Village of Lincolnwood
Plan Commission

Meeting
Wednesday, July 5, 2017
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Agenda

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Approval of Minutes
   June 7, 2017 Minutes

4. Case #PC-06-17: 6733-6735 North Lincoln Avenue – Special Use and Variations for a Mixed-Use Project in the B-1 Traditional Business District and Mixed-Use Hub Overlay (Continued from June 7, 2017)
   Request: Consideration of a Special Use to allow residential units above a commercial use, and six Variations to permit: 1) a new mixed-use building to be set back greater than required five-foot build-to line; 2) a drive aisle functioning as a two-way drive aisle to be less than the minimum width; 3) less than the minimum required number of off-street parking spaces; 4) the location of off-street parking to the front of the proposed building; 5) less than the required eight-foot perimeter landscape for the parking area; and 6) a six-foot masonry wall as screening between zoning districts rather than the required eight-foot masonry wall.

5. Case #PC-07-17: 7300 North Cicero Avenue – Special Use for a Trade School in the O, Office District (Continued from June 7, 2017)
   Request: Consideration of a Special Use to allow for a Trade School in the O, Office District at 7300 North Cicero Avenue.

6. Case #PC-09-17: Zoning Code Map Amendment – West Devon Avenue Manufacturing/ Business Retail Overlay Zone
   Request: Consideration of a Zoning Code Map Amendment to establish a Retail Overlay Zone over M-B zoned properties between West Devon Avenue, North Lincoln Avenue, and the former Union Pacific property (also known as the Lincolnwood Union Pacific Recreation Path).
7. Case #PC-10-17: Zoning Code Text Amendment – Natural Screening on Residential Properties

   Request: Consideration of a Zoning Code Text Amendment to modify the permissibility and requirements for Natural Screening on residential properties and adjacent Natural Screening defined as a Special Fence due to its location on public rights-of-way and utility easements.

8. Other Business

9. Next Meeting

10. Public Comment

11. Adjournment

POST DATE: June 30, 2017
DRAFT MEETING MINUTES
OF THE
PLAN COMMISSION
JUNE 7, 2017 – 7:00 P.M.
LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712

MEMBERS PRESENT:
Chairman Mark Yohanna
Suzanne Auerbach
Adi Kohn
Henry Novoselsky
Anthony Pauletto
Don Sampen

MEMBERS ABSENT:
Steven Jakubowski

STAFF PRESENT:
Doug Hammel, AICP, Community Development Manager
Kathryn Kasprzyk, Community Development Coordinator

I. Call to Order

Chairman Yohanna welcomed the two new members of the Plan Commission, Suzanne Auerbach, a previous Plan Commission member, and Adi Kohn. Chairman Yohanna noted a quorum of six members and called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the May 3, 2017 Plan Commission Minutes was made by Commissioner Pauletto and seconded by Commissioner Novoselsky.

Aye: Pauletto, Novoselsky, Sampen, and Yohanna
Nay: None
Abstained: Auerbach and Kohn
Motion Approved: 4-0
IV. **Case #PC-07-17: 7300 North Cicero Avenue – Special Use for a Trade School**

Chairman Yohanna stated that this case will be heard first due to the anticipated length of the other agenda item and announced Case #PC-07-17 for consideration of a Special Use to allow for a Trade School in the O, Office District at 7300 North Cicero Avenue.

Development Manager Hammel stated that the Petitioner notified him earlier in the week that he would not be present. Chairman Yohanna said the Plan Commission should not proceed until the Petitioner appears in person and presents sworn testimony. The Petitioner’s absence prevents the Plan Commission from asking questions which would be appropriate and necessary. Commissioner Sampen added that the Plan Commission could hear staff’s presentation and make a recommendation with the understanding that the representations made are correct and would be in effect.

Chairman Yohanna asked if anyone in the audience would like to address the Plan Commission regarding this issue. Let the record state that no one came forward.

**Motion to continue** to the July 5, 2017 Plan Commission meeting was made by Commissioner Novoselsky and seconded by Commissioner Pauletto.

- **Aye:** Novoselsky, Pauletto, Auerbach, Kohn, and Yohanna
- **Nay:** None
- **Abstained:** Sampen
- **Motion Approved:** 5-0

V. **Case #PC-06-17: 6733-6735 North Lincoln Avenue – Special Use and Variations for a Mixed-Use Project in the B-1, Traditional Business District And Mixed-Use Hub Overlay**

Chairman Yohanna announced Case #PC-06-17 for consideration of a Special Use to allow residential units above a commercial use with six Variations. Commissioner Auerbach recused herself from the panel as she is the architect for the project and assisting in the presentation on behalf of the Petitioner. Commissioner Kohn acknowledged that she worked on this project previously but no longer is involved with Commissioner Auerbach or this project. Commissioner Kohn stated that she can be fair and impartial.

Development Manager Hammel presented the requested Special Use and Variations for a proposed three-story mixed-use development in the B-1, Traditional Business District and Mixed-Hub Overlay. Presented for review were street view and rear access photographs, survey, and site plan.

The Special Use request is to allow residential units above first floor commercial. The project includes three units with one two-bedroom unit and office space on the second floor and a one-bedroom and a two-bedroom unit on the third floor.
Development Manager Hammel outlined the following requested Variations:

1. Variation approval to permit the new mixed-use building to be set back greater than the required five-foot build-to line, as the building is proposed to be set back 25 feet;

2. Variation approval to permit a drive aisle functioning as a two-way drive aisle to be less than the minimum width of 24 feet, as the proposed width is 12 feet;

3. Variation approval to permit less than the minimum required number of 15 off-street parking spaces, as the proposal calls for only 9 off-street spaces;

4. Variation approval to permit the location of off-street parking to the front of the proposed building, as the proposal calls for two spaces in front of the building;

5. Variation approval to permit less than the required eight-foot perimeter landscape for the parking area, as the proposal calls for no such landscaping and screening; and

6. Variation approval to permit a six-foot masonry wall as screening between zoning districts rather than the required eight-foot masonry wall.

An important consideration is a licensing agreement with the owners of 6717 North Lincoln Avenue (Great Beijing) in order to access the rear of the building through their parking lot. This licensing agreement does not establish an access easement and may be terminated at will by either party.

Chairman Yohanna swore in the Petitioner, Rebeka Hoxha, 3420 West North Shore Avenue, Lincolnwood, Illinois, and Sue Auerbach.

Chairman Yohanna said that the problem with this site is how parking is accessed and added that if the parking cannot be claimed permanently, you cannot claim it. The site can be accessed now, but the future is unclear.

Ms. Hoxha stated that the plat of survey shows a ten-foot easement and a vacated alley. Ms. Hoxha explained that she has been working with her attorney to find out what kind of easement is shown but, unfortunately, they have been unable to find any clarification. Chairman Yohanna stated the Village Code requires an easement to be permanent, and, if there is no easement, they cannot get the parking to the rear of the property.

Ms. Auerbach explained the difficulty in building on this lot and is trying to figure out the best way to utilize it. Commissioner Pauletto stated he would like to see this lot developed, and the Village should do everything possible to help get this project underway. Commissioner Sampen and Chairman Yohanna agreed with Commissioner Pauletto but said no approval should be granted until the licensing agreement issue is resolved.
Commissioner Novoselsky asked if the site could be accessed from Grossingers to the north. Grossinger and Great Beijing verbally assured them they may use their parking lot for access as they would like to see this lot developed. Unfortunately, they were not willing to pursue an easement agreement as they both did not want to put anything in writing to encumber their properties.

A lengthy discussion ensued regarding whether vacation of an alley is considered an easement and whether or not the Petitioner can use the easement for ingress and egress. It is unclear to the Plan Commission whether the easement is for Village utilities, access to private properties, or some other purpose. Development Manager Hammel stated he would do additional research as to the nature of this easement.

Ms. Hoxha was asked where the tenants would park if access was denied to the rear of the lot. Development Manager Hammel stated the Village Code requires off-street multi-family residential parking to be within a walking distance of 300 feet and require lot parking with a formal agreement with the property owner. The Petitioner believes there is enough street parking to serve tenants, but Development Manager Hammel clarified that, according to the Village Code, on-street spaces cannot be used to meet the zoning requirement.

Ms. Auerbach asked the Plan Commission if the Petitioner could amend their request to add an off-street parking Variation to only include the two parking spaces in the front. The building plan would stay the same and would utilize Great Beijing’s parking lot for rear access as they have done in the past. Commissioner Novoselsky believes the property is unusable without a parking Variation. Commissioner Novoselsky also believes that the easement is to provide ingress and egress to a land-locked parcel. Development Manager Hammel stated that the location of the easement has not been preserved for access.

Chairman Yohanna asked if anyone in the audience would like to address the Plan Commission regarding this issue. Let the record state that no one came forward.

Motion to continue to the July 5, 2017 Plan Commission was made by Commissioner Novoselsky and seconded by Commissioner Sampen.

Aye: Novoselsky, Sampen, Kohn, Pauletto, and Yohanna
Nay: None
Motion Approved: 5-0

VI. Other Business

No other business was discussed.

VII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, July 5, 2017.
VIII. Adjournment

Motion to adjourn was made by Commissioner Paletto and seconded by Commissioner Sampen. Meeting adjourned at 8:37 p.m.

Aye: Pauletto, Sampen, Kohn, Novoselsky, and Yohanna
Nay: None
Motion Approved: 5-0

Respectfully submitted,

Kathryn M. Kasprzyk
Community Development Coordinator
MEMORANDUM

TO: Chairman Yohanna  
Member of the Plan Commission

FROM: Doug Hammel, AICP  
Development Manager

DATE: July 5, 2017

SUBJECT: Case #PC-06-17: 6733-6735 North Lincoln Avenue – Special Use and Variations

At the June 7, 2017 meeting of the Plan Commission, the above matter was continued in order for Village staff and the Petitioner to conduct research and prepare findings related to certain characteristics of the proposed development. That effort is on-going. However, the Petitioner is unable to attend the July 5, 2017 meeting of the Plan Commission, and has requested that the hearing regarding this case be continued to the next meeting. Staff believes it is most appropriate to continue the matter, without discussion, to the August 2, 2017 meeting of the Plan Commission.

RECOMMENDED MOTION:
Move to continue, without discussion, Case #PC-06-17 to the August 2, 2017 regular meeting of the Plan Commission.
**Subject Property:**
7300 North Cicero Avenue

**Zoning District:**
O, Office District

**Petitioner:**
Homero Bautista, on behalf of 7300 Acq, LLC, Property Owner

**Nature of Request:**
Approval of a Special Use to operate a Trade School as a Special Use in the O, Office District

**Requested Action:**
Approval of a Special Use pursuant to the provisions set forth in Section 5.17 of the Village of Lincolnwood Zoning Ordinance.

**Notification:**

**Summary of Request**
Homero Bautista, operator of the Environmental Training Institute of Chicago, seeks to operate a trade school in a leased space at 7300 North Cicero Avenue. The trade school had previously operated out of a leased space at 7250 North Cicero Avenue. The Petitioner received a Business License from the Village in order to operate an office in 7300 North Cicero Avenue which allows him to conduct training sessions with up to four persons at a time. He is seeking a Special Use Permit for a trade school which would allow him to operate classes with more than four persons at a time. This is similar in nature to the operations of the training institute at the former address.
The Village’s Zoning Ordinance defines a “trade schools” as “an education institution, either for-profit or not-for profit, where classes in the various arts (e.g. dance, painting, sculpture, music, performance) or for the teaching of industrial, clerical, managerial, or artistic skills (e.g. graphic design, beauty school, legal assistance) are taught to more than four persons at a time.” This definition best suits the nature of the Petitioner’s business, as his application states that he would conduct technical training classes with up to twelve students. Based on Table 4.01.1 Permitted and Special Uses in All Zoning Districts, a trade school is designated as a Special Use on the O, Office District. As a result, the Petitioner is seeking a Special Use Permit to operate his business at full capacity.

The Petitioner is leasing a space in a multi-tenant building at 7300 North Cicero Avenue. The site includes a building with a gross floor area of approximately 18,000-square feet and a parking lot with 18 spaces. Additional parking is available on Cicero Avenue.

For trade schools, Section 7.10 of the Zoning Ordinance requires one parking space for every four students, plus one parking space for every two employees. The Petitioner has indicated that he will be the only instructor. Based on the Petitioner’s application, up to twelve students will be taught at a time. This results in a total parking requirement of four spaces for the proposed use.

As a part of his application, the Petitioner provided the lease agreement and a subsequent rider that designates a total of four spaces for the proposed use upon approval of the Special Use Permit. This designation of parking spaces demonstrates compliance with the Zoning Ordinance as it relates to this specific use.

Based on the description of the services being provided by the Petitioner, there are no other anticipated impacts on surrounding properties.

**Public Comment**
The Community Development Department has received no public comment relevant to this case prior to the distribution of this staff report.

**Conclusion**
Homero Bautista, Petitioner and operator of the Environmental Training Institute of Chicago, seeks Special Use approval to operate a trade school at 7300 North Cicero Avenue. It is staff’s opinion that the proposed use meets the standards for a Special Use as outlined in Section 5.17 of the Village of Lincolnwood Zoning Ordinance.

**Documents Attached**
1. Special Use Application
2. Rider to Lease Indicating Designated Parking for the Proposed Use
VILLAGE OF LINCOLNWOOD  
Community Development Department  
Public Hearing Application  
Special Use and PUD

SUBJECT PROPERTY

Property Address: 7300 N Cicero Ave
Permanent Real Estate Index Number(s): 10.28.424.087:0000
Zoning District: O-Office  Lot Area: 25,179 sq ft

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.
Parking lot and driveway.

Are there existing development restrictions affecting the property?  Yes  No
(Examples: previous Variations, conditions, easements, covenants) If yes, describe:

REQUESTED ACTION

☐ Special Use - Residential  ☑ Special Use - Non-Residential  ☐ Planned Unit Development (PUD)  ☐ Other

PROJECT DESCRIPTION

Describe the Request and Project: Training center for Environmental & Law enforcement classes

PROPERTY OWNER/PETITIONER INFORMATION

Property Owner(s):
Name: (List all beneficiaries if Trust): 7300 Acq LLC
Address: 7300 N Cicero
Telephone: (773) 983-0111 Fax: (773) 966-2538 E-mail: management@homecapitalgroup.com

Petitioner (if different from owner):
Name: Homero Bautista  Relationship to Property: None
Address: 8942 N. Keating Chicago, IL 60641
Telephone: (773) 991-2593 Fax: (____)  E-mail: Homero-Bautista@yahoo.com
Check all Documents that are Attached:

- Plat of Survey
- Site Plan
- Proof of Ownership
- Floor Plans
- Applicable Zoning Worksheet
- Photos of the Property
- PDF Files of all Drawings
- Elevations

*The above documents are required for all applications. The Zoning Officer may release an applicant from specific required documents or may require additional documents as deemed necessary.

**COST REIMBURSEMENT REQUIREMENT**

The Village requires reimbursement of certain out-of-pocket costs incurred by the Village in connection with applications for zoning approvals and relief. These costs include, but are not limited to, mailing costs, attorney and engineer costs, and other out-of-pocket costs incurred by the Village in connection with this application. In accordance with Section 5.02 of the Village of Lincolnwood Zoning Ordinance, both the petitioner and the property owner shall be jointly and severely liable for the payment of such out-of-pocket costs. Out-of-pocket costs incurred shall be first applied against any hearing deposit held by the Village, with any additional sums incurred to be billed at the conclusion of the hearing process.

Invoices in connection with this application shall be directed to:

**Name:**  [Handwritten Name]  
**Address:**  7300 N. Cicero Suite 202  
**City, State, Zip:**  Lincolnwood, IL 60172

**ATTESTATION AND SIGNATURE**

I hereby state that I have read and understand the Village cost reimbursement requirement, as well as the requirements and procedures outlined in Article V of the Village Zoning Ordinance, and I agree to reimburse the Village within 30 days after receipt of an invoice therefor. I further attest that all statements and information provided in this application are true and correct to the best of my knowledge and that I have vested in me the authority to execute this application.

**PROPERTY OWNER:**

- Signature
- Print Name: [Handwritten Name]
- Date: 4/24/17

**PETITIONER: (of different than property owner)**

- Signature
- Print Name: [Handwritten Name]
- Date: 4-24-17
To be approved, each Special Use request must meet certain specific standards. These seven standards are listed below. After each listed standard, explain how the Special Use request satisfies the listed standard. Use additional paper if necessary.

1. Please explain how the use is necessary for the public convenience at this location and the subject property is deemed suitable for the use. (Please explain in detail)

   Use will allow for the environmental training which is open to the public to be conducted. The subject property is suitable for the use as it has the required reserved parking available as well as additional public parking if needed.

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

2. Please explain how the use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

   Training will be conducted in a well lit, well ventilated room. Exits are clearly marked and pathways to the exits remain clear at all times.

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________

3. Please explain how this use would not cause substantial injury to the value of other property in the neighborhood in which it is located.

   As Use requested is for training classes to be held indoors, there is no risk of any injury to the value of other property in the neighborhood.

   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
4. The Special Use is consistent with the goals and policies of the Comprehensive Plan.

Absolutely, Special Use requested is for training classes to be held within an existing commercial building and is consistent with the goals and policies of the Comprehensive Plan set forth by the Village.

5. The Special Use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying Zoning District.

Correct. Special Use requested is for training classes to be held with an existing commercial building so there would be no imposition whatsoever to the normal and orderly development and improvement of the surrounding property.

6. Please explain how the Special Use is so designed to provide adequate utilities, access roads, drainage, or necessary facilities.

By limiting class sizes to no more than 12 individuals at any one time, all utilities, access roads, drainage and necessary facilities will be more than adequate.

7. Please explain how the Special Use is so designed to provide ingress and egress to minimize traffic congestion on public streets.

As class sizes are limited to no more than 12 individuals at any one time, ingress and egress will have no impact traffic congestion on public streets.
WARRANTY DEED
Statutory (Illinois) (General)

The Grantor, 7300 CICERO LLC, an Illinois LLC, for and in consideration of Ten and 00/100 Dollars ($10.00), in hand paid, CONVEYS AND WARRANTS to: 7300 ACQ LLC a Delaware limited liability Company whose address is 2417 W. Lawrence Avenue, Chicago, IL 60625 the following described Real Estate situated in the County of Cook in the State of Illinois, to wit:

[see Exhibit A attached hereto and a part hereof for legal description]

Subject to: All taxes, assessments, easements, rights-of-way, restrictions, conditions, covenants, encumbrances and easements of record.

Permanent Index Number(s) (PIN): 10-28-424-087-0000
Address for Real Estate: 7300 N. Cicero, Lincolnwood Illinois 60712

Dated this 31th Day of March, 2016

[signature page attached]

Prepared by:
Linda Vernon Goldberg
Boodel & Domanski, LLC
353 N. Clark Street, Suite 1800
Chicago, IL 60654

Return and Send Tax Bills to:
7300 ACQ, LLC
2417 W. Lawrence Avenue
Chicago, IL 60625
Attn: Alex Turik

FIRST AMERICAN TITLE
FILE #2715125
1/3

REAL ESTATE TRANSFER TAX
13-Apr-2016

| COUNTY: 672.60 |
| ILLINOIS: 1,345.00 |
| TOTAL: 2,017.50 |

10-28-424-087-0000 | 2016030167938 | 0-121-585-216
RIDER TO LEASE

Rider to lease agreement dated January 12, 2017 between 7300 ACQ LLC (Lessor) and Environmental Institute of Chicago (Lessee).

Upon approval of Special Use Permit from Village of Lincolnwood, Lessee will be designated two (2) additional parking spots, creating four (4) total parking spots, in the building’s parking lot at a rate of $100 per month.

Signed by:

Environmental Institute of Chicago (Lessee)

Homero Bautista

Signature

4-29-2017

Date
Subject Properties:  
M-B Zoned Property, located between Lincoln and Devon Avenues, and the Village’s Union Pacific (UP) Recreation Path 

Zoning District:  
M-B, Manufacturing & Business Zoning District 

Petitioner:  
Village Board 

Nature of Request:  
A Map Amendment to establish a Retail Overlay Zone on certain M-B zoned property in the area north of Devon Avenue, west of the intersection with Lincoln Avenue. 

Requested Action:  
Consideration of a Zoning Map Amendment to establish a Retail Overlay Zone over M-B zoned properties between West Devon Avenue, North Lincoln Avenue and the former Union Pacific property (aka Lincolnwood Union Pacific Recreation Path). 


Summary of Request 
Background  
The Village created a new Retail Overlay Zone, within the Touhy Avenue M-B, Manufacturing and Business Zoning District in May, 2013 (Ordinance attached). As part of the creation of the new Retail Overlay Zone, the Village rezoned 14 properties on Touhy Avenue, Capitol Drive, Lawndale Avenue, and Ridgeway Avenue to this new designation (see attached map). The creation of this Retail Overlay Zone arose from discussions by the Village’s Economic Development Commission (EDC) regarding an analysis of Village properties along Touhy Avenue, east of Hamlin Avenue. The EDC recognized that there was value to the Village in designating properties along Touhy Avenue with a zoning that
permitted them to redevelop in their highest and best commercial use. The Plan Commission subsequently held a Public Hearing in April 2013 and unanimously approved the requisite Map Amendment. The Retail Overlay Zone was developed to allow an “overlay” of B-2 use permissibility for these properties. Rather than rezoning these properties to a commercial zoning, such as B-2, General Business, the creation of a Retail Overlay Zone allowed these properties flexibility to remain in a light industrial district such as M-B, but with the bonus of additional use permissibility. In general, the Village has heard no negative feedback/impacts from the overlay designation on the Touhy properties. In spring 2017, the EDC endorsed a Retail Overlay Zone in the area along Devon Avenue. At their June 6, 2017 meeting, the Village Board referred this proposed Map Amendment to the Plan Commission for Public Hearing.

Analysis
Based upon discussions staff has had with potential service industry and small restaurant uses interested in at least one building on Devon Avenue, between Hamlin and Ridgeway Avenues, staff believes that a Retail Overlay Zone is worth considering. These uses, including a martial arts studio, carry-out pizza restaurant, and another service-related use, would be consistent with the type of uses found in any multi-tenant commercial building in the Village, but were either not permitted in the M-B Zoning District or required a Special Use, when other similar properties would have permitted these properties by right.

Comparison of Uses (M-B to Retail Overlay):
A Retail Overlay District would permit all of the uses currently permitted in the M-B zoning district, plus the following additional permissibility’s:

<table>
<thead>
<tr>
<th>Uses</th>
<th>M-B Zoning</th>
<th>Retail Overlay Zone</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Permitted (P) or Special Use (S)</td>
<td>Permitted (P) or Special Use (S)</td>
</tr>
<tr>
<td>Eating &amp; Drinking Establishments, &lt;5,000 sf</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Billiard Club</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Health Club</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Entertainment Venue</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Drive-Through</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Bank</td>
<td>Not Permitted</td>
<td>P</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>Not Permitted</td>
<td>P</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>Not Permitted</td>
<td>P</td>
</tr>
<tr>
<td>Lodging (Hotel/Motel/B&amp;B)</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Personal Service Establishments &lt; 2000 sf</td>
<td>Not Permitted</td>
<td>P</td>
</tr>
<tr>
<td>Personal Service Establishments &gt;/= 2000sf</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Trade School</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Hospital</td>
<td>Not Permitted</td>
<td>S</td>
</tr>
<tr>
<td>Massage Therapy</td>
<td>Not Permitted</td>
<td>S</td>
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<tr>
<td>Religious Institution</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>
Some of these uses may not necessarily be appropriate within the existing buildings and lot configuration in this area. However, it is important to look at future redevelopment opportunities while positioning this area, which is in a TIF District, to be more attractive for redevelopment.

**Potential Retail Overlay Zone Boundaries**

A Retail Overlay Zone designation over the property shown below would help provide reasonable options for commercial businesses to locate in or redevelop properties adjacent to, Devon Avenue. There are a number of properties in this area that could benefit from such a designation.

The proposed boundary above includes those properties fronting Devon or Lincoln Avenues, as well as adjacent properties that could conceivably be assembled for larger-scale commercial redevelopment. The proposed boundary is adjacent to other commercial or light industrial property and would not be adjacent to any single-family residential properties in the Village, eliminating potential conflicts with those incompatible land uses. In addition, if there is a desire on the part of the Commission to permit light industrial uses to maintain a presence in this part of the Village, the area adjacent to and west of the UP Recreation Path would be most appropriate.

While properties fronting Devon Avenue would likely benefit most from a Retail Overlay Zone in the short term, given the layout and configuration of these buildings, the designation
of such a District would help demonstrate to the development community a commitment to see this area redeveloped commercially.

**Potential Positive Impacts:**
- Provides owners greater flexibility in seeking tenants;
- Provides additional opportunities for revenue-generating businesses that will provide sales tax;
- Spur redevelopment in a somewhat stagnant area;
- Promote a business-friendly, pro-active stance; and
- Help fill tenant spaces immediately in buildings that have had expressed interest in uses permitted in the Retail Overlay Zone, but not in strict M-B zoning.

**Potential Negative Impacts:**
- None

Staff had initial concerns that there could be property tax implications, especially for properties that were remaining status quo and not realizing the benefits of filling vacant space or redeveloping property. However, in reviewing County property tax information for 2012-15 for properties designated in the Touhy Avenue Retail Overlay Zone, staff found property taxes increased an average of approximately 4.4% (over the four tax years), which is consistent with other similar M-B zoned property in the same area that is not within the Retail Overlay Zone. In addition, staff spoke with Kane, McKenna and Associates (KMA), the Village’s Financial Services firm, who specialize in public finance and municipal economic development, to request their opinion on the likelihood of property taxes rising by levels out of the norm as compared to property that is not in a designated Retail Overlay Zone. KMA stated that in their experience, a property’s Equalized Assessed Value is related to the actual use of a property and the market value of the physical building and improvements, rather than the zoning designation.

**Recommendation**
Staff recommends approval of the proposed Retail Overlay District for the Devon Avenue M-B Zoning District.

**Documents Attached**
1. 2013 Retail Overlay District Ordinance No. 2013-3051
2. Map of Existing Touhy Avenue Retail Overlay District
VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2013-3051

AN ORDINANCE AMENDING
THE VILLAGE OF LINCOLNWOOD ZONING ORDINANCE
TO CREATE THE RETAIL OVERLAY DISTRICT WITHIN THE LIGHT
MANUFACTURING/BUSINESS ZONING DISTRICT AND REZONING CERTAIN
PROPERTIES TO THE RETAIL OVERLAY DISTRICT

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 7TH DAY OF MAY, 2013.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois
this 7th day of May, 2013
ORDINANCE NO. 2013-3051

AN ORDINANCE AMENDING
THE VILLAGE OF LINCOLNWOOD ZONING ORDINANCE
TO CREATE THE RETAIL OVERLAY DISTRICT WITHIN THE LIGHT
MANUFACTURING/BUSINESS ZONING DISTRICT AND REZONING CERTAIN
PROPERTIES TO THE RETAIL OVERLAY DISTRICT

WHEREAS, the Village of Lincolnwood is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, pursuant to Section 4.01(9) of "The Village of Lincolnwood Zoning Ordinance," as amended ("Zoning Ordinance"), the M-B Light Manufacturing/Business District of the Village ("M-B District") is intended primarily for light manufacturing, research, wholesale, and limited business uses; and

WHEREAS, between July 2012 and December 2013, the Village Economic Development Commission ("EDC") considered a retail analysis of the properties in the M-B District and recent trends concerning retail development along Touhy Avenue, and engaged in discussions with owners of property and other stakeholders in the M-B District, in order to determine the propriety of retail and commercial uses within the M-B District; and

WHEREAS, on January 25, 2013, the EDC unanimously recommended that the Village consider the adoption of a retail overlay zoning district ("M-B Retail Overlay Zone") for implementation in certain specified areas of the M-B District in proximity to Touhy Avenue; and

WHEREAS, pursuant to notice duly published in the Chicago Sun Times on March 14, 2013, the Village Plan Commission conducted a public hearing on April 3, 2013 concerning: (i) amendments to the Zoning Ordinance that would create the M-B Retail Overlay District; and (ii) amendments to the Village of Lincolnwood Official Zoning Map ("Zoning Map") to rezone the properties legally described and depicted in Exhibit A to this Ordinance (collectively, the "Subject Properties"), all located within the M-B District, into the M-B Retail Overlay Zone (collectively, the "Proposed Amendments"); and

WHEREAS, at the conclusion of the public hearing, the Plan Commission made findings and recommended that the President and Board of Trustees adopt the Proposed Amendments, as set forth in this Ordinance; and

WHEREAS, having considered the findings and recommendations of the Plan Commission, the President and Board of Trustees have found and determined that the adoption of the Proposed Amendments, as set forth in this Ordinance, is in the best interests of the Village and its residents;

Additions are bold and double-underlined; deletions are struck through.
NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. ESTABLISHMENT OF ZONING DISTRICTS. Section 4.01 of Article IV of the Zoning Ordinance shall be amended further, and shall read as follows:

"4.01 ESTABLISHMENT OF DISTRICTS.

In order to accomplish the purpose of this Ordinance as stated in Section 1 Article I hereof, the Village of Lincolnwood, Illinois, is hereby divided into the following districts:

* * *

(10) MBROZ Manufacturing/Business Retail Overlay Zone. This district is intended to permit certain retail and commercial uses, otherwise restricted or prohibited in the M-B zoning district, on specified properties within the M-B zoning district and in the vicinity of Touhy Avenue. The uses permitted within the MBROZ overlay zone are intended to complement the light manufacturing, research, wholesale, and limited business uses within the M-B zoning district.

(10)(11) P Public Open Space - Recreation - Park District. This district is established to provide land use regulations for public open space, recreation and park areas within the Village. In establishing these land use regulations the Village intends to:

* * *

SECTION 3. PERMITTED AND SPECIAL USES IN THE MBROZ OVERLAY ZONE. Table 4.01.1 of Article IV of the Zoning Ordinance shall be amended further, and shall read as follows:

Additions are bold and double-underlined; deletions are struck-through.
"TABLE 4.01.1 – Permitted and Special Uses in All Zoning Districts

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Residential</th>
<th>Business</th>
<th>Office</th>
<th>Manufacturing/ Business</th>
<th>Public</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>R-2</td>
<td>R-3</td>
<td>R-4</td>
<td>B-1</td>
<td>B-2</td>
<td>B-3 PD</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>O-1</td>
<td></td>
<td>M-B (Note 8)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

* * *

Note 8: For properties located within the MBROZ Overlay Zone, uses shall be permitted, restricted, or prohibited as provided in this Table 4.01.1 for the B-2 zoning district; provided, however, that in the event of a conflict between the regulations set forth in this Table 4.01.1 for the B-2 zoning district and for the M-B zoning district, the less restrictive regulation shall control."

SECTION 4. ZONING MAP AMENDMENT. The Zoning Map of the Village shall be, and is hereby, amended to rezone each and all of the Subject Properties to the M-B District and the MBROZ Manufacturing/Business Retail Overlay Zone of the Village, in accordance with, and pursuant to, Section 5.16 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 5. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE Follows]
PASSED this 7th day of May, 2013.

AYES: Trustees Patel, Sprogis-Marohn, Elster, Leftakes, Klatzco, Cope

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 7th day of May, 2013.

Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the 7th day of May, 2013.

Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

Additions are bold and double-underlined; deletions are struck-through.
Exhibit A

Description and Depiction of Subject Properties

7100 Capitol Drive
PIN: 10-35-200-027-0000; 10-35-200-026-0000; 10-35-200-031-0000

7101 Capitol Drive, 7105 Capitol Drive, and 7111 Capitol Drive
PIN: 10-35-200-035-0000 and 10-35-200-036-0000

3475 West Touhy Avenue and 3477 West Touhy Avenue
PIN: 10-35-200-037-0000

3501 West Touhy Avenue
PIN: 10-35-200-034-0000

3515 West Touhy Avenue
PIN: 10-35-200-024-0000 and 10-35-200-030-0000

3701 West Touhy Avenue
PIN: 10-35-136-026-0000

3725 West Touhy Avenue
PIN: 10-35-136-024-0000

7060 North Lawndale Avenue
PIN: 10-35-136-016-0000

7100 North Lawndale Avenue
PIN: 10-35-136-007-0000

7140 North Lawndale Avenue
PIN: 10-35-136-015-0000 and 10-35-136-014-0000

7150 North Lawndale Avenue
PIN: 10-35-136-012-0000

7085 North Ridgeway Avenue
PIN: 10-35-136-020-0000

7101 North Ridgeway Avenue
PIN: 10-35-136-013-0000

7131 North Ridgeway Avenue
PIN: 10-35-136-009-0000
Retail Overlay District on Touhy Avenue

Retail Overlay District Boundary

Touhy Avenue

Lowe's

PUD
Sold To:
Village of Lincolnwood - CU00031469
6900 N Lincoln Ave
Lincolnwood, IL 60712-2692

Bill To:
Village of Lincolnwood - CU00031469
6900 N Lincoln Ave
Lincolnwood, IL 60712-2692

Certificate of Publication:

Order Number: 5017161
Purchase Order: N/A

State of Illinois - Cook

Chicago Tribune Media Group does hereby certify that it is the publisher of the Lincolnwood Review. The Lincolnwood Review is a secular newspaper, has been continuously published Weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Lincolnwood, Township of Niles, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the Lincolnwood Review, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 6/15/2017, and the last publication of the notice was made in the newspaper dated and published on 6/15/2017.

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.


Linwood Review
In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

Day of JUN 16 2017, by

Chicago Tribune Media Group

Erin Julian
Notary Public

Chicago Tribune - chicagotribune.com
435 North Michigan Avenue, Chicago, Illinois 60611
(312) 222-2222 - Fax: (312) 222-4014
Notice of Lincolnwood Public Hearing

Notice is hereby given that on Wednesday, July 5, 2017 at 7:00 p.m., the Plan Commission will conduct a Public Hearing on each of the matters below in the Council Chambers Room of Village Hall, 6900 North Lincoln Avenue, Lincolnwood, Illinois.

Case #PC-09-17
Zoning Code Map Amendment - W. Devon Avenue Manufacturing/Business Retail Overlay Zone

Village Board Referral of a Zoning Code Map Amendment to consider establishing a Retail Overlay Zone over certain properties between W. Devon Avenue and N. Lincoln Avenue, west of the intersection of W. Devon and N. Lincoln Avenues. The subject properties include all M-8 zoned properties between the area north of W. Devon Avenue, south of N. Lincoln Avenue, and east of the former Union Pacific property (also known as the Lincolnwood Union Pacific Recreation Path). The rezoning would maintain the existing M-4, Manufacturing & Business Zoning District, and overlay the subject property with the MBROZ, Manufacturing/Business Retail Overlay Zone of the Village. This district is intended to permit certain retail and commercial uses, otherwise restricted or prohibited in the M-8 Zoning District, and consideration of other Zoning Code Amendments that may be discovered during review of this case.

Case #PC-10-17
Zoning Code Text Amendment - Regulations for Natural Screening on and adjacent to Residential Properties

Village Board Referral of a Zoning Code Text Amendment to consider modifying the permissibility and requirements for Natural Screening on residential properties and adjacent Natural Screening defined as a Special Fence due to its location on public rights-of-way and utility easements, and other Zoning Code Amendments that may be discovered during review of this case.

At this Public Hearing, the Plan Commission will accept and consider all testimony and evidence pertaining to these requests. Persons desiring to comment on or present evidence of testimony on any of these matters should appear at this Public Hearing or submit written comments in advance for consideration at the Hearing.

Written comments, addressed to the Village Zoning Officer in the Community Development Department of Village Hall, 6900 North Lincoln Avenue, Lincolnwood, Illinois 60712, must be received no later than 4:00 p.m. on the day of the Hearing. Information concerning these requests is available for inspection in the Community Development Department during normal business hours.

Dated: June 12, 2017

6/15/17 5017161
PUBLIC NOTICE

Notice is hereby given that on **Wednesday, July 5, 2017 at 7:00 p.m.**, the Plan Commission will conduct a Public Hearing in the Council Chambers Room of Village Hall, 6900 North Lincoln Avenue, Lincolnwood, Illinois regarding the following request:

**Case #PC-09-17**

**Zoning Code Map Amendment - West Devon Avenue Manufacturing/Business Retail Overlay Zone**

Your property has been identified as one that would be impacted by this proposed zoning change.

This request, referred by the Village Board, is to establish a Retail Overlay Zone over certain properties west of the intersection of West Devon and North Lincoln Avenues (see attached map). This rezoning, if approved, would maintain the existing M-B, Manufacturing & Business Zoning District, and overlay this area with a Retail Overlay Zone. This Overlay Zone would not eliminate any of the existing rights, responsibilities and permissibility of uses on your property, but would provide additional permissible uses. The intent is to provide property owners with greater flexibility in the uses permitted on property in the area of the proposed Retail Overlay Zone.

At this Public Hearing, the Plan Commission will accept and consider all testimony and evidence pertaining to this request. Persons desiring to comment or present evidence or testimony on any of these matters should appear at this Public Hearing or submit written comments in advance for consideration at the Hearing. Written comments, addressed to the Village Zoning Officer in the Community Development Department of Village Hall, 6900 North Lincoln Avenue, Lincolnwood, Illinois 60712, must be received no later than 4:00 p.m. on the day of the Hearing.

Should you have any questions, please feel free to contact Steve McNellis, Community Development Director, at 847-745-4710 or at smcnellis@lwd.org.
Subject: Consideration of Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties

Requested Action: Text Amendments to Village Code Section 3.13, Fences and Natural Screening, to modify the permissibility of Natural Screening on Single-Family Residential Properties and adjacent Public Rights-of-Way.

Petitioner: Village Board

Summary:
Natural Screening (Definition)
The use of deciduous trees, deciduous bushes, evergreen trees, evergreen bushes, or other live plantings which are planted or grown in a manner that creates a hedge which acts as a barrier or boundary.

Natural Screening Requirements on Single-Family Residential Property:
The Zoning Code currently permits natural screening to be installed on single-family residential property in any required Yard (Building Setback) with different height permissibility for each Yard. Rear and Side (Interior and Corner Side Yards where the front door to a residence does not face that street) Yards have no restriction on the height of Natural Screening, while the maximum height is four feet (4’') in the Corner Lot Side Yard (adjacent to a street right-of-way, where the front door to the residence does face that street) and thirty inches (30’’) in a Front Yard (see attached Code Sections 3.13(12)(C), 3.13(16)(b) and 3.20 (a)(ii). These requirements can be modified only through a Variation process.

The effect of the lower height permissibility in Front and certain Corner Side Yards is that those yards facing a street right-of-way are currently not permitted to install natural screening that acts as a visual “wall” from the street, obscuring the majority of the home’s façade. However, field visits of residential neighborhoods show it is clear that this restricted condition has not been uniformly followed. Whether this is through resident’s lack of knowledge regarding this requirement or simply a disregard for the Code, it is unknown. There are a number of examples throughout the Village of natural screening taller than four feet in Corner Side Yards, and fewer examples of natural screening taller than thirty inches in Front Yards. This discrepancy may often be due to Corner Side Yards being combined with Rear yards to create a larger and more usable space on corner lots. While, in general, most residents do not see the need to fully screen the front of their home from the street.
Natural Screening Requirements in Public Right-of-Way, Adjacent to Single-Family Residential Property:
The Zoning Code currently permits natural screening to be located in public rights-of-way only as what is called a “Special Fence”. Special Fences “are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood”. This same section notes that “Special Fences may be appropriate in some locations and inappropriate in other locations”. Natural Screening “on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense” is listed as a type of Special Fence in (Attached) Code Section 3.13(8) of the Village Code. Special Fences require a public approval process and Hearing conducted by the Zoning Board of Appeals, similar to a Variation. Similar to existing natural screening located on single-family residential properties, existing natural screening located in rights-of-way adjacent to those same single-family residential properties can be found throughout the Village’s neighborhoods. Staff has not been made aware of any concerns raised regarding this somewhat common practice.

Staff Analysis:
The arguments in favor of easing the restrictions on natural screening height and location relate primarily to the provision of options to increase the usable outdoor space on smaller lots, especially corner lots, and/or a desire for privacy. It is clear that corner lots generally have less usable space, given the larger setbacks along the Corner Lot Side Yard. This can severely limit the opportunities for a true “private” backyard, shielded from the public roadways, which midblock lots enjoy. Further, there are residents who would rather remove any perceived intrusion into the privacy of their front yards by installing a natural screen. Village Code does not permit a fence to be located anywhere in the Front Yard setback, and further requires that fences in the Interior Side Yard be setback a minimum of three feet behind the front façade of the residence. Therefore, a natural screen would be the only option to screen a single-family residential lot from view of the street.

Should the Plan Commission wish to consider increased permissibility of natural screening on, and adjacent to, single-family residential properties, there are several options in various combinations that could be considered:

A) Location On-site/Off-site – Currently, Natural Screening is permitted on residential property and by special approval (Special Fence) in the public right-of-way. Therefore, locational permissibility can be increased only by permitting natural screening in the public right-of-way by right (with no Special fence approval required). There is also the option of permitting natural screening in the public right-of-way only for that area adjacent to a Corner Lot Side Yard. That area is typically connected to the rear yard of the property which is an area that is most likely to be utilized as private space, as it is not entered through the main front entrance of a residence.

Positive Aspects: Permitting natural screening on and off residential property (with specific limitations to be considered and discussed later in this memo), by right, is to allow what is already occurring in Village neighborhoods to legally continue.
**Negative Aspects:** Typical wider, more-open street cross-section may end up significantly reduced in many locations.

---

**B) Plant Material Height in Front Yard/Corner Side Yard** – Currently, natural screening height is limited in a Corner Lot Side Yard if the front facing design façade (the façade which incorporates the front door – see attached Code Section 2.02) of the house faces that property line. In addition, natural screening currently has the most restrictive height (30” maximum) in the Front Yard. It appears this is at least partially due to the need for emergency service responders to have the ability to see street addresses on homes. However, Code requirements could be amended to remove different permissibilities for a front yard or front façade of a building versus a Corner Side Yard with no front door.

**Positive Aspects:** The removal of a limitation on natural screening height, tied solely to a front door location or Code designation of a Front Yard, allows flexibility and is not arbitrary. This allows residents the opportunity to determine functionally where the usable part of their yard is located and screen accordingly.

**Negative Aspects:** The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.
C) **Seasonal Opacity** – This refers to whether or not natural screening is opaque year-round, which would be achieved through installation of evergreens, or is opaque only in the spring-fall, which would suggest only deciduous bushes be permitted. There is also the option of permitting a maximum percentage of evergreen plant material in a screen to provide diversity and break up the visual barrier in the colder months when yards are less utilized. So, the options would be as follows:

1) Evergreens permitted for 100% of natural screen;
2) Prohibition on evergreen plant material in a natural screen; or
3) Maximum percentage of evergreens in a natural screen (i.e. 50% or less, 66% or less, etc. with remainder as deciduous).

**Positive Aspects:** Would allow residents an opportunity to install a “privacy wall” of plant material in conjunction with taller plant material height (see below).

**Negative Aspects:** The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.

![Evergreen Plant Material](image)

![Deciduous Bushes – Summer](image)  ![Deciduous Bushes - Winter](image)
D) **Maximum Plant Material Height** – This refers to the maximum permissible height for plant material in a natural screen at any time, regardless of location. In other words, if heights are to be limited, then plant material must either take a form in which it can be trimmed (hedges) or must be of a shorter species that grows no taller than the maximum height set. So, the options would be as follows:

1) No limitation on natural screen height in any Yard;
2) Maintain low natural screen maximum height in Front and/or Corner Lot Side Yards (i.e. 30”, 36” or 48”); or
3) Maintain mid-size natural screen maximum height in Front and/or Corner Lot Side Yards (i.e. 6’ or 8’).

**Positive Aspects:** Allows evergreen trees or upright hedges (such as Arborvitae) to be planted, and there would be no need to maintain those trees/hedges.

**Negative Aspects:** The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.

The attached checklist has been prepared to help the Plan Commission begin to look at these options and determine if and where limitations on natural screening should be lessened.

Regardless of the options that could be considered in amending the Village Code regarding the permissibility of natural screening, staff recommends the Plan Commission consider requiring the following specific setbacks:

1. Minimum setback from a sidewalk (3’ recommended) to ensure that growth of the natural screen will not impinge on the sidewalk itself;

2. Minimum setback from a curb line (5’ recommended), where there is no sidewalk, to ensure that growth does not impinge upon the street or the ability to enter/exit vehicles parked on the street;

3. Maintain the existing line of sight triangle, as defined in attached Village Code Section 3.13(9)(g);
4. Maintain setback from an above-ground utility, such as a fire hydrant, street light pole, etc. (5’ recommended) to ensure that growth of the natural screen does not impeded the ability to utilize or service those utilities; and

5. Require that any natural screening in a Front or Corner Lot Side Yard be permitted only if there is an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way.

Conclusion
Staff supports an overhaul of certain requirements limiting natural screens on and adjacent to single-family residential properties. Specifically, staff supports additional permissibility for natural screens in Corner Lot Side Yards, including permitting such screens to encroach into the public right-of-way, with the caveat that the four specific setbacks and additional requirement regarding visibility of house numbers noted above be maintained. Staff would not propose limiting these natural screens in the Corner Lot Side Yard, even if the front door of the home is located on that façade. Given that Corner Lot Side Yards on corner lots are back-to-back with other corner lots, these “short blocks” could maintain a smaller street cross-section without compromising the overall character of neighborhoods. Staff would also recommend that natural screening in these Corner Lot Side Yards be permitted to be 100 percent opaque year-round, and that there be no maximum height limitation. Staff would not support extending these permissibilities to Front yards, however. We believe that in order to maintain the open street cross-section and openness between neighbors, the Front Yard is a “public space” of sorts and should be maintained free of natural screening which acts as a barrier.

Staff would recommend that if natural screening that defines a boundary is still desirable in a front yard or on the right-of-way adjacent to a Front Yard, such natural screening should be no taller than thirty inches in height. The one exception staff would recommend is in those locations where the Front Yard of a single-family residential property is across a street right-of-way from a non-residential zoning district. In those instances, an evergreen screen of a greater height could be permitted, with the caveat that an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way be provided.

Staff Recommendation
Staff is seeking direction from the Plan Commission regarding the acceptability of these many potential variants of increased natural screening permissibility. With this direction, staff will prepare proposed Code Language for review by the Plan Commission at the August 2, 2017 meeting.

Documents Attached
1. Pertinent Village Code Sections
2. Checklist
Pertinent Village Code Sections

Natural Screening

(12)
Natural screening in residential districts.

a. Natural screening may be installed in rear and side yards, without restriction to height, provided such screening does not obstruct the Village line of sight distance regulations.

b. Natural screening may be installed on a corner lot side yard, but shall be set back a sufficient distance from the side lot line to allow it to be maintained when in its mature state so as to not obstruct the walking and traveling public upon Village sidewalks.

c. Natural screening may be installed on a corner lot side yard, where the front facing design facade of the residence (the side containing the main entrance) faces the corner lot side yard (as opposed to the front yard), but shall be restricted and maintained to no more than four feet in height.

(8)
Special fences

Special Fences; preexisting masonry fences: landscape terrace walls; decorative wrought iron fences, through lot fences. Special fences are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood. Special fences may be appropriate in some locations and inappropriate in other locations. The following fences may be allowed by special fence authorization in accordance with this Section 3.13 where the Zoning Board of Appeals finds that a special fence is appropriate at the location requested. The Zoning Board of Appeals may recommend, and the Board of Trustees may impose conditions, terms and restrictions in addition to those set forth herein as a condition of granting special fence authorization.

a. The following types of fences shall be special fences:

i. Brick walls, masonry fences, and stone walls.

ii. Masonry enclosures.

iii. Landscape terrace walls of stone or masonry construction, over 30 inches in height.

iv. Decorative wrought iron fences.

v. Through lot fences.
vi. Natural screening on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense.

(9). Location and orientation of fences and natural screening.

a. Line of sight distance required. Any person erecting, constructing, installing, or replacing a fence and planting or replacing a natural screen shall ensure that adequate sight distance is provided at the intersection of two alleys, or a street and an alley, or the intersection of two streets. (See Figures x and xx following.)

Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of Two Streets

![Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of Two Streets](image)

Figure 3.x

Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of a Street and the Alley

![Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of a Street and the Alley](image)
Natural screening in manufacturing districts.

a. Natural screening is encouraged in front yard locations, when screening parking areas on a lot from public view, but such screening shall be restricted to not more than four feet in height. Any such screening shall not create a safety hazard for either drivers or pedestrians, shall comply with the Village line of sight regulations, and shall not obscure sight lines at ingress and egress points, and drive aisles of any lot.

b. Natural screening may be installed in rear, side, and corner lot side yards without restriction to height except that such natural screening shall not create a safety hazard, shall comply with the Village line of sight regulations, and shall not obscure sight lines at the ingress and egress point of any lot. The Zoning Officer shall determine the safety of the location of such screening and a permit shall be obtained prior to installation of natural screening in these locations.
Natural screening material.

a. Natural screening in front yards.

i. In residential districts bushes in excess of 30 inches in height comprising a hedge forming a natural screen as of the effective date of this Zoning Ordinance and which are located in the front or side corner lot, may remain so long as the bushes do not violate the safety visibility triangle, are in a healthy condition, and are kept maintained. Bushes which are dead, diseased, unsightly or create a safety hazard must be removed from such a hedge, and once removed may not be replaced.

ii. Following the effective date of this amendment, natural screening hedges may be planted so long as they do not obstruct sidewalks, are planted on private property, not the public parkway, do not exceed 30 inches in maintained height, and are not a safety hazard.

2.02 Definitions:
Front Facing (Design) Facade

Any facade of the principal building which approximately parallels the front lot line and exceeds eight feet in length. (See Diagram E following.)

Diagram E (See Section 3.13)  
Diagram F (See Section 3.13)
## Natural Screening Checklist

<table>
<thead>
<tr>
<th>Location</th>
<th>✔</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Private Property Only</td>
<td></td>
</tr>
<tr>
<td>On Private Property and in the Public Right-of-Way (adjacent to Corner Lot Side Yard Only)</td>
<td></td>
</tr>
<tr>
<td>On Private Property and in the Public Right-of-Way (adjacent to Front Yard &amp; Corner Lot Side Yard)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Natural Screening Height Restrictions in Front Yard/Front Design Façade (Corner Lot Side Yard with the front door of the house)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Height for Front Yard or Corner Lot Side Yard with a Front Door</td>
<td></td>
</tr>
<tr>
<td>Same Height for Yards regardless of Front façade or front door location</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Natural Screen Opacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evergreen permitted for 100% of natural screen</td>
</tr>
<tr>
<td>No Evergreen permitted in Natural Screen</td>
</tr>
<tr>
<td>Institute a maximum percentage (i.e. 50%, 66%, etc.) of Evergreen versus Deciduous plantings in natural screen</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Natural Screen Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Limitation on Height in any Yard</td>
</tr>
<tr>
<td>Maintain low height (i.e. 30”, 36” or 48”) in Front and/or Corner Lot Side Yard</td>
</tr>
<tr>
<td>Permit “mid-size” height (i.e. 6’ or 8’) in Front and/or Corner Lot Side Yard</td>
</tr>
</tbody>
</table>