c. Trustee Ramos – Environmental Health, IT, Legal Department, Traffic Safety Commission, Emergency Management Agency (Trustee Travis)
   d. Trustee Thill – Advisory Commission on Aging, Family and Senior Services Department, SWANCC, Building Department, Chamber of Commerce, Water Commission (Trustee Witko)
   e. Trustee Travis – Community Relations Commission, Fire Department, Fire Pension Board, RED Center, Fire and Police Commission, NIPSTA (Trustee Ramos)
14. Reports by Trustees (continued)

f. **Trustee Witko** – Farmers’ Market, Public Works Department, Community and Economic Development Department, Economic Development Commission, Dempster Street Corridor Plan, Sawmill Station TIF (Trustee Thill)

1) **Ordinance 20-03 (Introduced January 13, 2020) (Second Reading)**
Amending Title 8, Chapter 3 of the Municipal Code Formerly Entitled “Plants and Weeds”

2) **Resolution 20-02 (Introduced January 27, 2020)**
Authorizing the Execution of a Contract with G&L Contractors, Inc. for the 2020 Material Hauling Program

3) **Ordinance 20-05 (Introduced January 27, 2020) (First Reading)**
Amending Title 5, Chapter 13, Article A, Section 2 Entitled “Two-Way Stop Intersections” of the Municipal Code of the Village

4) **Ordinance 20-06 (Introduced January 27, 2020) (First Reading)**
Amending Title 5, Chapter 13, Article D Entitled “No Entry Streets”; Title 5, Chapter 13, Article F Entitled “Parking Restriction Streets”; Title 5, Chapter 13, Article J Entitled “Turn Restriction Streets”; and Title 5, Chapter 13, Article M Entitled “Traffic Schedules” of the Municipal Code of the Village

15. Other Business

16. Presentation of Warrants - $1,716,922.96

17. Residents’ Comments

18. Executive Session – Personnel Matters, Labor Negotiations, Pending Litigation, and Real Estate

19. Adjournment - To ensure full accessibility and equal participation for all interested citizens, individuals with disabilities who plan to attend and who require certain accommodations in order to observe and/or participate in this meeting, or who have questions regarding the accessibility of these facilities, are requested to contact Susan or Jake (847/470-3220) promptly to allow the Village to make reasonable accommodations.
MINUTES OF A REGULAR MEETING OF THE PRESIDENT
AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE
COOK COUNTY, ILLINOIS, HELD AT THE
RICHARD T. FICKINGER MUNICIPAL CENTER
JANUARY 13, 2020

CALL TO ORDER

I. Village President Dan DiMaria convened the Regular Meeting of the Village Board at 7:00 p.m. in
   the Council Chambers of Village Hall. He then led the assemblage in the Pledge of
   Allegiance.

VI. Village Clerk Eileen Harford called the roll. Present were: Trustees Bill Grear, Rita Minx,
    Ed Ramos, John Thill, Connie Travis, and Janine Witko.

VII. APPROVAL OF MINUTES

    Trustee Minx moved to accept the Minutes of the Regular Board Meeting of November 25, 2019
    as presented, seconded by Trustee Thill. Motion passed unanimously via voice vote.

    Trustee Thill then moved to accept the Minutes of the Regular Board Meeting of December 9,
    2019 as presented, seconded by Trustee Minx. Motion passed unanimously via voice vote.

VIII. SPECIAL REPORTS

1. Announcement of Fall Photo Contest Winners (“Faces of Morton Grove”

   a. Mayor DiMaria introduced Gia Schultz, a member of the Community Relations Commission, to
      announce the winners of the Commission’s Fall Photo Contest.

   b. Commissioner Schultz thanked the Mayor and acknowledged fellow Commissioner Bob
      Burkhart, also in attendance tonight. She explained that the Commission is an all-volunteer entity
      whose mission is to foster, encourage, and promote positive relations among all Morton Grove
      residents of all races, creeds, national origins, and economic and educational levels.

   c. The Commission assists the Village as greeters and distributes information about the Village at
      Neighborhood Outreach events and the Community Artists Performances. The Commission
      promotes the Free Little Library program and hosts a little library in front of Village Hall in
      collaboration with the Morton Grove Library. The Commission also hosts the Village’s annual
      Community Garage Sale and a summer and winter “Adopt A Planter” program.

   d. The Commission also promotes and judges the Village’s quarterly photo contest. Residents are
      encouraged to send photos of people, places, and activities in Morton Grove. The Fall photo
      contest theme was “Faces of Morton Grove.” Ms. Schultz thanked all who participated and noted
      the Commission received many interesting pictures.
VIII. SPECIAL REPORTS (continued)

e. Commissioner Schultz said that the winners are Mike Janssen, Scott DeBasilio, Sue Braubach, and an "anonymous" entry. Zainab Ahmed was the winner from the student category and also the overall winner of the contest. She and the assemblage thanked and applauded the winners present this evening.

f. Ms. Schultz said that the Commission's Winter 2020 photo contest runs from January 1, 2020 through March 31st. There is no specific theme for this contest. All Morton Grove residents can submit up to 5 entries. Photos can be emailed to CRC@morgroveil.org or dropped off at or mailed to Village Hall. Winning photos will be announced at the April 13th Village Board meeting. All winning photos are enlarged and framed and displayed at Village Hall.

g. Ms. Schultz said the Commission is always looking for additional community-minded residents to join them. The Commission meets monthly on the second Tuesday at 6:30 p.m. in the second floor Conference Room at Village Hall, and the next Commission meeting is tomorrow night. Anyone interested in joining can attend the meeting or contact Trustee Connie Travis or the Commission chair, Arcelia Pimentel.

h. Mayor DiMaria thanked Commissioner Schultz and the other members of the Commission for doing a fine job of bringing Morton Grove residents together. He acknowledged one of the photo contest winners, Mike Janssen, who works at WGN-TV, and thanked him for participating.


Land Use Planner Zoe Heidorn presented this case to the Board.

a. Ms. Heidorn said the proposed Text Amendments were considered by the Plan Commission at three public hearings held in September, October, and November. The Plan Commission unanimously recommended that the Village Board approve the text amendments.

b. The Unified Development Code currently regulated accessory structures through Sections 12-2-5 and 12-2-6; however, the Village is requesting text amendments to those sections to provide better control over accessory structures, including temporary structures. The amendments will also improve clarity for Code users and administrators, and provide property owners with greater flexibility by permitting "common" attached accessory structures currently not included in the Code.

c. The proposed amendments to accessory structure regulations will reduce impermeable lot coverage by clarifying coverage restrictions and providing greater site control over at-grade structures, such as driveways and sidewalks. Impermeable surfaces directly affect the volume and quality of water runoff from a site, with greater impermeable coverage resulting in higher volume and lower quality runoff. Greater control over impermeable surface coverage will improve the Village's ability to preserve stormwater infrastructure, improve the quality of storm water runoff, reduce flooding, and protect adjacent properties. At the request of the Plan Commission, an overall impermeable lot coverage restriction for residentially zoned property was added to the proposed text amendment.

d. Proposed revisions to the Fencing section of the Code are intended to provide greater flexibility in fence height and style for properties with street side yards, while maintaining the look and feel of open yards along the streetscape. The revisions are in response to a relatively high number of
VIII. SPECIAL REPORTS (continued)

Variation Applications submitted for waivers to street side yard fence requirements. A proposed requirement for sight line triangles at all vehicular intersections, and not just within street side yards, will improve pedestrian and vehicular safety across the Village.

3. Plan Commission Case PC 19-10 Requesting a Special Use Permit for “Automotive Repair (Oil Changes, Tires, Brakes, Auto Glass, and Other Mechanical Items Only)” in the C-1 General Commercial District, in Accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code.

Land Use Planner Zoe Heldorn presented this case to the Board.

a. She said that the Applicant, Matthew Schubert of MTS Investments, LLC, and the Owner, Kushner Management Co., Inc., had filed a complete application for approval of a Special Use Permit for automotive repair (as noted above) for the property located at 6100 Dempster Street, the northwest corner of Dempster Street and Meade Avenue. The subject property is the former location of a Merlin’s automotive repair facility, which vacated the property in 2018. The auto repair facility, ProAuto, will be operated by H & S Enterprises, LLC and managed by partial owner Leroy Hardegree, a master mechanic. This is a new business with no existing locations. However, Mr. Hardegree has over 20 years of experience in automotive repair in Evanston and Northbrook. The proposed business will operate with two staff members initially, but plans to increase employment to five staff members over time.

b. The existing building contains five automotive repair bays, a work storage area, and an office and waiting area with restrooms. With the exception of minor interior and exterior cosmetic improvements and new signage, no physical changes are proposed. The Applicant proposed that approximately four to five passenger vehicles will be serviced at any given time within the automotive bay areas, and the overnight storage of vehicles under repair will occur within the interior service bays. Under the Special Use Permit, ProAuto will be limited to mechanical repairs only, as automotive body repair is a prohibited use in the C1 District. Hours of operation will be from 8:00 a.m. to 5:30 p.m. Monday through Friday, and Saturday by appointment only.

c. There were no public comments at the Plan Commission hearing, and the Commissioners voted unanimously to recommend the Village Board approve this Special Use Permit request.

IX. PUBLIC HEARINGS

NONE

X. RESIDENTS’ COMMENTS (Agenda Items Only)

NONE
XI. **PRESIDENT’S REPORT**

1. Mayor DiMaria welcomed Park District Executive Director Jeff Wait and Park District Commissioners Paul Minx and Keith White to tonight’s meeting.

2. Mayor DiMaria stated the Village cares about the environment and presented to the Board Resolution 20-04 Endorsing the Metropolitan Mayors Caucus’ Greenest Region Compact. This Resolution serves as the Village’s formal endorsement of the Greenest Region Compact and authorizes the Village Administrator to provide a preliminary framework for a sustainability plan for the Village.

   a. The Metropolitan Mayors Caucus provides a forum for Mayors and their communities to take leadership roles to foster environmental stewardship, from energy efficiency and water conservation to urban forestry and clean air. The Caucus created the Greenest Region Compact (“GRC”) to build on important environmental initiatives already underway in the region and to address environmental sustainability issues at the local level. The goals of the GRC include enhancing the quality of life for residents; protection and stewardship of the environment; and sustainable economic vitality. The GRC provides a framework and additional resources for communities to create sustainability plans and assess their efforts to implement their plans.

   Trustee Witko moved to approve Resolution 20-04, seconded by Trustee Grear.

   **Motion passed: 6 ayes, 0 nays.**

   | Tr. Grear  | ave | Tr. Minx  | ave | Tr. Ramos  | ave | Tr. Thill  | ave | Tr. Travis | ave | Tr. Witko  | ave |

   b. Trustee Thill commented that he had read through the report, and realized that the Village has been doing just about everything in the report already. He said he appreciates the people who came out on behalf of this initiative.

3. Next, Mayor DiMaria offered a big thank you to the Morton Grove Fire Department and to the Morton Grove Police Department for their holiday charitable outreach. The Firefighters’ Association held a food drive that ended up supporting 60 local families with a holiday meal and a basket of food items. And 149 children received a gift-wrapped item. The Police Department held its annual “Toys for Tots” drive, resulting in 15 boxes of toys being donated to this US Marine Corps Reserve program.

   a. Mayor DiMaria also reminded residents that Groot will continue to pick up Christmas trees on the curb until January 15th.

4. Mayor DiMaria emphasized the importance of participating in the 2020 Census. It has a direct impact on the amount of federal funding a community can receive. He said that, beginning in March, residents will have the opportunity to participate in the Census online, by phone, or by mail. April 1st is considered “Census Day” and by this date, every home will have received (by mail) an invitation to participate in the 2020 Census. During May, the Census Bureau will begin visiting homes that have not responded to the 2020 Census to make sure that everyone is counted.
XII. CLERK'S REPORT

Clerk Harford announced to the assemblage that everyone can apply online for a mail ballot application for the upcoming Suburban Cook County Presidential Primary Election on March 17, 2020, or people can pick up paper copies of the mail ballot application at Village Hall. Both the paper applications and online applications must be completed and returned by Thursday, March 12, 2020. Paper applications should be returned to: Cook County Clerk's Office, Mail Voting Unit, 69 W. Washington Street, Room 500, Chicago, IL 60602.

XIII. STAFF REPORTS

A. Village Administrator:

Mr. Czerwinski had no report this evening.

B. Corporation Counsel:

Corporation Counsel Liston had no report this evening.

XIV. TRUSTEES' REPORTS

A. Trustee Grear:

1. Trustee Grear presented Ordinance 19-27, Approving a Special Use Permit for a Mixed-Use Development (Commercial and Residential Uses) at 5711 Dempster Street, Morton Grove, Illinois.

   This is the second reading of this Ordinance.

   a. Trustee Grear explained that the Applicant, Andrew Choi, and the owners, Yong Man Choi and Yun OK Choi, had previously received a Special Use Permit for mixed use development in March of 2018, but because no building permit was issued for improvements of the property in accordance to that Special Use Permit, and no certificate of occupancy was obtained within one year of the Special Use Permit being granted, it expired on March 26, 2019.

   b. Because they are now seeking renewal of that Special Use Permit, the Village required them to return to the Plan Commission and Board of Trustees to reauthorize the Special Use Permit, with some minor modifications recommended by staff (described below).

   c. One of the conditions of the Special Use Permit issued in 2018 was a condition that a fire alarm system be installed. Subsequently, the Fire Department determined that automatic fire sprinklers are required with the multi-family units proposed for the second floor. In response to Fire and Building Department comments, additional building and life safety code regulations were recommended to the Plan Commission and have been made part of this Ordinance.

   d. The expired Special Use Permit had included a condition requiring the removal of all plumbing fixtures from the storage area located on the first floor. The applicant has requested that this condition be removed to save expense and to provide employees with a private bathroom with shower that is inaccessible to clients. The continued use of the private bathroom as part of the active office use was found to be acceptable.
XIV. TRUSTEES’ REPORTS (continued)

A. Trustee Grear: (continued)

e. The applicant also requested a waiver of two parking spaces from the peak parking demand of seven spaces. This was acceptable as well.

Trustee Grear moved to adopt Ordinance 19-27, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

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<td>Tr. Witko</td>
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a. He explained that this was pursuant to Plan Commission Case 19-06, reported out earlier this evening. As this is a first reading, no action will be taken tonight.

3. Next, Trustee Grear brought forward Ordinance 20-02, Approving a Special Use Permit for Automotive Repair (Oil Change, Tires, Brakes, Auto Glass, Other Mechanical Items Only) at 6100 Dempster Street, Morton Grove, Illinois.

a. He explained that this Ordinance was pursuant to Plan Commission Case 19-10, which was also reported out earlier this evening.

Again, as this is a first reading of this Ordinance, no action will be taken this evening.

B. Trustee Minx:

Trustee Minx had no report this evening.

C. Trustee Ramos:


a. He explained that the Village is required to maintain licensing for the software it uses in daily operations. The operating system, individual applications, and connectivity to servers all maintain their own licensing scheme. The pricing and licensing structure was competitively reviewed to ensure the financial responsibility of this agreement. The Enterprise Agreement renewal includes an annual maintenance support cost for updates and upgrades (Microsoft Software Assurance), as well as the license costs. The licenses and software structure was originally established in 2008. This type of agreement licenses the enterprise as an entire fleet, as opposed to
C. Trustee Ramos: (continued)

individual purchases. The Enterprise Agreement has advantages over individual purchases including lower platform costs, distributed payments, anniversary period renewals, and software upgrade assurances. The license pricing has held stable for three (3) annual renewal periods. The 2020 renewal is the second renewal period of the three stable pricing periods. This payment, in the amount of $43,708.80, covers the license and maintenance period of January 1, 2020 through December 31, 2020.

Trustee Ramos moved to approve Resolution 20-01, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

Tr. Grear  aye  Tr. Minx  aye  Tr. Ramos  aye
Tr. Thill   aye  Tr. Travis aye  Tr. Witko  aye

D. Trustee Thill:

Trustee Thill had no report this evening.

Trustee Travis:

E. Trustee Travis had no report this evening.

F. Trustee Witko:

1. Trustee Witko presented Resolution 20-03, Authorizing the Execution of a Contract With Landscape Concepts Management, Inc. For the 2020 Tree Trimming Program.

   a. She explained that the Village has an annual program to trim trees within the Village’s rights-of-way and property. Public Works considers it to be cost-effective to hire a contractor to trim trees. This contract was bid through a public process conforming to purchasing procedures. The contract includes a one-year term and allows for renewal in 2021 and 2022.

   b. The estimated contract value is $47,628.30, but since this is a unit price contract, the final contract amount will be based on the actual quantity of work performed.

Trustee Witko moved, seconded by Trustee Minx, to approve Resolution 20-03.

Motion passed: 6 ayes, 0 nays.

Tr. Grear  aye  Tr. Minx aye  Tr. Ramos  aye
Tr. Thill   aye  Tr. Travis aye  Tr. Witko  aye
XIV. TRUSTEES’ REPORTS (continued)

F. Trustee Witko:

2. Next, Trustee Witko presented for a first reading Ordinance 20-03, Amending Title 8, Chapter 3 of the Municipal Code Formerly Entitled “Plants and Weeds.”

   a. She explained that this Ordinance will update the Village’s Municipal Code to provide relevant regulations regarding weeds and grasses.

   b. Trustee Witko said that, in recent years, the milkweed plant has gained attention from the public due to its exclusive relationship with and ability to attract the imperiled monarch butterfly. In 2017, the milkweed plant was designated as the official state wildflower of the State of Illinois.

   c. The Village’s definition of weeds, which was written over 50 years ago, still includes the milkweed plant, although the Village has no record of any citations issued to residents for growing milkweed plants. This Ordinance will update the relevant section of the Village’s Code, and will also update Code sections requiring owners and occupants of property to remove weeds and cut grass on their property as well as abutting public rights of way.

Trustee Witko noted that, as this is the first reading of this Ordinance, no action will be taken tonight.

XV. OTHER BUSINESS

Mayor DiMaria thanked the Village staff, Village Board, and the residents for the Village’s accomplishments in 2019, which are as follows:

1. Substantial Completion of Legacy Water Project
   - Clean, abundant, reliable water supply agreement with stable prices and significant savings over Chicago prices for next 40 years
   - Completion of nearly 20 blocks of newly-constructed roadways, 9.5 miles of new water mains, and 7 million gallon water tower
   - Project was the recipient of three regional awards for project excellence, and more awards are anticipated
   - Successful cooperative partnership with Village of Niles

2. Construction has begun for Sawmill Station
   - $150 million investment in Morton Grove
   - New restaurants (Cooper’s Hawk, Starbucks, Raising Cane’s)
   - Nine-screen movie theater and premier health club
   - New retail (Kohl’s, Ross, Dollar Tree, and soon-to-be-announced Grocery Store)
   - 250-unit luxury apartments (Sawmill Place)
   - Will revitalize area, bring desired dining, shopping, and entertainment to the Village, and long-term financial stability through new property and sales taxes

3. Financial Stability
   - Balanced budget with no property tax increase for 2020
   - Sales tax revenue increased from $7.8m in 2018 to $8m (a 2.5% increase)
   - $1.76m federal grant awarded to construct the shared Oakton Street Multi-Use Path
4. Village Operations
   • 1,500 building permits issued
   • 23 new or expanded businesses
   • 7,030 vehicle miles of streets swept; 24,306 fleet miles of streets snowplowed;
     1,393 tons of leaves removed
   • 24,705 calls for police service
   • 6,934 fire, EMS, and rescue responses with an average response time of
     3 minutes, 54 seconds

5. Commitment to Sustainability
   • 206 trees planted on parkways; 19th year of receiving Tree City USA designation
   • 90% of Village Hall lightbulbs changed to energy efficient bulbs
   • Continued efforts to modify Village street lights to energy-efficient LEDs
   • 28,168 pounds of electronics and 16,000 pounds of paper recycled at Village
     recycling events

6. Communication and Community Engagement
   • Two resolutions passed tonight were due to sitting down with residents and
     listening to their needs
   • Three Neighborhood Outreach events were held; weekly e-newsletters were sent;
     new website and SMART 911 implemented
   • 2,043 surveyed seniors reported being “Delighted” with programs at Civic Center
   • 476 kids participated in the Police Department’s “LEAD the way” program
   • Community events and programs, such as Adopt-a-Planter, Community Garage Sale,
     quarterly photo contests, community artists performances, free little library, Police
     Explorer program, National Night Out, Holly Days (with Park District), Annual Food Drive,
     Annual Toys for Tots drive, Santa Comes to Town, and, of course, Morton Grove Days
     and the Taste of Morton Grove (which is March 12 this year) bring our community
     together.

7. Mayor DiMaria said that “people make the community” and nobody does it better than
   Morton Grove!

XVI.

WARRANTS

Trustee Minx presented the Warrant Register for January 13, 2020 in the amount of
$216,249.92. She moved that the Warrants be approved as presented, seconded by
Trustee Travis.

Motion passed: 6 ayes, 0 nays.

Tr. Grear   aye
Tr. Thill    aye
Tr. Minx     aye
Tr. Travis    aye
Tr. Ramos    aye
Tr. Witko    aye
XVII. RESIDENTS' COMMENTS

Nancy Lanning said she started off the new year by totaling her truck. But she was very, very grateful to the police and fire departments, who arrived on the scene within seconds, and to the many people who came out of their homes offering assistance.

XVIII. ADJOURNMENT

There being no further business before the Board, Trustee Minx moved to adjourn the meeting, seconded by Trustee Ramos.

Motion passed: 6 ayes, 0 nays.

Tr. Grear aye 
Tr. Thill aye 
Tr. Minx aye 
Tr. Travis aye 
Tr. Ramos aye 
Tr. Witko aye 

The meeting adjourned at 7:29 p.m.

PASSED this 27th day of January, 2020.

Trustee Grear
Trustee Minx
Trustee Ramos
Trustee Thill
Trustee Travis
Trustee Witko

APPROVED by me this 27th day of January, 2020.

Daniel P. DiMaria, Village President
Board of Trustees, Morton Grove, Illinois

APPROVED and FILED in my office this 28th day of January, 2020.

Eileen Scanlon Harford, Village Clerk
Village of Morton Grove, Cook County, Illinois
**Legislative Summary**

**Ordinance 20-01**

**APPROVING A TEXT AMENDMENT TO MODIFY SELECTED REGULATIONS RELATING TO ACCESSORY STRUCTURES AND YARDS, IMPERMEABLE LOT COVERAGE IN RESIDENTIAL DISTRICTS, AND FENCES**

**Introduction:**
January 13, 2020

**Purpose:**
To request for a Text Amendment to Section 12-4-2 regarding the regulation of impermeable surfaces in residential zoning districts, Sections 12-2-5, 12-2-6, and 12-17-1 regarding the regulation of accessory structures and yards, and to Section 12-3-5 regarding the regulation of fences, of the Village of Morton Grove Unified Development Code (Ordinance 07-07) Title 12

**Background:**
The Department of Community and Economic Development continuously reviews and updates Title 12 of the Municipal Code, entitled the “Unified Development Code,” as needed to keep regulations current, and promote predictable and desirable development. As such, the Village submitted a Text Amendment Application to modify select regulations relating to accessory structures and yards, impermeable lot coverage in residential districts, and fences to improve the Village’s dimensional control over the bulk and siting of accessory structures, reduce impermeable lot coverage in residential districts, better reflect modern development practices, provide greater flexibility to property owners, and improve Code clarity for users and administrators.

Specifically, the proposed Text Amendment clarifies rear yard impermeable coverage requirements, adds an overall impermeable lot coverage restriction for the residential districts, adds restrictions specific to temporary accessory structures, improves siting and dimensional control over accessory structures, including driveways and sidewalks, converts the permitted obstructions list to a table format for improved readability, adds common permitted obstructions not currently addressed in Title 12, adds greater flexibility to existing street side yard fence regulations, includes new illustrations to improve user-friendliness, and amends existing definitions to support the regulatory changes.

On September 16, October 21, and November 18, 2019, the Village appeared before the Plan Commission to present the request for approval of the Text Amendment and take comments. Based on the revised application, supporting staff reports, and testimony presented at the public hearings, the Plan Commission voted unanimously (5-0; Kahn and Dorgan absent) to recommend approval of the Text Amendment at their November 18, 2019, meeting.

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<th>Programs, Departs or Groups Affected</th>
<th>Community and Economic Department</th>
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<tr>
<td>Fiscal Impact</td>
<td>N/A</td>
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<tr>
<td>Source of Funds</td>
<td>N/A</td>
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<tr>
<td>Workload Impact</td>
<td>The Text Amendment will be implemented by staff in the normal course of business.</td>
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<td>Admin Recommend</td>
<td>Approval as presented</td>
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<td>Second Reading</td>
<td>Required, January 27, 2020</td>
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<td>Special Consider or Requirements</td>
<td>None</td>
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Submitted by: Ralph Czerninski, Village Administrator
Reviewed by: Teresa Hoffman Liston, Corporation Counsel

Prepared by: Zoe Heiden, Land Use Planner/Coordinator
ORDINANCE 20-01

AN ORDINANCE APPROVING A TEXT AMENDMENT TO MODIFY SELECTED REGULATIONS RELATING TO ACCESSORY STRUCTURES AND YARDS, IMPERMEABLE LOT COVERAGE IN RESIDENTIAL DISTRICTS, AND FENCES

WHEREAS, the Village of Morton Grove (the Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Village continuously reviews and, as it deems necessary, updates existing Municipal Codes to assure they are kept current and relevant; and

WHEREAS, the proposed Text Amendment includes modifications to selected regulations relating to accessory structures and yards, impermeable lot coverage in residential districts, and fences to improve the Village’s dimensional control over the bulk and siting of accessory structures, reduce impermeable lot coverage in residential districts, better reflect modern development practices, provide greater flexibility to property owners, and improve Code clarity for users and administrators; and

WHEREAS, the Village of Morton Grove submitted a complete Text Amendment Application to the Morton Grove Plan Commission under case PC 19-06 to consider and recommend adoption of Text Amendment to Sections 12-2-5, 12-2-6, 12-3-5, 12-4-2, and 12-17-1 of the Village of Morton Grove Unified Development Code (Ordinance 07-07) to modify standards relating to accessory structures and yards, impermeable lot coverage, and fences; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, notice of the first public hearing for case PC 19-06 on September 16, 2019, was duly published in the Pioneer Press, a newspaper of general circulation in the Village of Morton Grove, on August 29, 2019; and

WHEREAS, due to changes in scope of the proposed Text Amendment and pursuant to the applicable provisions of the Municipal Code, notice of the second public hearing for case PC 19-06 on October 21, 2019, was duly published in the Pioneer Press, a newspaper of general circulation in the Village of Morton Grove, on October 21, 2019; and

WHEREAS, as required by ordinance, the Morton Grove Plan Commission held a public hearing relative to the above referenced case on September 16, 2019, and at said hearing, the Commission voted to continue the case to the regularly scheduled October 21, 2019, meeting of the Plan Commission, and where subsequently at the October 21, 2019, hearing, the Plan Commission voted to continue the case to the regularly scheduled November 18, 2019, hearing, and at each
public hearing all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission; and

WHEREAS, as a result of said public hearings, the Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the application and made certain recommendations through a report dated December 3, 2019, a copy of which is attached hereto and made a part hereof and marked as Exhibit “A”; and

WHEREAS, the Corporate Authorities have considered this matter at a Public Meeting and find the Text Amendment, when evaluated in the context of the whole Village, serves the public good; and

WHEREAS, the Village is desirous of assuring all policies are kept current and relevant.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth:

SECTION 2: Title 12, Chapter 2, Section 5, entitled “Accessory Buildings and Uses,” is hereby amended as follows:

12-2-5: ACCESSORY BUILDINGS AND USES AND STRUCTURES:
A. Accessory Uses: Accessory uses are permitted in all zoning districts in connection with a principal use which is permitted within such district, provided it is located on the same zoning lot as the principal building or use served. Accessory uses shall not be established prior to the establishment of the principal use, and shall comply with the use limitation applicable in the zoning district in which it is located.

B. Accessory Structures:
   1. Attached Accessory Structures: In no event may an accessory structure become attached to a principal structure where such a combined structure would not comply with the applicable bulk regulations of the zoning district within which it is located.
   2. Detached Accessory Structures; Accessory structures in Residential Districts:
      a. Shall not be located in the required front yard or required side yards;
      b. Shall not be located closer than three feet (3') to the rear or side lot line, or to another detached accessory structure;
      c. Shall not occupy more than thirty percent (30%) of the rear yard;
      d. Shall be at least ten feet (10') from the principal structure;
      e. Shall not have more than one story nor exceed seventeen feet (17') in height, unless otherwise permitted as accessory to business and manufacturing uses.
   3. Rear Yard Coverage: In no event may the total coverage of accessory structures and impermeable surfaces combined exceed fifty percent (50%) of a rear yard.
   4. Temporary Accessory Structures: Temporary accessory structures must comply with the setback requirements of the district in which it is located, or as otherwise deemed...
appropriate by the Village Administrator, and with all applicable building and life safety code requirements. Any temporary accessory structure exceeding two-hundred (200) square feet in area or seventy-two (72) hours in duration in a calendar year shall be required to obtain a permit prior to installation of the structure, or as otherwise deemed appropriate by the Building Commissioner. Temporary trailers are subject to the provisions of Section 12-3-8. Temporary signs and displays are controlled by Section 10-10-8.

SECTION 3: Title 12, Chapter 2, Section 6, entitled “Yards,” Subsection G, entitled “Permitted Obstructions,” is hereby deleted in its entirety and replaced with the following:

G. Permitted Obstructions: The following shall not be considered as obstructions when located in the yard indicated:

<table>
<thead>
<tr>
<th>Permitted Obstructions *</th>
<th>Required Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Obstruction</td>
<td>Front</td>
</tr>
<tr>
<td>Accessibility Ramp</td>
<td>Y</td>
</tr>
<tr>
<td>Min. 3' from all lot lines; Shall be of post or pier construction</td>
<td></td>
</tr>
<tr>
<td>Arbores, Trellises, &amp; Pergolas, Attached &amp; Detached</td>
<td>N</td>
</tr>
<tr>
<td>Max. 8' height; Side yard setback applies if attached; Max. 30% yard coverage</td>
<td></td>
</tr>
<tr>
<td>Balcony</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth, Max. 5' encroachment</td>
<td></td>
</tr>
<tr>
<td>Bay Window</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth; Min. 5' from all lot lines</td>
<td></td>
</tr>
<tr>
<td>Chimney</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth, Max. 3' encroachment</td>
<td></td>
</tr>
<tr>
<td>Decks, Attached</td>
<td>N</td>
</tr>
<tr>
<td>Max. 30% yard coverage for all decks and patios combined; Side yard setback applies</td>
<td></td>
</tr>
<tr>
<td>Detached Accessory Structures</td>
<td>N</td>
</tr>
<tr>
<td>Controlled by Section 12-2-5:B</td>
<td></td>
</tr>
<tr>
<td>Driveway **</td>
<td>Y</td>
</tr>
<tr>
<td>Min. 9' width; Min. 3' from all lot lines; For replacement of existing driveways, 3'-setback may be reduced to allow a driveway width of 9' if yard is less than 12'; Max. 1 driveway within any yard; Max. width of 16' at front or street side lot lines;</td>
<td></td>
</tr>
<tr>
<td>Fences</td>
<td>N</td>
</tr>
<tr>
<td>Subject to the provisions of Section 12-3-5</td>
<td></td>
</tr>
<tr>
<td>Garage, Attached</td>
<td>N</td>
</tr>
<tr>
<td>Max. 30% yard coverage; Min. 15' from rear lot line; Residential corner lots only</td>
<td></td>
</tr>
<tr>
<td>Garage, Detached</td>
<td>N</td>
</tr>
<tr>
<td>Residential lots only</td>
<td></td>
</tr>
<tr>
<td>Heating, Ventilation, and Air Conditioning (HVAC) Equipment</td>
<td>N</td>
</tr>
<tr>
<td>Subject to the provisions of Section 10-1-1:F.1; permitted within 10 feet of principal structure</td>
<td></td>
</tr>
<tr>
<td>Marquee (Canopy) &amp; Awning</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth; Must be attached to the principal building;</td>
<td></td>
</tr>
<tr>
<td>Open Accessory Parking Spaces **</td>
<td>N</td>
</tr>
<tr>
<td>Min. 3' from all lot lines</td>
<td></td>
</tr>
<tr>
<td>Permitted Obstructions * Y = Permitted / N = Prohibited</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Permitted Obstruction</td>
<td>Required Yard</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Open Sided Porch</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth</td>
<td></td>
</tr>
<tr>
<td>Ornamental Light Standard &amp; Flagpole</td>
<td>Y</td>
</tr>
<tr>
<td>Min. 5' from all lot lines; Max. 25' height</td>
<td></td>
</tr>
<tr>
<td>Overhanging Roof Eaves &amp; Gutters</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 20% of yard depth; Max. 2' encroachment</td>
<td></td>
</tr>
<tr>
<td>Patio, Attached **</td>
<td>N</td>
</tr>
<tr>
<td>Max. 30% yard coverage for all decks and patios combined; Side yard setback applies</td>
<td></td>
</tr>
<tr>
<td>Patio, Detached **</td>
<td>N</td>
</tr>
<tr>
<td>Max. 30% yard coverage for all decks and patios combined; Min. 3' from all lot lines</td>
<td></td>
</tr>
<tr>
<td>Recreational Equipment</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Shed</td>
<td></td>
</tr>
<tr>
<td>Residential lots only</td>
<td>N</td>
</tr>
<tr>
<td>Sidewalk **</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 4' width in front and street side yards; Min. 3' from all lot lines; 3'-setback may be reduced to allow a sidewalk width of 3' if yard is less than 6'</td>
<td></td>
</tr>
<tr>
<td>Stairs/Steps</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 5' encroachment; Max. 4' encroachment in interior side yard for access provided to below-grade floors, otherwise max. 3' encroachment; Unroofed only</td>
<td></td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>N</td>
</tr>
<tr>
<td>Exempt from Title 12 setback and coverage requirements; Subject to the requirements of Title 8, Chapter 4</td>
<td></td>
</tr>
<tr>
<td>Window Well</td>
<td>Y</td>
</tr>
<tr>
<td>Max. 3' encroachment</td>
<td></td>
</tr>
</tbody>
</table>

* In order to maintain visibility on corner lots, the height of a permitted obstruction located within twenty feet (20') of the lot corner formed by the intersection by any two (2) lot lines bounding a public street may not exceed twenty-four inches (24") above curb level.

** Within five feet (5') of any lot line, height shall not exceed grade of nearest lot line, or as otherwise approved by the Building Commissioner.

SECTION 4: Title 12, Chapter 3, Section 5, entitled “Fences,” is hereby amended as follows:

12-3-5: FENCES:
Fences are permitted in all districts, subject to the following restrictions:
A. No fence shall be allowed on any part of a front yard or any part of a required rear yard that front a street, such as in the case of through lots or multi-frontage corner lots.
B. Fences shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where the vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. Where a driveway intersects an alley, the dimensions of the 45-degree sight line triangle shall be determined by the distance between the garage and alley, to a maximum of 10 feet. If no garage exists, the 10-foot by 10-foot sight line triangle shall apply.
CB. Fences shall be permitted within portions of the street side yard of corner lots, which is defined as the yard abutting a street that does not meet the definition of "Lot Frontage" and "Lot Line, Rear," in accordance with Section 12-17-1 of the Unified Development Code, with the following requirements:

a. The street side yard of a subject property which is part of a block where the entire block face, between two public streets, includes only street side yards, as shown in "Exhibit 1—Eligible Lots" but not on lots where the block face, between two public streets, includes one or more front yard, on lots with street frontage on three (3) sides where the street side yard is within the required front yard setbacks, or on through lots, as shown in "Exhibit 2—Ineligible Lots."

Exhibit 1: Eligible Lots

(Addresses 8945 and 8944 would be eligible for limited "by-right" street side yard fence under this amendment)

(Addresses 6600 would be eligible for limited "by-right" street side yard fence under this amendment)
Exhibit 2: Ineligible Lots

(Address 8621 and 8601 would NOT be eligible for limited "by-right" street-side yard fence under this amendment)

(Address 8952 would NOT be eligible for limited "by-right" street-side yard fence under this amendment because the street side yard is also within the required front-yard setback along the front and rear)

(Address 8950 and 8946 would NOT be eligible for a by-right front or rear yard fence under this amendment)

b. The fence shall only be permitted to enclose that portion of the street side yard that is in line with and behind the rear portion of the principal structure closest to the street side yard property line, as exemplified in "Exhibit 3—Permitted Location of Street Side Yard Fences":

"Exhibit 3—Street Side Yard Fence Permitted Location":

c. The fence shall not be higher than 42 inches (3.5 ft.) 48 inches (4 ft.);

d. The fences shall have a minimum opacity transparency of 50%; and

e. The fence shall not be made of chain-link material, and
f. The fence shall not be located within 10 ft. by 10 ft. sight line triangles at any point where the vehicular or pedestrian access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. As exemplified by “Exhibit 4—Sight Line Triangle”

Exhibit 4: 10 ft. Sight Triangles

**STREET SIDE YARD FENCES**

*Illustration does not include required sight line triangle*
The table lists maximum fence heights for properties in the various zoning districts:

<table>
<thead>
<tr>
<th>Lot In Zoning District</th>
<th>Abutting Lot In Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Residential</td>
<td>6 feet</td>
</tr>
<tr>
<td>Residential – within designated street side yard area, per Sec. 12-3-5.B.</td>
<td>4 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>7 feet</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>7 feet</td>
</tr>
</tbody>
</table>

In no event shall any fence be placed or maintained in a location relative to a public or private street, alley, driveway or other means of egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress.

All fences must be installed in accordance with title 10, chapter 9 of this code.

Any applications for variations to the fence requirements, included herewith, shall be reviewed based on the following:
1. The proposed fence variation shall meet with the intent of the design and development standards established in 12-3-5.B., above;
2. The proposed fence variation shall not have an adverse impact on the immediate abutters or the character of the surrounding neighborhood;
3. The proposed fence variation shall not create obstructions in required sight lines at areas where a pedestrian or vehicular ways intersect with driveways, streets, alleys, or other pedestrian or vehicular access way.

SECTION 5: Title 12, Chapter 4, Section 2, entitled “Residential Districts,” Subsection D, entitled “Height and Bulk Regulations,” is hereby amended as follows:
D. Height And Bulk Regulations:

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area (In Square Feet):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Single-family detached dwellings:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivisions of record on or before August 4, 1959</td>
<td>6,875</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Subdivisions of record after August 4, 1959</td>
<td>7,500</td>
<td>5,900</td>
<td>5,900</td>
</tr>
<tr>
<td>b. Two-family dwellings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Multi-family dwellings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached dwellings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--</td>
<td></td>
<td></td>
<td>24 units per acre (1,815 sq. ft. per acre)</td>
</tr>
<tr>
<td>3,000 per d.u.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 units per acre (2,723 sq. ft. per d.u.) or 18 units per acre (2,420 sq. ft. per acre) by special use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Minimum Lot Width (In Feet):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Subdivisions of record on or before August 4, 1959</td>
<td>55</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>b. Subdivisions of record after August 4, 1959</td>
<td>60</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>3. Minimum Yards (In Feet):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Front</td>
<td>25²</td>
<td>25³</td>
<td>25²</td>
</tr>
<tr>
<td>b. Side yards</td>
<td>6 min. combined 14</td>
<td>5 min.</td>
<td>5 min.</td>
</tr>
<tr>
<td>c. Front yard on a corner lot</td>
<td>25³</td>
<td></td>
<td>25³</td>
</tr>
<tr>
<td>d. Rear</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>4. Maximum Building Height (In Feet):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Residential permittee uses:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots meeting minimum lot width</td>
<td>28</td>
<td>28</td>
<td>35</td>
</tr>
<tr>
<td>Lots with substandard lot width</td>
<td>28⁴</td>
<td>28⁴</td>
<td>35⁴</td>
</tr>
<tr>
<td>b. Nonresidential permitted and special uses:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots meeting minimum lot width</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Lots with substandard lot width</td>
<td>35⁴</td>
<td>35⁴</td>
<td>35⁴</td>
</tr>
<tr>
<td>5. Floor Area Ratio (Maximum):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Residential area ratio</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>b. Nonresidential uses</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>6. Impermeable Lot Coverage (Maximum):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>55%</td>
<td>60%</td>
<td>65%</td>
</tr>
</tbody>
</table>

1. Side Yards: 2 side yards shall be required each with a minimum width of 5 feet each for single-family and two-family dwellings. For all multiple-family dwellings of 20 feet high, the minimum side yard requirement shall be increased by 1 foot for every 3 foot increase in height, not to exceed a maximum side yard of 10 feet. If the incremental height increase exceeds 50 percent of the 3 foot increase, the larger side yard shall apply.

2. Front Yard Setbacks: If front yard setbacks of the existing homes on the block are either greater or less than 25 feet, refer to chapter 2, "General Provisions", of this title.

3. Front Yard On A Corner Lot: Both yards abutting streets shall be considered front yards with a minimum depth of 25 feet. If a corner lot, subdivided and recorded on August 4, 1959, has insufficient width to provide a front yard of 25 feet, a side yard of 5 feet (6 feet for R-1) and buildable width of 31 feet (32 feet for R-1), then the front yard along the length of the lot may be reduced in width by the distance necessary to maintain a buildable width of 31 feet (32 feet for R-1), but may not be less than 30 percent (20 percent for R-3) of the lot width.

4. Average Height: Or the average of the heights of the structures on each side of the substandard lot, whichever is less.

5. The replacement of an existing driveway on a lot that exceeds maximum permeable lot coverage is permitted if the replacement complies with all other dimensional controls and does not increase impermeable lot coverage.
SECTION 6: Title 12, Chapter 17, Section 1, entitled “Terms Defined,” is hereby amended to add, delete, and amend the following definitions, to be inserted in alphabetical order:

ACCESSORY BUILDING OR STRUCTURE: A detached building or structure on the same site with and of a nature subordinate to the principal building or structure.

BAY WINDOW: A window located above grade that extends beyond the wall of the building.

BOARD-ON BOARD FENCE: A fence with boards installed on alternating sides of horizontal members so that when viewed perpendicular there is a one-quarter inch or greater separation between the alternating vertical boards.

BUILDING, TEMPORARY: Any building not designated to be permanently located, placed or affixed at its existing location.

PATIO: A recreation area at grade level that adjoins a dwelling that is often paved and is adapted especially for outdoor dining.

TEMPORARY STRUCTURE: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
SECTION 7: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 8: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 9: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.

PASSED this 27th day of January 2020.
Trustee Grear
Trustee Minx
Trustee Ramos
Trustee Travis
Trustee Thill
Trustee Witko

APPROVED by me this 27th day of January 2020.

Daniel P. DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

APPROVED and FILED in my office this 28th day of January 2020.

Eileen Scanlon Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois
To: Village President and Board of Trustees

From: Steven Bloncz, Chairperson, Plan Commission
      Ralph Czerwinski, Village Administrator
      Teresa Hoffman Liston, Corporation Counsel
      Zoe Heidorn, Land Use Planner/Coordinator

Date: December 3, 2019

Re: Plan Commission Case PC 19-06 (6101 Capulina Avenue): Text Amendment to Section 12-4-2 regarding the regulation of impermeable surfaces in residential zoning districts, Sections 12-2-5, 12-2-6, and 12-17-1 regarding the regulation of accessory structures and yards, and to Section 12-3-5 regarding the regulation of fences, of the Village of Morton Grove Unified Development Code (Ordinance 07-07) Title 12

Executive Summary
The Village of Morton Grove ("Applicant") filed an application for approval of a Text Amendment to various sections of the Unified Development Code relating to the regulation of impermeable surfaces in residential zoning districts, accessory structures and yards, and fences.

The proposed Text Amendment was considered by the Plan Commission at three (3) public hearings held on September 16, October 21, and November 18, 2019. For the reasons set forth in this report, on November 18, 2019, the Plan Commission unanimously recommended that the Village Board approve the Text Amendment.

Background
The Unified Development Code currently regulates accessory structures through Sections 12-2-5 (Accessory Buildings and Uses) and 12-2-6 (Yards). The Village is requesting a Text Amendment to these sections and to Section 12-17-1 (Terms Defined) in order to provide better control over accessory structures, including temporary structures. In addition to expanding the Village's control over the bulk and siting of accessory structures, the amendments will improve clarity for Code users and administrators, and provide property owners with greater flexibility by permitting common attached accessory structures not currently included in the Unified Development Code.

The proposed amendments to accessory structure regulations will reduce impermeable lot coverage by clarifying coverage restrictions and providing greater siting control over at-grade structures, such as driveways and sidewalks. Impermeable surfaces directly affect the volume and quality of water runoff from a site, with greater impermeable coverage resulting in higher volume and lower quality runoff. Greater control over impermeable surface coverage will improve the Village's ability to preserve stormwater infrastructure, improve the quality of stormwater runoff, reduce flooding, and protect adjacent properties. At the request of the Plan Commission, an overall impermeable lot coverage restriction for residentially zoned property was added to the proposed amendment.

Proposed revisions to Section 12-3-5 (Fences) are intended to provide greater flexibility in fence height and style for properties with street side yards while maintaining the look and feel of open yards along the streetscape. The proposed amendments are in response to a relatively high number of Variation Applications submitted for waivers to street side yard fence requirements. A proposed requirement for sight line triangles at all vehicular intersections, and not just within street side yards, will improve pedestrian and vehicular safety across the Village.

The proposed text amendment implements two main goals identified in the Morton Grove Strategic Plan:
1) Strategic Goal 1.1: Maintain and enhance the appearance and aesthetics of the Village.
2) Strategic Goal 1.2: Provide and maintain infrastructure appropriate to support expected service levels.

Application
On August 20, 2019, the applicant submitted a complete application to the Department of Community and Economic Development for approval of a Text Amendment to Title 12 of the Morton Grove Municipal Code, otherwise known as the Unified Development Code. After considerable discussion of the Text Amendment by the
Plan Commission and members of the public at the three (3) public hearings held for PC 19-06, the Plan Commission is recommending the following revisions to Sections 12-2-5, 12-2-6, 12-4-2, and 12-17-1 of the Unified Development Code.

**AMENDMENT RECOMMENDATION A.1**

**12-17-1: TERMS DEFINED:**

**ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure on the same site with and of a nature subordinate to the principal building or structure.

**RAY WINDOW:** A window located above grade that extends beyond the wall of the building.

**BOARD-ON-BOARD FENCE:** A fence with boards installed on alternating sides of horizontal members so that when viewed perpendicular there is a one-quarter inch or greater separation between the alternating vertical boards.

![Board-on-Board Fence Diagram](image)

**BUILDING, TEMPORARY:** Any building not designated to be permanently located, placed or affixed at its existing location.

**PATIO:** A recreation area at grade level that adjoins a dwelling that is often paved and is adapted especially for outdoor dining.

**TEMPORARY STRUCTURE:** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**AMENDMENT RECOMMENDATION A.2**

**12-2-5: ACCESSORY BUILDINGS AND USES AND STRUCTURES:**

A. Accessory Uses: Accessory uses are permitted in all zoning districts in connection with a principal use which is permitted within such district, provided it is located on the same zoning lot as the principal building or use served. Accessory uses shall not be established prior to the establishment of the principal use, and shall comply with the use limitation applicable in the zoning district in which it is located.

B. Accessory Structures:

1. **Attached Accessory Structures:** In no event may an accessory structure become attached to a principal structure where such a combined structure would not comply with the applicable bulk regulations of the zoning district within which it is located.

2. **Detached Accessory Structures:** Residential Districts:
   a. Shall not be located in the required front yard or required side yards;
   b. Shall not be located closer than three feet (3') to the rear or side lot line, or to another detached accessory structure;
   c. Shall not occupy more than thirty percent (30%) of the rear yard;
   d. Shall be at least ten feet (10') from the principal structure;
   e. Shall not have more than one story nor exceed seventeen feet (17') in height, unless otherwise permitted as accessory to business and manufacturing uses.
3. Rear Yard Coverage: In no event may the total coverage of accessory structures and impermeable surfaces combined exceed fifty percent (50%) of a rear yard.

4. Temporary Accessory Structures: Temporary accessory structures must comply with the setback requirements of the district in which it is located, or as otherwise deemed appropriate by the Village Administrator, and with all applicable building and life safety code requirements. Any temporary accessory structure exceeding two-hundred (200) square feet in area or seventy-two (72) hours in duration in a calendar year shall be required to obtain a permit prior to installation of the structure, or as otherwise deemed appropriate by the Building Commissioner. Temporary trailers are subject to the provisions of Section 12-3-8. Temporary signs and displays are controlled by Section 10-10-8.

AMENDMENT RECOMMENDATION A.3

12-2-6: YARDS:

G. Permitted Obstructions: The following shall not be considered as obstructions when located in the yard indicated:

<table>
<thead>
<tr>
<th>Permitted Obstructions *</th>
<th>Required Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
</tr>
<tr>
<td><strong>Accessibility Ramp</strong></td>
<td></td>
</tr>
<tr>
<td>Min. 3' from all lot lines; Shall be of post or pier construction</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Arbors, Trellises, &amp; Pergolas, Attached &amp; Detached</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 8' height; Side yard setback applies if attached; Max. 30% yard coverage</td>
<td>N</td>
</tr>
<tr>
<td><strong>Balcony</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 20% of yard depth, Max. 5' encroachment</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Griel Bay Window</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 20% of yard depth; Min. 5' from all lot lines</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Chimney</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 20% of yard depth, Max. 3' encroachment</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Decks, Attached</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 30% yard coverage for all decks and patios combined; Side yard setback applies</td>
<td>N</td>
</tr>
<tr>
<td><strong>Detached Accessory Structures</strong></td>
<td></td>
</tr>
<tr>
<td>Controlled by Section 12-2-5:B</td>
<td>N</td>
</tr>
<tr>
<td>**Driveway ****</td>
<td></td>
</tr>
<tr>
<td>Min. 9' width; Min. 3' from all lot lines; For replacement of existing driveways, 3'-setback may be reduced to allow a driveway width of 9' if yard is less than 12'; Max. 1 driveway within any yard; Max. width of 16' at front or street side lot lines</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Fences</strong></td>
<td></td>
</tr>
<tr>
<td>Subject to the provisions of Section 12-3-5</td>
<td>N</td>
</tr>
<tr>
<td><strong>Garage, Attached</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 30% yard coverage; Min. 15' from rear lot line; Residential corner lots only</td>
<td>N</td>
</tr>
<tr>
<td><strong>Garage, Detached</strong></td>
<td></td>
</tr>
<tr>
<td>Residential lots only; Max. 30% yard coverage</td>
<td>N</td>
</tr>
<tr>
<td><strong>Heating, Ventilation, and Air Conditioning (HVAC) Equipment</strong></td>
<td></td>
</tr>
<tr>
<td>Subject to the provisions of Section 10-1-1:F.1; permitted within 10 feet of principal structure</td>
<td>N</td>
</tr>
<tr>
<td><strong>Marquee (Canopy) &amp; Awning</strong></td>
<td></td>
</tr>
<tr>
<td>Max. 20% of yard depth; Must be attached to the principal building;</td>
<td>Y</td>
</tr>
<tr>
<td>**Open Accessory Parking Spaces ** **</td>
<td></td>
</tr>
<tr>
<td>Min. 3' from all lot lines</td>
<td>N</td>
</tr>
<tr>
<td>Permitted Obstructions *</td>
<td>Permitted Obstruction</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>Open Sided Porch</strong></td>
<td>Max. 20% of yard depth</td>
</tr>
<tr>
<td><strong>Ornamental Light Standard &amp; Flagpole</strong></td>
<td>Min. 5' from all lot lines; Max. 25' height</td>
</tr>
<tr>
<td><strong>Overhanging Roof Eaves &amp; Gutters</strong></td>
<td>Max. 20% of yard depth; Max. 2' encroachment</td>
</tr>
<tr>
<td>**Patio, Attached **</td>
<td>Max. 30% yard coverage for all decks and patios combined; Side yard setback applies</td>
</tr>
<tr>
<td>**Patio, Detached **</td>
<td>Max. 30% yard coverage for all decks and patios combined; Min. 3' from all lot lines</td>
</tr>
<tr>
<td><strong>Recreational Equipment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shed</strong></td>
<td>Residential lots only; Max. 30% yard coverage</td>
</tr>
<tr>
<td>**Sidewalk **</td>
<td>Max. 4' width in front and street side yards; Min. 3' from all lot lines; 3' setback may be reduced to allow a sidewalk width of 3' if yard is less than 6'</td>
</tr>
<tr>
<td><strong>Stairs/Steps</strong></td>
<td>Max. 5' encroachment; Max. 4' encroachment in interior side yard for access provided to below-grade floors, otherwise max. 3' encroachment; Unroofed only</td>
</tr>
<tr>
<td><strong>Swimming Pool</strong></td>
<td>Exempt from Title 12 setback and coverage requirements; Subject to the requirements of Title 8, Chapter 4</td>
</tr>
<tr>
<td><strong>Terrace</strong></td>
<td>Max. 20% of yard depth</td>
</tr>
<tr>
<td><strong>Window Well</strong></td>
<td>Max. 3' encroachment</td>
</tr>
</tbody>
</table>

* In order to maintain visibility on corner lots, the height of a permitted obstruction located within twenty feet (20') of the lot corner formed by the intersection by any two (2) lot lines bounding a public street may not exceed twenty-four inches (24") above curb level.

** Within five feet (5') of any lot line, height shall not exceed grade of nearest lot line, or as otherwise approved by the Building Commissioner.

**AMENDMENT RECOMMENDATION A.4**

12-4-2: RESIDENTIAL DISTRICTS:

D. Height and Bulk Regulations:

6. Maximum Impermeable Lot Coverage:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Impermeable Lot Coverage</strong></td>
<td>55%</td>
<td>60%</td>
<td>65%</td>
</tr>
</tbody>
</table>

* The replacement of an existing driveway on a lot that exceeds maximum permeable lot coverage is permitted if the replacement complies with all other dimensional controls and does not increase permeable lot coverage.
**AMENDMENT RECOMMENDATION A.5**

12-3-5: FENCES:

Fences are permitted in all districts, subject to the following restrictions:

A. No fence shall be allowed on any part of a front yard or any part of a required rear yard that front a street, such as in the case of through lots or multi-frontage corner lots.

B. Fences shall not be located within a 45-degree 10 ft. by 10 ft. sight line triangle at any point where the vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. Where a driveway intersects an alley, the dimensions of the 45-degree sight line triangle shall be determined by the distance between the garage and alley, to a maximum of 10 feet. If no garage exists, the 10 ft. by 10 ft. sight line triangle shall apply.

---

**Sight Line Triangle**

---

<table>
<thead>
<tr>
<th>Street</th>
<th>Alley</th>
<th>Street</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Diagram of sight line triangle with dimensions and labels" /></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*Where a driveway leading to a garage intersects an alley, 45-degree sight line triangle dimensions shall be determined by the distance between the garage and alley, to a maximum of 10’.*

---

**CB.** Fences shall be permitted within portions of the street side yard of corner lots, which is defined as the yard abutting a street that does not meet the definition of “Lot Frontage” and “Lot Line, Rear,” in accordance with Section 12-17-1 of the Unified Development Code, with the following requirements:

a. The street side yard of a subject property which is part of a block where the entire block face, between two public streets, includes only street side yards, as shown in “Exhibit 1—Eligible Lots” but not on lots where the block face, between two public streets, includes one or more front yard, on lots with street frontage on three (3) sides where the street side yard is within the required front yard setbacks, or on through lots as shown in “Exhibit 2—Ineligible Lots”

---

5
(Addresses 8945 and 8944 would be eligible for limited "by-right" street-side yard fence under this amendment)

(Address 8600 would be eligible for limited "by-right" street-side yard fence under this amendment)

(Address 8621 and 9691 would NOT be eligible for limited "by-right" street-side yard fence under this amendment)

(Address 8952 would NOT be eligible for limited "by-right" street-side yard fence under this amendment because the street-side yard is also within the required front yard setback along the front and rear)

(Address 8950 and 8946 would NOT be eligible for a by-right front or rear yard fence under this amendment)

b. The fence shall only be permitted to enclose that portion of the street side yard that is in line with and behind the rear portion of the principal structure closest to the street side yard property line, as exemplified in "Exhibit 3—Permitted Location of Street Side Yard Fences".

c. The fence shall not be higher than 42 inches (3.5 ft.) 48 inches (4 ft.);

d. The fences shall have a minimum opacity transparency of 50%; and
e. The fence shall not be made of chain-link material, and
f. The fence shall not be located within 10 ft. by 10 ft. sight line triangles at any point where the vehicular or pedestrian access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. As exemplified by "Exhibit 4—Sight Line Triangle"

Exhibit 4: 10 ft. Sight Triangles

Street Side Yard Fences

Street

*Illustration does not include required sight line triangle

Street Side Yard Fence Permitted
Maximum Fence Height Applies
Fence Transparency

- Less than 50% transparency
- 50% transparency
- More than 50% transparency

DG. The table lists maximum fence heights for properties in the various zoning districts:

<table>
<thead>
<tr>
<th>Lot In Zoning District</th>
<th>Abutting Lot In Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Residential</td>
<td>6 feet</td>
</tr>
<tr>
<td>Residential – within designated street side yard area, per Sec. 12-3-5.B.</td>
<td>4 feet</td>
</tr>
<tr>
<td></td>
<td>3'-6&quot; feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>7 feet</td>
</tr>
<tr>
<td></td>
<td>7 feet</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>7 feet</td>
</tr>
</tbody>
</table>

EF. In no event shall any fence be placed or maintained in a location relative to a public or private street, alley, driveway or other means of egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress.

EE. All fences must be installed in accordance with title 10, chapter 9 of this code.

GF. Any applications for variations to the fence requirements, included herewith, shall be reviewed based on the following:
1. The proposed fence variation shall meet with the intent of the design and development standards established in 12-3-5:B., above;
2. The proposed fence variation shall not have an adverse impact on the immediate abutters or the character of the surrounding neighborhood;
3. The proposed fence variation shall not create obstructions in required sight lines at areas where a pedestrian or vehicular ways intersect with driveways, streets, alleys, or other pedestrian or vehicular access way.

Public Hearings
Plan Commission: The Village of Morton Grove provided Public Notice for the September 16, 2019, Plan Commission public hearing for PC 19-06 in accordance with the Unified Development Code. The Pioneer Press published the public notice on August 29, 2019. As this request is for a Text Amendment, not a request for a specific site, no public notice signs or notification letters were required. Due to changes in the scope of the proposed amendment, the Village provided an updated public notice for the October 21, 2019, public hearing for the continued case of PC 19-06. The Pioneer Press published the public notice on October 3, 2019. The case was continued on October 21, 2019, to the November 18, 2019, regularly scheduled meeting of the Plan Commission.

Plan Commission – September 16, 2019 Proceedings: At the first Plan Commission hearing for PC 19-06, Zoe Heldorn, Land Use Planner/Coordinator, provided a brief introduction to the application. The staff report, dated September 11, 2019, and attached hereto as “Attachment A,” was entered into the public record.
Ms. Heldorn explained that staff’s presentation of the Text Amendment is intended to be informal and that recommendations should be discussed by the group, using tonight’s time together as a working session. She stated that, based on her private consulting experience, crafting zoning regulations for municipalities is an art rather than a science, and that ordinances should be developed based on the unique needs of the community.

Ms. Heldorn explained that the amendments relating to fences are being proposed due to concern raised by the Zoning Board of Appeals and elected officials as to the volume of zoning waivers requested and approved for residential fencing, especially within street side yards. She added that proposed amendments relating to accessory structures are desperately needed and were designed to provide the Village with more effective and defensible dimensional control. Ms. Heldorn explained that the structure for the latter amendments was taken from ordinances she had worked on in communities across the country with consulting firm Camiros, Ltd.

Ms. Heldorn presented the overall objectives of the proposed Text Amendment, which are as follows:

1. Improve Village control over bulk and siting of attached and detached accessory structures
2. Clarify rear yard coverage requirements to improve stormwater management
3. Provide greater flexibility in fencing for street side yards
4. Support the Morton Grove Strategic Plan
   - Goal 1.1: Maintain and enhance the appearance and aesthetics of the Village.
   - Goal 1.2: Provide and maintain infrastructure appropriate to support expected service levels.

Chairperson Blonz stated that he identifies two overall goals of the Text Amendment: (1) codifying the issues and (2) reducing the volume of cases, especially frivolous cases, that appears before the Zoning Board of Appeals.

Ms. Heldorn briefly reviewed the Village’s existing detached and attached accessory structure regulations, as well as regulations relating to permitted obstructions within required yards. She noted that the regulations controlling these items are limited and have been enforced in the past using liberal interpretations. Ms. Heldorn added that amending these regulations will add clarity for users and administrators, have positive impacts on stormwater drainage, and make on-the-ground conditions more predictable. She stated that the proposed amendments to fencing regulations will add flexibility while maintaining community character.

Ms. Heldorn discussed the definitions of ACCESSORY BUILDING OR STRUCTURE and PATIO. She explained that, by definition, an accessory structure must be detached and a patio must be adjoining a dwelling, or attached. She noted that accessory buildings or structures are often attached, in the case of an adjoining patio, and that patios are often detached. She explained that staff is recommending the attachment requirements so that accessory structures and patios may be detached or attached. The proposed amendments to Section 12-17-1 will remove a conflict in the code and allow patios to encompass all at-grade accessory structures used as recreation areas.

Chairperson Blonz asked where gazebos and screened-in porches would fall in application of the existing regulations. Ms. Heldorn responded that a gazebo would be considered a detached accessory structures and need to comply with a 3-foot setback from front and rear lot lines, and a 10-foot separation from the principal structure. She added that a screened-in porch would be considered part of the principal structure and need to comply with the applicable bulk regulations.

Chairperson Blonz asked if installation of a gazebo would require a permit prior to installation. Ms. Heldorn responded that installation of a gazebo, shed, garage, or other similar accessory structure would require a permit. However, she noted that the Building Department does not permit for the installation of patios or sidewalks.

Chairperson Blonz asked if a temporary shed would require a permit. Ms. Heldorn responded that she believes the Unified Development Code includes provisions that determine the limitations of a temporary structure. She added that in most cases, long-term placement of a temporary structure is not desirable due to the safety and maintenance issues associated with structures that are not permanently affixed to the ground. She added that unless the structure is truly temporary in placement, such as a wedding tent, the Village would in most cases treat the structure as a permanent structure that requires permitting and compliance with applicable building and zoning regulations.
Commissioner Dorgan asked Ms. Heidorn to define a TERRACE, which is proposed to be struck from Section 12-17-1. She stated that a terrace is an open platform that is not a deck or a patio. The Commissioners and Ms. Heidorn agreed that the definition is confusing and redundant if a patio can be either attached or detached, as proposed by staff. Ms. Heidorn clarified the proposed amendments relating to terraces and patios for the Commissioners.

Commissioner Gabriel explained that it would be helpful to define the term STRUCTURE. He stated that, in his opinion, concrete flatwork is not considered a structure, but something that is built above it may be considered a structure and that something built below it may be considered a substructure. He explained that it may be dangerous to refer to all improvements, temporary or permanent, as structures. Commissioner Gabriel noted that there may be some benefits associated with temporary structures, which may allow water drainage, be located within an easement, and be relocated at-will.

Commissioner Gabriel explained that he applied for a permit roughly 25 years ago and at that time, flatwork was limited to 2 feet above grade and below grade. He explained that the flatwork would have to comply with setback requirements but that the work itself did not require a permit from the Village. He asked if the Commission would want to consider not permitting any kind of flatwork, including sidewalks, patios, and stoops.

Ms. Heidorn explained that the Village currently does not permit for some flatwork, including sidewalks and patios. However, a driveway or stairwell will require a flatwork permit. She added that she developed an application for new impervious surface areas to ensure that new patios and sidewalks meet applicable zoning regulations. Ms. Heidorn reiterated that perhaps the Commission does not want to permit such work, and that the conversation is welcome. She added that some of the existing terms used are confusing, but that her intent in crafting the ordinance was to avoid a complete overhaul and, rather, tweak the existing regulations to improve clarity in what the code is controlling and provide guidance for future administration.

Chairperson Blonz noted that a STRUCTURE is defined as follows in Section 12-14-3:

**STRUCTURE:** The results of a manmade change to the land constructed on or below the ground, including the construction, reconstruction, or placement of a building or any addition to a building; anything constructed or erected, the use of which requires permanent or temporary location on or in the ground; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than one hundred eighty (180) days.

He added that an ACCESSORY BUILDING OR STRUCTURE is defined as follows in Section 12-17-1:

**ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure on the same site with and of a nature subordinate to the principal building or structure.

The Commissioners discussed the terms defined in the code.

Commissioner Gabriel asked if a property is limited to a certain number of accessory structures. Ms. Heidorn responded that a residential lot is limited to two (2) detached accessory structures, but that issues usually arise with rear yard coverage and setbacks rather than the quantity of detached structures.

Commissioner Gabriel stated that detached accessory structure regulations are difficult to enforce. Ms. Heidorn responded that they shouldn't be. Commissioner Gabriel explained that if someone purchases a shed from Home Depot and places it within their back yard, they probably aren't aware that they need a permit. The shed may also be of a temporary nature. He continued that the definition for an accessory structure may be too limited, as no reference is made to the permanence of the structure.

Ms. Heidorn responded that as policy, the Village should probably focus on permitting the installation of permanent structures, rather than temporary. When a resident indicates that a shed is temporary and that it should not comply with applicable bulk regulations, it is difficult for staff to verify the temporary nature of the
shed and enforce any bulk regulations should the shed become a more permanent fixture on the property. She added that when it comes to zoning administration and enforcement, the use of temporary zoning approvals can be dangerous.

Commissioner Gabriel stated that he does not agree with staff’s assessment. If a property owner has a large backyard and a utility easement, that person should be allowed to place a shed on the easement if it can be relocated at any given time. Commissioner Gabriel discussed some provisions that could be added to allow the installation of temporary sheds.

Ms. Heidorn stated that she agreed, but discussed the difficulty in the Village authorizing the placement of temporary structures on easements and within required setbacks. She asked Commissioner Gabriel to confirm that he is suggesting the Village add provisions for temporary structures to allow them to be placed within easements and required setbacks. Commissioner Gabriel responded that this was correct.

Commissioner Kahn asked if adding such provisions for temporary structures would encourage residents to install temporary structures rather than permanent structures, and possibly reduce the overall permitting and oversight of detached accessory structures.

Commissioner Gabriel responded that temporary sheds that can be moved are useful for tool and equipment storage. He added that the code should distinguish between permanent structures that are built upon a concrete foundation and unanchored temporary structures that may be relocated. He explained that the Village should not limit property owners’ use of their property when it comes to temporary structures.

Ms. Heidorn clarified that the proposed regulations will apply only to permanent structures, which must be approved through the building permit review process. She added that regulating temporary structures would be difficult and that they should probably be left unregulated.

The commissioners discussed the definition of a structure and the permanence associated with a structure, as defined by Village code in Section 12-14-3.

Commissioner Kintner stated that there should be some clarification of what a temporary structure and permanent structure are defined as and how the code’s regulations apply to each. He explained that if temporary structures are to be regulated, the Plan Commission should be very careful about crafting those regulations. He added that the regulation and oversight of such structures should be strict to avoid property owners taking advantage of temporary structure permits.

Commissioner Gabriel asked how the Building Department handles sheds currently. Ms. Heidorn responded that any shed that is permitted by the Village must be anchored to the ground and comply with applicable siting requirements. However, she acknowledged that a lot of sheds in the Village were not installed with a permit and may not be anchored to the ground. She explained that the Village does not actively search for non-compliant sheds, but that staff will respond to complaints or enforce requirements when permitting for other work on a site.

The commissioners discussed the difficulty in enforcing regulations for detached accessory structures. They agreed that the regulations currently being discussed should be written to clarify that they apply only to permanent accessory structures, and that they could worry about temporary accessory structures at a later time.

Commissioner Dorgan asked if the contractor or property owner would be responsible for illegally installing a shed on a property. Ms. Heidorn responded that the Village would hold the property owner accountable. Commissioner Dorgan responded that contractors should also be held accountable for illegal work done on the property. Ms. Heidorn explained that this is not an issue they can address through modification of the Unified Development Code, but something to be addressed by the Building Department.

Ms. Heidorn reviewed the existing list of permitted obstructions established in the Unified Development Code, noting that it is rather limited. She explained that she took all existing permitted obstructions and converted them
into a table format, which is a more modern approach when it comes to writing zoning ordinances. She added that tables are much easier for the public to use and allow the attachment of regulations specific to each item.

Ms. Heidorn continued to explain that the existing regulations allow for obstructions of the front yard to obstruct a maximum of 20% of the front yard depth. She noted that this may be problematic when it comes to deep front yards, which is why staff is recommending an exact maximum depth for many of the obstructions to provide greater consistency and predictability.

The commissioners discussed the recommendation to remove “detached” from the definition for ACCESSORY BUILDING OR STRUCTURE. Commissioner Gabriel asked if a structure is attached, is it still an accessory structure or does it become part of the overall structure. Ms. Heidorn responded that an attached structure can still be accessory if it is subordinate in use to the principal use of a residence. A parking pad may be attached to the principal structure, but is still defined as an accessory structure.

The commissioners discussed whether an accessory structure can be attached or should be detached by definition, and whether different sets of rules apply. Ms. Heidorn stated that the proposed revision addresses the following conflict in Section 12-2-5:8.1, which refers to attached accessory structures:

Attached Accessory Structures: In no event may an accessory structure become attached to a principal structure where such a combined structure would not comply with the applicable bulk regulations of the zoning district within which it is located.

The commissioners and Ms. Heidorn discussed the conflict in the code and agreed that instead of removing the word “detached” from the definition of an accessory structure, the words “attached accessory structures” should be removed from Section 12-2-5:8.1. They also agreed that removing the words “that adjoins a dwelling” from the definition for PATIO is appropriate.

Ms. Heidorn continued by reviewing the proposed permitted obstructions table. The permitted obstructions were discussed as follows:

- **Accessibility Ramp** – Ms. Heidorn explained that encroachment is proposed to be accommodating for residents with disabilities. Commissioner Kintner asked if the code should include requirements relating to the angle of the ramp. Ms. Heidorn responded that the Americans with Disabilities Act (ADA), as well as all other building code requirements, would control the details of ramp construction. Chairperson Blonz noted that the proposed language, “shall be elevated on posts or piers,” is problematic due to the need for the ramp to meet grade at inception. The commissioners agreed that rather, “the ramp shall be of post or pier construction.”

- **Arbors & Trellises** – Ms. Heidorn explained that as a detached accessory structure, a 17-foot height restriction would apply. The commissioners discussed the nature of arbors and trellises by comparison with fences. Ms. Heidorn clarified that under the current code, an arbor or trellis would be required to be set back a minimum from 3 feet from side and rear lot lines, and 10 feet from the principal structure. However, the structure could be up to 17 feet in height. The commissioners discussed the proposed maximum height for arbors and trellises, deciding that 8 feet is appropriate. Commissioner Mohr asked what restrictions would apply to an attached trellis or pergola on the second floor. Ms. Heidorn responded that it would be required to comply with the bulk requirements for the overall residence. The commissioners and Ms. Heidorn discussed scenarios in which more than one permitted obstruction would exist, and how those obstructions would be controlled.

- **Balcony** – The commissioners found no issue with the proposed regulations for balconies.

- **Bay Window** – Commissioner Kintner asked if a smaller garden window, such as those often found in kitchens, would be included under the definition of a bay window. The commissioners agreed that any protruding window should be accommodated as a permitted encroachment. Ms. Heidorn suggested that a definition of bay window be added to Section 12-17-1 that includes any protruding window located above grade, and the commissioners agreed.

- **Chimney** - The commissioners found no issue with the proposed regulations for chimneys.

- **Decks & Patios, Attached** – Commissioner Kintner noted that attached decks and patios should be
separate entities within the table due to the at-grade requirement included in the table, and everyone agreed.

- **Patios, Detached** – Commissioner Gabriel asked at which point a sidewalk becomes a patio. He discussed his own property, where his sidewalk extends from the side of his home toward the side lot line to a width of approximately 7 feet at its widest. He stated that the sidewalk is useful for storage of his garbage cans and that his property would be in non-compliance if the proposed regulations were adopted.

- **Driveway** – Chairperson Blonz asked what the limitations are provided as to requests for variations. Ms. Heidorn responded that waivers may be issued for dimensional requirements, but not for use. Commissioner Gabriel stated that he does not support the proposed 16-foot maximum width. The commissioners discussed the proposed maximum width at the street side and front lot lines and decided that 16 feet is a reasonable width. The commissioners discussed the proposed 3-foot setback requirement along the side lot line.

- **Fences** – The commissioners found no issue with the proposed regulations for fences.

- **Garage, Attached** – The commissioners found no issue with the proposed regulations for attached garages.

- **Garage, Detached** – The commissioners found no issue with the proposed regulations for detached garages.

- **HVAC Equipment** – The commissioners discussed the permission to allow HVAC equipment within 10 feet of the principal structure, and decided this was beneficial.

- **Marquee (Canopy) & Awning** – Commissioner Gabriel commented that some awnings are now retractable, and suggested that regulations should be crafted to allow these and not limit them in depth. The commissioners discussed canopies and awnings, and decided that retractable canopies would be hard to enforce as a separate item. Commissioner Kintner suggested including pergolas, attached and detached, as a permitted obstruction. Ms. Heidorn responded that she would add this in the next round of changes.

- **Open Accessory Parking Spaces** – The commissioners found no issue with the proposed regulations for open accessory parking spaces.

- **Open Sided Porch** – The commissioners found no issue with the proposed regulations for open sided porches.

- **Ornamental Light Standard & Flagpole** – The commissioners found no issue with the proposed regulations for ornamental light standards and flagpoles.

- **Overhanging Roof Eaves & Gutters** – The commissioners found no issue with the proposed regulations for overhanging roof eaves and gutters.

- **Recreational Equipment** – The commissioners found no issue with the proposed regulations for recreational equipment.

- **Shed** – The commissioners found no issue with the proposed regulations for sheds.

- **Sidewalk** – Ms. Heidorn explained that currently, there are no provisions to allow sidewalks as a permitted encroachment within the side yard, and that most have been approved as an administrative exception. The past enforcement of a 3-foot setback within the side yard is not defensible by code. Commissioner Gabriel discussed the sidewalk located within his own side yard, which provides approximately 1 foot of pervious area along the side lot line. He stated that property owners should be allowed to construct such sidewalks, and that stormwater drainage would be better addressed as an overall maximum coverage restriction for yards and lots. Ms. Heidorn asked the commissioners if they want to consider limiting overall yard and lot coverage, which had been discussed several years ago. The commissioners responded that they would like to consider such regulations. The commissioners discussed the difference between improving localized drainage through siting control, and improving overall stormwater management through lot coverage restrictions. Commissioner Gabriel stated that his property does not comply with the proposed regulations and does not cause any drainage issues. He explained that the issue is really with public infrastructure not having the capacity to take in stormwater runoff. Trustee Minx added that many lots are very narrow in the Village and provide very narrow side yards. Trustee Till stated that Cook County is considering charging communities for stormwater runoff directed to public bodies of water. He added that if the Village allows property owners to put concrete wherever they'd like, we are all going to pay for it. Chairperson Blonz asked if a wider walkway would be permitted within the front yard for decorative purposes. Ms. Heidorn responded that under this proposal, it would
not be permitted, but that she would incorporate some additional flexibility into the proposed sidewalk regulations for front yards. The commissioners continued to discuss whether structures should be controlled through siting and dimensional control or through coverage control to improve stormwater management.

- **Stairs/Steps** - The commissioners found no issue with the proposed regulations for stairs and steps.
- **Swimming Pool** - The commissioners found no issue with the proposed regulations for pools.
- **Window Well** – Commissioner Gabriel explained that in newer construction, window wells serve as emergency egress points.
- **x** – The commissioners discussed how the 24-inch height limit would be applied to permitted obstructions on corner lots.
- **** – Commissioner Gabriel suggested that the at-grade requirement be eliminated and rather, that an overall height restriction such as 1-foot be included in its place. He added that raised concrete patios may be preferable to raised decks due to maintenance issues, and that generally, concrete is preferable to wood construction and should be encouraged. Rick Dobrowski explained that the intent of the proposed language is to prevent a property owner from building up a natural drainage area. Commissioner Gabriel responded that he didn’t think the height of a concrete patio makes any difference in the volume of runoff. He added that he doesn’t believe it is right to require property owners to install flatwork at a certain height. Ms. Heidorn responded that the Village Engineer recommended this requirement because basing height on the grade of the nearest lot line will overall ensure the least amount of negative drainage impact on adjacent properties. She added that this is a default requirement, and that the Village Engineer has the authority to approve alternative plans. Commissioner Gabriel discussed issues he finds with Village engineering staff and third party consultants to the Village. He explained that the amount of impervious area on a lot and resulting volume of runoff are the only issues the Village should be addressing through dimensional control, not the location of impervious area. Ms. Heidorn stated that she would work with the Village Engineer to craft language that provides greater flexibility.

Ms. Heidorn reviewed the proposed amendments to Section 12-2-6:G.3.c, which controls rear yard coverage and detached accessory structures. She explained that the changes will prohibit any detached accessory structure within a front yard and provide a minimum of 3 feet between detached accessory structures. The commissioners discussed the proposed spacing requirement, acknowledging that many detached structures are not currently in compliance. The commissioners agreed that 3 feet is an appropriate separation requirement.

Commissioner Bionz asked about the 10-foot spacing requirement between detached accessory structures and the principal structure. Mr. Dobrowski responded that the requirement is intended for fire prevention.

Ms. Heidorn reviewed the proposed addition of a rear yard coverage requirement to Section 12-2-5:B.3. The commissioners briefly discussed the proposed amendment and agreed that it was appropriate.

Ms. Heidorn reviewed the proposed amendments to the fence requirements of Section 12-3-5, explaining that they were crafted to provide improved safety for the public and additional flexibility for property owners.

Commissioner Gabriel asked why the proposed sight line triangle had been increased from 10 feet to 12 feet. Ms. Heidorn responded that this was to provide consistency with the 12-foot sight line triangle required under the UDC's landscaping regulations and in response to comments from the Village Engineer. Commission Kintner noted that unlike a fence, landscaping grows, and that having different requirements for the two items may be appropriate. He explained that 12 feet would be an excessive requirement, but that he is supportive of the flexibility provided in the proposed sight line triangle requirement between garages and alleys. Commissioner Mohr asked if Ms. Heidorn had surveyed other communities as to the sight line requirements they enforce. Ms. Heidorn responded that she did not perform an extensive survey, but that the codes she had looked at required either a 10-foot sight line triangle or none at all. The commissioners agreed that 10 feet is an appropriate sight line triangle distance, and that the increase to 12 feet should not be recommended to the Board. The commissioners agreed that the sight line triangle should be applied to the intersection of accessways rather than the intersection of accessways at property lines. They also agreed that any required sight line triangle should not extend beyond the property line to affect adjacent properties.
Ms. Heidorn reviewed the proposed revisions to the street side yard fence requirements, discussing the alternatives proposed and how they were decided on. The commissioners discussed the proposed 2-foot landscaped setback, how it would be maintained, and how its growth would be limited in height and transparency.

Commissioner Gabriel discussed the desirability of open fences and yards versus the actual function of fencing as a means to provide a barrier and privacy. He noted he was surprised that many of the communities included in the staff report survey were far more lenient than Morton Grove in their regulation of street side yard fences, and still maintained attractive residential neighborhoods.

Commissioner Dorgan asked when a bush located in a front yard would become a fence. Ms. Heidorn responded that on a day-to-day basis, she explains that the landscaping cannot form an impenetrable barrier, meaning that a person should be able to walk through it or over it. Commissioner Gabriel noted that if the Village granted residents additional privacy in fencing regulations, residents might not plant illegal landscape barriers so pervasively.

The commissioners discussed the use of the word “opacity” in the place of “transparency,” agreeing that the revision makes sense.

The commissioners discussed increasing the maximum height of a street side yard fence to 4 feet, and increasing the opacity permitted. Commissioner Mohr stated that he doesn’t understand why residents want so much privacy, but does not mind greater height. Commissioner Blonz responded that people may want to walk around their backyard in their underwear. Commissioner Gabriel added that the desire for privacy is cultural and more common these days. Commissioner Dorgan commented that a board-on-board fence is more desirable than a board-on-batten fence for aesthetic reasons. Commissioner Kahn stated she feels a 4-foot fence is too short.

Upon further discussion, the commissioners agreed that a 4-foot height maximum is reasonable, and that a minimum transparency of a board-on-board fence is acceptable. Commissioner Kintner stated that the code should include a bird’s eye view diagram for an acceptable board-on-board fence. The commissioners agreed that the 2-foot landscape yard proposed should be removed as a proposed amendment.

Chairperson Blonz suggested several revisions to the existing exhibits provided in Section 12-3-5. Ms. Heidorn acknowledged that the exhibits are problematic and that when so many examples are provided, it is indicative that the regulations are not clear enough. She suggested removing the example exhibits altogether and providing a new graphic that illustrates all of the street side yard fencing regulations in a more concise and effective manner. The commissioners agreed, and then discussed other shortcomings of the existing graphics.

Chairperson Blonz called for a motion to continue Case PC 19-06 to the next meeting of the Plan Commission. Commissioner Kahn moved to continue case PC 19-06 to the next meeting of the Plan Commission. Commissioner Kintner seconded the motion. The motion was approved unanimously pursuant to a voice vote.

Plan Commission – October 21, 2019 Proceedings: At the second Plan Commission hearing for PC 19-06, Zoe Heidorn, Land Use Planner/Coordinator, provided a brief introduction to the application. The staff report, dated October 15, and attached hereto as “Attachment B,” was entered into the public record.

Ms. Heidorn reviewed the proposed recommendations for Section 12-17-1, “Terms Defined,” including the addition of definitions for “bay window” and “temporary structure,” and revision of the definition of “patio” to include patios that do not adjoin a dwelling.

Ms. Heidorn discussed the definition of “temporary structure” versus a permanent structure. She explained that the Building Department treats every structure issued a permit for installation as a permanent structure, requiring that every structure be installed in a safe and code-compliant manner. She stated that the plastic shed brought up at last month’s hearing would only be issued a permit if it were properly anchored and complied with all setback requirements. Therefore, use of the term “temporary” in the context of accessory structures refers to the duration of installation rather than the permanence of installation.
Commissioner Gabriel stated that if temporary structures are defined by time, we should state what that time period is. Ms. Heidorn explained that different timeframes would be applicable for different accessory structures. Commissioner Gabriel stated that time restrictions are unenforceable, and therefore, temporary structures should not be controlled by time, but by permanence under building code. If a structure is moveable, it would be considered temporary. Ms. Heidorn responded that the Village acknowledges that many removable structures exist in the community, such as holiday installations and planters, but the Village does not have the capacity or desire to regulate these structures. Where the Village is regulating the placement of structures, through the permitting system, those structures should be treated as permanent.

Commissioner Blonz stated that he trusts Village staff and that the permitted placement of temporary structures should be determined by staff.

Commissioner Kintner explained that the intent is not to permit all structures, but to provide some level of control that allows the Village to take care of structures deemed a nuisance.

Ms. Heidorn responded that many codes control temporary structures, and that this is something the Village could consider.

Commissioner Gabriel stated that temporary structures need to be better defined in the Unified Development Code. The commissioners discussed how temporary structures should be controlled, and whether a maximum time limit for installation is appropriate.

Commissioner Gabriel explained that unless the structure is mounted into a poured foundation, the structure is floating and should be considered a temporary structure. Rick Dobrowski commented that a resident calling a moveable shed temporary and not complying with permitting and setback requirements would be problematic. Commissioner Gabriel responded that he does not view this moveable shed to be problematic so long as it is in compliance with setback requirements. The moveable shed should not be subject to permitting requirements, however.

Ms. Heidorn noted that if the moveable shed is subject to setback requirements but is not subject to building permit requirements, the setback requirements become very difficult to enforce.

Commissioner Gabriel stated that he fears many moveable sheds will become non-compliant if the proposed regulations are passed. Ms. Heidorn clarified that any shed, under current regulations, is considered a permanent structure and is required to submit a building permit prior to installation. She explained that the proposed regulations would not change this requirement for permitting.

Commissioner Kintner explained that the intent of the moveable shed is still to be on the property year-round, which means it really is not a temporary structure. Commissioner Dorgan agreed.

Ms. Heidorn explained that if a resident wanted to install a plastic shed on the property, the Building Department would only require that the shed comply with the bulk requirements and, at a minimum, be anchored to the ground using anchors costing roughly $25 and available from Amazon. Ms. Heidorn continued that staff does not feel these requirements, which ensure the safety of residents and property, are excessive.

Commissioner Gabriel explained that he would not view this type of installation to be permanent. Ms. Heidorn responded that the installation could be permanent. Commissioner Gabriel commented that the definition of temporary should be related to the type of construction and not to the intended use or duration of installation of the structure. If the installation does not have a foundation, then the structure should be deemed temporary and it should not be subject to permitting requirements. Even if the anchored shed is in place for ten (10) years, it should still be considered a temporary structure.

Commissioner Dorgan explained that if the structure does not require a permit, it should be limited to a duration of installation, such as sixty (60) days.
Commissioner Gabriel stated that in terms of construction standards, many structures are considered to be temporary in the Village. The commissioners discussed that size and construction type should determine the need for a permit. They went on to discuss the definition of temporary structures and what should be included in that definition.

Ms. Heidorn responded that she would put together a list of provisions for temporary structures, clarifying that the commissioners are requesting that some structures be exempt from permitting based on size, type of installation, or duration of installation. Commissioner Gabriel explained that the control of temporary structures should not be related to the duration of installation, and that building codes do not even not address the duration of installation of structures. Ms. Heidorn responded that the word "temporary" inherently relates to time.

Commissioner Kintner stated that a homeowner should be allowed to erect some temporary structures for a reasonable period of time, such as a tent for a backyard party, without a permit required from the Village. He continued that a temporary structure should be defined by time, activity, construction type, and use, and that including these terms may get the definition into the ballpark of the commissioners’ intent.

Commissioner Dorgan asked what the benefit of allowing a ten-foot (10') by ten-foot (10') temporary structure without a permit would be. He stated that there should be some time limit to the duration of installation. The commissioners agreed that some control for dimensions and installation period should be included. Ms. Heidorn responded that she would work on new provisions for temporary structures.

The commissioners moved on to Section 12-2-5. Ms. Heidorn described the proposed changes based on discussion at the last public hearing.

Chairperson Blonz requested specific changes to the structure and wording of Section 12-2-5, which was noted by Ms. Heidorn and agreed to by the commissioners.

The commissioners moved on to Section 12-2-6, discussing permitted yard obstructions. Ms. Heidorn ran through the list of permitted obstructions, noting if any revisions to the proposed amendments had been made since the last meeting.

Chairperson Blonz asked if a gazebo should be included with arbors, trellises, and pergolas. Ms. Heidorn responded that a gazebo should fall under standard detached accessory structure regulations.

Chairperson Blonz asked about the attached garage regulations. Ms. Heidorn confirmed that no changes are being proposed to the current regulations, but are simply converted to the table format.

With regard to the proposed maximum sidewalk width in the side yard, Commissioner Gabriel stated that many properties would become non-compliant upon adoption of these regulations. Ms. Heidorn clarified that staff has historically applied a three-foot (3’) setback within the side yard, and that this regulation crystallizes that policy. Commissioner Blonz discussed permissions for non-conforming sidewalk replacement.

Commissioner Gabriel stated that no setback was required twenty (20) years ago, and that there was no limit to the sidewalk width. He stated that the regulations are appropriate for new construction. If he is able to replace portions of his non-conforming sidewalk, then he finds the proposal acceptable. However, deeming any replacement of the non-conforming sidewalk as unlawful will cause a lot of headache for property owners and may bring more property owners before the Zoning Board of Appeals.

Commissioner Mohr stated that, on the other hand, the regulation is an opportunity to improve placement for poorly sited sidewalks and remove nuisances. Commissioner Gabriel responded that these issues would be resolved in other manners and that property owners can file complaints with the Village. Commissioner Mohr responded that without these regulations, the Village does not have much ability to improve situations resulting from such structures, such as improper drainage. Commissioner Gabriel responded that these problems cannot be addressed by the Unified Development Code.
Ms. Heidorn stated that she would work on regulations to provide greater flexibility for sidewalk dimensions within the side yard. She added that the intent of the proposed regulations is to improve stormwater drainage.

Commissioner Mohr discussed the proposed regulations for stairs and steps, asking for greater allowances for basement stairs in the interior side yard. He stated that many properties are physically restricted when it comes to emergency egress. Commissioner Gabriel voiced his support. The commissioners agreed that the setback requirement for below-grade emergency egress should be reduced.

Ms. Heidorn stated that she would remove the twenty percent (20%) maximum encroachment of the required yard and work to improve flexibility for stairs and steps located within the interior side yard.

Chairperson Blonz asked for examples of structures that the restriction on height within twenty feet (20') of intersecting public streets would apply to. Ms. Heidorn discussed its application to a flag pole or ornamental light fixture within a corner yard. She clarified that the single asterisk applies to all items within the permitted obstructions chart. Chairperson Blonz asked if the asterisk should be applied only to items that it might pertain to. Ms. Heidorn explained that her concern is that, while most scenarios of permitted obstructions in yards are predictable, applying the regulation to select obstructions or yards may create undesirable loopholes for oddly shaped or oriented properties. Rather, she finds it safer to apply the restriction to all permitted obstructions.

Commissioner Gabriel explained that the restriction should explicitly cite visibility or line of sight in its purpose. He explained that line of sight is easier to enforce, but that the dimensions of that line of sight should be established.

Ms. Heidorn explained that she worked with the Village Engineer to revise the language pertaining to at-grade structures, noted by the double asterisk. The revised language provides greater flexibility in the constructed height of at-grade structures and establishes a more efficient review process for requested modifications. Commissioner Gabriel stated that he has no issue with the Building Commissioner approving modifications to the requirement.

Ms. Heidorn discussed the new regulations proposed for maximum permeable lot coverage. She explained that the proposed language is based on research and a report prepared by former staff members.

Chairperson Blonz stated that the proposed maximum coverage limits seem very high. Ms. Heidorn responded that these values are consistent with the coverage limits of the surrounding communities surveyed. She added that staff prepared an estimate of non-conforming lots resulting from the proposed regulation.

Commissioner Gabriel asked about the increase in permitted coverage as the intensity of district increases. Ms. Heidorn responded that as intensity increases, greater intensity of use often necessitates more structures, such as parking spaces.

Ms. Heidorn discussed the proposed fence regulations, based on comments from the last Plan Commission meeting.

Chairperson Blonz asked what the angle of the sight line triangle is intended to be for non-standard sight line triangles. Ms. Heidorn responded that it is intended to be 45 degrees in all cases. Commissioner Kintner stated that the code should explicitly state a 45 degree angle. The commissioners agreed.

Commissioner Gabriel asked if a chain-link fence in a street side yard would be permitted to be replaced under the proposed regulations. Ms. Heidorn responded that replacement would not be permitted, but that this is the case under the current regulations.

Commissioner Kintner explained that his understanding was that the Plan Commission was not trying to allow opacity up to a board-on-board type fence. He continued that he would like to maintain the maximum fifty percent (50%) opacity, but that the board-on-board fence type might be helpful in cases seen before the Zoning Board of Appeals. If the Village were to allow a board-on-board fence type, all property owners would install a
board-on-board type fence. Commissioner Gabriel stated that he has no issue with the board-on-board fence type. Commissioner Dorgan stated that they should not encourage the board-on-board fence type. Commissioner Mohr stated that he would like to see greater transparency than that of a board-on-board fence type. The commissioners discussed the desirability of board-on-board fences.

Chairperson Blonz asked why the Plan Commission wants greater transparency than a privacy fence. Commissioner Mohr responded that privacy fences have the appearance of a fortress. Commissioner Gabriel stated that residents will continue to plant landscaping to avoid the street side yard regulations and that Village regulations will not influence the desire for greater privacy. Commissioner Dorgan discussed the issue of landscaping that serves as fencing.

Ms. Heidorn confirmed that the commissioners are supportive of a four-foot (4') height maximum for street side yard fences. The commissioners continued to discuss the maximum opacity, deciding that they would like to maintain the fifty percent (50%) maximum opacity, or minimum transparency, for now.

Commissioner Kintner stated that the ZBA will continue to receive the same requests for privacy fences and continue to cite the same reasons. He explained that the members can, as policy, apply the board-on-board fence type as a standard for maximum opacity allowed by variance. The commissioners continued to discuss the fence regulations, agreeing to the maximum height and opacity previously discussed. Commissioner Kintner asked if a setback is required for fences. Ms. Heidorn responded that this was proposed in the last iteration, with a landscaping requirement, but that this was not supported by the commissioners.

Commissioner Kahn asked about the previous staff report’s reference to a picket fence. The commissioners agreed that a diagram of a fence showing fifty percent (50%) opacity, similar to a picket fence, would be helpful. The commissioners agreed that this diagram, in addition to a board-on-board fence diagram, would be good additions to the code.

Chairperson Blonz called for a motion to continue Case PC 19-06 to the next meeting of the Plan Commission. Commissioner Dorgan moved to continue case PC 19-06 to the next meeting of the Plan Commission. Commissioner Gabriel seconded the motion. The motion was approved unanimously pursuant to a voice vote.

Plan Commission – November 18, 2019 Proceedings: At the third and final Plan Commission hearing for PC 19-06, Zoe Heidorn, Land Use Planner/Coordinator, provided a brief introduction to the application. The staff report, dated November 12, 2019, and attached here to as “Attachment C,” was entered into the public record.

Ms. Heidorn reviewed the new changes proposed. She explained that a definition for a BOARD-ON-BOARD FENCE and supporting illustration were added because the term is commonly used in Zoning Board of Appeals cases. The commissioners agreed that this was a helpful addition.

Ms. Heidorn explained that the term BUILDING, TEMPORARY was removed to avoid redundancy as a more detailed definition for TEMPORARY STRUCTURE was added to Section 12-17-1. Chairperson Blonz stated that the deletion makes sense.

Ms. Heidorn continued to discuss proposed changes to Section 12-2-5, “Accessory Buildings and Uses,” noting that most of the changes were intended to clean up the section and were based on comments made by Chairperson Blonz at the last hearing for case PC 19-06.

She explained that Section 12-2-5:8.4 is new and provides control over temporary structures, which have been discussed at length at previous meetings. Under the proposed amendment, temporary structures must comply with the setback requirements of the district, which she found to be consistent across municipal zoning codes. However, the Village Administrator is given the authority to modify the setback requirement, such as in the case of special event structures. She explained that the installation of any temporary structure exceeding 200 square feet in area or 72 hours in duration in a calendar year will require a permit from the Building Department, but the Building Commissioner is given the authority to modify the requirements. Language referencing Sections 12-3-8 and 10-10-8 is included to direct users to regulations for temporary trailers and temporary signs and displays.
Ms. Heidorn explained that under the proposed regulations, a property owner can install a tent in their backyard for a weekend party without prior approval from the Village. However, if the party tent remains in place for 2 weeks, the regulations give the Village authority to require that the tent be removed, unless a permit is applied for and issued. She stated that the 72-hour limit was consistent with other municipal codes and was deemed appropriate by staff.

Chairperson Blonz asked if a permit would be required if a property owner wanted to install a party tent for 4 days. Ms. Heidorn responded that the property owner would need to either obtain a permit, or obtain authorization from Jim English, the Building Commissioner, for the extended installation.

Ms. Heidorn explained that she reviewed several other municipal codes and generated a table of commonly regulated accessory structures to ensure and demonstrate that the Village’s regulations cover all common temporary structures.

Chairperson Blonz asked if a gazebo is considered a temporary structure. Ms. Heidorn responded that a gazebo would be considered a permanent detached accessory structure.

Commissioner Gabriel asked if a plastic Tupperware shed with an area of 100 square feet would require a permit, if it were to comply with the setback requirements of the district. Ms. Heidorn responded that he would not be required to obtain a permit if he moved the shed every 72 hours.

Commissioner Gabriel questioned why use of the word “temporary” was still connected to time rather than construction. Ms. Heidorn responded that applying the control of time to accessory structures is consistent across municipal zoning codes and with the International Building Code. Commissioner Gabriel asked if other codes refer to construction type in the regulation of temporary structures. Ms. Heidorn responded that many codes do refer to construction type, but that every code reviewed refers to duration of installation.

Commissioner Gabriel asked why a structure over 200 square feet would trigger permitting. Ms. Heidorn responded that this threshold is consistent with the Village’s practice of permitting for tents, as detailed in the staff report. Ms. Heidorn noted that a structure exceeding 200 square feet in area or 72 hours in installation would trigger the permitting requirement.

Commissioner Kintner added that it is very helpful to define temporary structures as not having a foundation or footing.

Commissioner Gabriel commented that the regulations will not reduce the review needed by Village staff and the Zoning Board of Appeals. Commissioner Kintner explained that as long a structure complies with the dimensional controls for accessory structures, no review by the Zoning Board of Appeals should be required. Ms. Heidorn added that a permit would be required. She explained that she doesn’t want to speak for the Building Department, but it is her feeling that staff wants to permit accessory structures. When an inspector goes out to a property where temporary structures have become a nuisance, the proposed regulations would be helpful in addressing the situation.

Chairperson Blonz asked how the new requirements accessory structures will be communicated to residents. Ms. Heidorn responded that staff could prepare a memo or guide that can be distributed at the building department and to contractors.

Commissioner Gabriel explained that he is concerned that the permitting requirement for temporary structures will be difficult to enforce, especially for moveable sheds.

Jim English explained that any shed needs to be anchored to the ground, and that anchoring makes the shed a permanent structure. Commissioner Gabriel and Mr. English discussed the nature of temporary and permanent construction. Ms. Heidorn noted that the International Building Code defines a temporary structure as one that remains in place for more than 180 days.
Commissioner Gabriel stated that his mission is to reduce the number of permits required for accessory structures. Ms. Heidorn explained that a permit is required today for installation of a plastic shed, and that the proposed amendment should not increase the overall number of permits required. Mr. English agreed that a permit is required today.

Commissioner Gabriel explained that he thought the Village had an area threshold for the permitting of accessory structures. Mr. English stated that the Village does not have any permit exemptions for accessory structures relating to size. Ms. Heidorn explained that the International Building Code includes a permit exemption for accessory structures greater than 120 square feet in area. However, the Village deleted that exemption in its adoption of the building code. Ms. Heidorn clarified that a permit is currently required for all permanent detached accessory structures.

Commissioner Kintner asked about a framed cloth structure installed in a rear yard, and whether a permit would be required. Ms. Heidorn responded that any long-term installation would require a permit, which may be denied for such type of structure.

Commissioner Mohr explained that the Village should be regulating this type of structure, which can be dangerous in heavy winds if not properly installed.

Rick Dobrowski asked if any significant change from existing regulations is being proposed. Ms. Heidorn responded that the proposed regulations provide the Village with more explicit control over temporary accessory structures. She explained that structures like tents are authorized through special events permitting, but that little defensible code was found to back up the practice.

Mr. Dobrowski explained that he doesn't feel the new requirements will cause any issues for residents or staff. Rather, the requirements provide clarification for staff and give them more explicit authority to enforce existing regulations. Mr. English added that if a resident walked into the Building Department today for approval of a 10-foot by 10-foot Rubbermaid shed, that resident would be required to obtain a permit prior to installation.

Chairperson Blonz asked if there is a charge for permitting a shed. Mr. English responded that there is a permit fee. This covers building and zoning reviews, and an inspection to ensure the structure is properly anchored.

Ms. Heidorn moved on to the permitted obstructions chart, explaining that she added greater flexibility to the sidewalk regulations at the request of the commissioners. She stated that the 3-foot maximum sidewalk restriction was removed for the interior side yard, allowing for a wider sidewalk in the side yard only. The maximum sidewalk width was increased to 4 feet in the corner side and front yards. Ms. Heidorn explained that the Village Engineer was supportive of the wider sidewalk allowance in the side yard considering an overall impermeable lot coverage limit was also being established. The commissioners had no comments.

Ms. Heidorn explained the proposed regulations for stairs and steps, which were revised in response to discussion at the previous meeting. Chairperson Blonz confirmed that the proposed regulations would allow a fire escape. Commissioner Mohr explained that the regulations are helpful in providing below-grade access.

Ms. Heidorn asked if the commissioners would like to establish a maximum width of stairs and steps as a permitted encroachment. Commissioner Mohr stated that the regulations should allow for no greater than a 4-foot landing, but that the width would be determined by the length of the stairs.

Ms. Heidorn explained that an introductory statement was added to the corner lot height regulation for permitted obstructions. She moved on to explaining that zoning districts were added to the maximum impermeable lot coverage table in Section 12-4-2:D.

Commissioner Gabriel asked what surfaces would count toward impermeable lot coverage. Ms. Heidorn responded that any concrete, asphalt, structure, or paved area would be counted. She continued that they might consider providing a bonus for permeable pavers in the future, but that additional research would need to be
conducted. Commissioner Gabriel asked if impermeable coverage would be defined beyond the regulations provided in Section 12-4-2. Ms. Heidorn responded that a definition is provided in Section 12-17-1. Commissioner Gabriel added that an illustration, similar to those proposed in other sections, would be helpful. Ms. Heidorn agreed to prepare an illustration for the final ordinance.

Chairperson Blonz asked what a gazebo would be controlled as. Ms. Heidorn responded that gazebos would be controlled by Section 12-2-5 as a detached accessory structure.

Ms. Heidorn explained that a 45-degree angle was added to describe the sight line triangle, and that minimum fence transparency in the street side yard had been adjusted back to 50%. She added that an illustration had been added.

Commissioner Mohr asked about the regulations following the street side yard regulations. Ms. Heidorn responded that they were included to provide the entirety of the chapter.

Commissioner Gabriel asked about the height restriction for street side yard fencing provided in the table, commenting that it needed to be revised to 4 feet, as agreed upon by the commissioners. Ms. Heidorn agreed.

Chairperson Blonz stated that overall, these regulations are not a dramatic change from what the Village is enforcing today. Ms. Heidorn agreed, but added that the amendment provides greater clarity and flexibility, and adds defensibility to current Village practice. This will lead to more predictable forms of development. She explained that the lot coverage restriction proposed is very significant in reducing overall stormwater runoff. The commissioners agreed that the amendment was an improvement to the Unified Development Code.

Commissioner Gabriel made a motion to approve Case PC 19-06, as presented in the staff report with the recommended changes. Commissioner Gillespie seconded.

**Plan Commission Motion and Approval**

Commissioner Gabriel moved to approve Case PC 19-06, a request for a Text Amendment to Section 12-4-2 regarding the regulation of impermeable surfaces in residential zoning districts, Sections 12-2-5, 12-2-6, and 12-17-1 regarding the regulation of accessory structures and yards, and to Section 12-3-5 regarding the regulation of fences, of the Village of Morton Grove Unified Development Code (Ordinance 07-07) Title 12, as presented in the staff report and with all modifications decided by the Plan Commission at the November 18, 2019, hearing for case PC 10-06.

The motion was seconded by Commissioner Gillespie and approved unanimously pursuant to a roll call vote of 5-0.
Legislative Summary

Ordinance 20-02

APPROVING A SPECIAL USE PERMIT FOR AUTOMOTIVE REPAIR (OIL CHANGE, TIRES, BRAKES, AUTO GLASS, OTHER MECHANICAL ITEMS ONLY) AT 6100 DEMPSTER STREET, MORTON GROVE, ILLINOIS

Introduction: January 13, 2020

Purpose: Request for a Special Use Permit for automotive repair (oil change, tires, brakes, auto glass, other mechanical items only) in accordance with Section 12-4-3:D of the Unified Development Code

Background: Applicant Matthew Schubert of MTS Investments, LLC, and Owner Kushner Management Co., Inc., filed a complete application for approval of a Special Use Permit for "automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)" for the property commonly known as 6100 Dempster Street (PIN 10-17-316-054-0000) in accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code. MTS Investments, LLC, is the contract purchaser of the subject property.

The Applicant is proposing operation of an automotive repair facility by the name of ProAuto, which will be operated by H & S Enterprises, LLC. The owners of MTS Investments, LLC, are joint owners of H & S Enterprises, LLC. ProAuto is a new business with no existing locations. The business will operate with 2 staff members initially, but plans to increase employment to 5 staff members over time. Under the Special Use Permit, ProAuto will be limited to mechanical repairs only, as automotive body repair is a prohibited use in the C1 District. Hours of operation will be from 8:00 AM to 5:30 PM, Monday through Friday, and Saturday by appointment only.

To ensure that adequate on-site parking is provided and exterior vehicle storage is minimized, the Traffic Safety Commission and Plan Commission recommended as a condition of approval that 19 of the 24 on-site parking spaces be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a 24-hour period. The restriction is based on the parking requirement established by Section 12-7-3:B of the Unified Development Code for automotive repair and ancillary office uses. Additional conditions of approval included in the draft ordinance relate to restrictions on vehicle off-loading, outdoor storage, parking lot design, noise, and screening.

On December 5, 2019, the Traffic Safety Commission (TSC) unanimously recommended approval of case PC 19-10, with comments forwarded to the Plan Commission. Review by the Appearance Commission was not required as exterior modifications were not included in the Special Use Application. On December 16, 2019, the Applicant appeared before the Plan Commission to present the request for approval of the Special Use Permit. Based on the application, supporting documents, and testimony presented at the public hearing, the Plan Commission voted unanimously (5-0; Gabriel and Mohr absent) to recommend approval of the application with conditions.

Programs, Departs or Groups Affected

Community and Economic Department

Fiscal Impact: N/A

Source of Funds: N/A

Workload Impact: The Special Use Permit will be implemented by staff in the normal course of business.

Admin Recommend: Approval as presented

Second Reading: Required, January 27, 2020

Special Consider or Requirements: None

Submitted by: Ralph Czerwinski, Village Administrator

Reviewed by: Teresa Hoffman Liston, Corporation Counsel

Prepared by: Zoe Heldem, Land Use Planner/Coordinator