



**Committee on Ordinances, Rules, and Buildings  
Meeting Agenda**

November 12, 2019 – 8:00 A.M.  
Village Hall Board Conference Room  
6900 North Lincoln Avenue  
Lincolnwood, Illinois 60712

AGENDA

- I. Call to Order
- II. Roll Call
- III. Consideration of Minutes
- IV. New Business
  - A. Approval of Meeting Schedule for 2020
- V. Old Business
  - A. Cul-de-Sac Setback and Right-of-Way Standards
  - B. Required Landscaped Transition Yards between Commercial and Residential Properties
- VI. Public Comment
- VII. Adjournment

Posted: November 7, 2019

**VILLAGE OF LINCOLNWOOD  
COMMITTEE OF ORDINANCES, RULES, AND BUILDINGS  
REGULAR MEETING  
VILLAGE HALL BOARD CONFERENCE ROOM  
AUGUST 6, 2019**

**DRAFT**

**Call to Order**

Trustee Cope called the regular meeting of the Lincolnwood Committee of Ordinances, Rules, and Buildings (CORB) to order at 8:05 AM Tuesday, August 6, 2019, in the Board Conference Room of the Municipal Complex at 6900 N. Lincoln Avenue, Village of Lincolnwood, County of Cook, and State of Illinois.

**Roll Call**

On roll call by Assistant Village Manager Charles Meyer the following were:

PRESENT: Trustees Cope, Hlepas Nickell, Sargon

ABSENT: None

A quorum was present.

Also present: Trustee Patel, Village Manager, Anne Marie Gaura; Assistant Village Manager, Charles Meyer; Doug Hammel, Development Manager; Steve McNellis, Community Development Director; Hart Passman, Village Attorney; Jay Parrott, Police Chief; Mike Hansen, Fire Chief; and Clyde Heineman, Battalion Chief.

**Consideration of Minutes**

A motion was made by Trustee Hlepas Nickell to approve the minutes for January 11, 2019 as amended. The motion was seconded by Trustee Sargon. The motion was approved via a voice vote.

**New Business**

A) Oversized / Overweight Truck Permitting

- The item was presented by Jay Parrott using PowerPoint.
  - Chief Parrott started by following up to the Committee of the Whole by stating that IDOT was contacted and found that in 2018, 44 permits were issued that went through the Village. Looking at that data for the first half of 2019 there 19 permits for Lincolnwood on IDOT roads. Those vehicles that were overweight were mostly excavators or large air conditioning units. IDOT did not provide specific

locations, but some could be just a pass through on their way to their destination. The purpose of this Ordinance is to protect the Village's infrastructure to regulate and limit the vehicles that come through the Village.

- Chief Parrott stated that the Village Attorney worked with the Village to draft the permit fees and that the fees were designed to be structured in such a way to be reasonable. Chief Parrott stated that this is designed to provide accountability.
- Recommended Ordinance:
  - 7-2-33 Overweight and Oversized Vehicles.
  - No person may operate any motor vehicle on any highway owned and maintained by the Village in excess of the width, height, length, or weight maximums set forth in the Illinois Vehicle Code, except upon issuance of an overweight/oversized vehicle permit by the Village Chief of Police pursuant to this Section 7-2-33.
  - An applicant for an overweight/oversized vehicle permit must submit a properly completed application, on a form provided by the Village, to the Village Police Department.
  - The application must include, without limitation:
    - The name, address, and telephone number of the applicant and of the applicant's business;
    - A statement of whether the permit is for a single trip, round trip, or multiple movements;
    - A description of the subject vehicle, its license plate number and state of issuance, and its load;
    - The weight (including load), height, width, and length of the vehicle;
    - A statement of whether the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, and if so, its certificate, registration or permit number issued by the Illinois Commerce Commission;
    - A statement of the routing requested for the subject vehicle, including its points of origin and destination;
    - A statement of whether the vehicles or loads are being transported for hire; and
    - Payment of the overweight/oversized permit fee, in the amount set forth in the Annual Fee Resolution; provided, however, that the fee shall be waived for any vehicle that is owned by an entity under contract with the Village and operated on Village streets in connection with that contract.
  - Upon receipt of a complete application for an overweight/oversized vehicle permit, the Chief of Police shall either issue or deny such permit in accordance with the following:

- The Chief of Police shall issue such permit upon a determination that the operation of the subject vehicle in the Village will not unduly damage Village roadways. As a condition of issuance, the Chief of Police may, but is not required to: (a) require that the applicant follow a prescribed route or routes; (b) limit the number of trips; (c) establish seasonal or other time limitations of operation; or (d) impose other conditions of operations as may be necessary, in the discretion of the Chief, to assure against undue damage to the road foundations, surfaces or structures.
  - The Chief of Police shall deny such permit, upon a determination either that: (a) the operation of the subject vehicle in the Village will unduly damage Village roadways; or (b) the applicant is required under the Illinois Motor Carrier of Property Law to have, but does not have, a certificate, registration or permit.
- Overnight/overweight vehicle permits are only valid for the dates and times specified therein. Permits are non-transferable to other vehicles, and must be kept in the permitted vehicle, in either paper or electronic form.
- Exemptions. Notwithstanding any provision of this Section 7-2-33 to the contrary, no overweight/oversized vehicle permit is required for any of the following types of vehicles:
- Government-owned vehicles;
  - Vehicles owned and operated by the Village Fire Department;
  - Vehicles operating under and pursuant to a State or federal emergency declaration; and
  - Vehicles owned and operated by utility companies that have an existing franchise agreement with the Village.
- Violations. Any person who violates this Section 7-2-33 is subject to a fine in an amount not less than \$500.00 nor more than \$750.00 per violation. Each pass that an overweight or oversized vehicle makes upon the streets or roadways within the Village without a permit is to be deemed a separate violation under this Section 7-2-33(F).
- Fee Schedule:

Code Section	<u>Subject</u>	<u>Fee/Fine</u>
<b>7-2-33(B)(8)</b>	<b>Overweight Vehicle Permit Fee – Up to 100,000 lbs.</b>	<b>Single Trip: \$50.00 Round Trip: \$95.00 Quarterly: \$190.00 Annual: \$760.00</b>

7-2-33(B)(8)	<b>Overweight Vehicle Permit Fee – 100,001-119,999 lbs.</b>	<b>Single Trip: \$60.00 Round Trip: \$115.00 Quarterly: \$230.00 Annual: \$920.00</b>
7-2-33(B)(8)	<b>Overweight Vehicle Permit Fee – 120,000-139,999 lbs.</b>	<b>Single Trip: \$70.00 Round Trip: \$135.00 Quarterly: \$270.00 Annual: \$1,080.00</b>
7-2-33(B)(8)	<b>Overweight Vehicle Permit Fee – 140,000-149,999 lbs.</b>	<b>Single Trip: \$80.00 Round Trip: \$155.00 Quarterly: \$310.00 Annual: \$1,240.00</b>
7-2-33(B)(8)	<b>Overweight Vehicle Permit Fee – 150,000 lbs. or more</b>	<b>Single Trip: \$90.00 Round Trip: \$180.00 Quarterly: \$360.00 Annual: \$1,440.00</b>
7-2-33(B)(8)	<b>Oversized Vehicle Permit Fee – Not More Than 14 Feet Wide, 14.5 Feet Tall, and 110 Feet Long</b>	<b>Single Trip: \$50.00 Round Trip: \$70.00 Quarterly: \$140.00 Annual: \$560.00</b>
7-2-33(B)(8)	<b>Oversized Vehicle Permit Fee – Greater Than 14 Feet Wide, 14.5 Feet Tall, or 110 Feet Long</b>	<b>Single Trip: \$70.00 Round Trip: \$95.00 Quarterly: \$190.00 Annual: \$760.00</b>

Trustee Cope then asked if there were any questions from CORB on the topic and discussion ensued:

Trustee Sargon asked if the proposed fees were in line with other communities. Chief Parrott stated that the fees are in line with other communities' fees.

Trustee Cope asked what would happen if an overweight vehicle went down Drake Avenue. Chief Parrott said that they could be doing that now and the Police would just check to see if they had a permit and were there for a legitimate purpose.

Trustee Cope asked who monitors the OxCart program. Chief Parrott indicated that it would be overseen by members of the Traffic Division to check in as needed.

Trustee Hlepas Nickell asked if we would document the locations of the oversized vehicles. Chief Parrott stated that we would be able to call that up and archive it.

Trustee Sargon asked what the financial impact would be to train staff for this program. Chief Parrott indicated that the financial impact would be minimal.

Trustee Cope asked for feedback and then asked if there was a consensus on the next steps in this process.

The consensus of CORB was to recommend this program to the Village Board as presented.

### B) Construction and Site Management Standards

- The item was presented by Doug Hammel using PowerPoint
- Ongoing Building Regulations Update
  - Update of model code suite and local regulations that will include:
    - Assessment of model building codes (2009 regulations to 2015 regulations);
    - Assessment of local amendments to determine what can be added or removed; and
    - Assessment of Chapter 14, Article 14 Standards for Construction Work and Demolition of Structures, to determine how properties permitted for construction can be better managed.
  - Fall 2019 anticipated adoption of new regulations
- Current Regulations:
  - Chapter 14 (Building Regulations), Article 14 Standards for Construction Work and Demolition of Structures:
    - Valid duration of a permit;
    - Required plans for permit review;
    - Authority to manage construction deposits;
    - Insurance requirements;
    - Construction fencing;
    - Posted notice of regulations;
    - Site management standards;
    - Procedures and requirements for Demolition Permits;
    - Demolition and restoration standards; and
    - Tree preservation during construction.
  - Local Building Code amendments:
    - Section 105 of the Building Code and Section R105 of the International Residential Code related to permit extensions;
    - Section 110 of the Building Code and Section R109 of the International Residential Code related to final sewer and topo inspections;
    - Section 115 of the Building Code related to appeals of revoked permits; and
    - Section 3307 of the Building Code and Section R401 of the International Residential Code related to the shoring of properties when excavation is at least three feet deep and within five feet of the lot line.

- Site Management Standards
  - Local Building Code amendments:
    - Section 105 of the Building Code and Section R105 of the International Residential Code related to permit extensions;
    - Section 110 of the Building Code and Section R109 of the International Residential Code related to final sewer and topo inspections;
    - Section 115 of the Building Code related to appeals of revoked permits; and
    - Section 3307 of the Building Code and Section R401 of the International Residential Code related to the shoring of properties when excavation is at least three feet deep and within five feet of the lot line.
- Preliminary Staff Direction
  - Currently outlining potential amendments based on:
    - Previous internal policy discussions
    - Peer community research
    - Technical advice from Building Professional and Village Engineer
  - Potential amendments related to construction management include:
    - Pre-construction meeting
    - Partial removal of in-ground pools
    - Construction fencing
    - Construction vehicle staging and traffic management
    - Construction trailers, materials storage, and storage pods
    - Demolition Permit application and notice requirements
  - Pre-construction meeting
    - Required for new construction, substantial additions, or substantial excavation
    - Would allow preliminary review of demolition construction site management
    - Staff would develop a packet of materials and would require acknowledgment of receipt of the packet
  - Partial removal of in-ground pools
    - Standards would address management of remaining material, soil backfill, and removal of pool infrastructure
    - Staff would seek guidance from Building Professional and Village Engineer for technical specifications
  - Construction fencing
    - Would require screening of full height of construction fencing
    - Would reduce dust and particulates and would enhance aesthetics of construction sites
  - Construction vehicle staging and traffic management

- Would limit the number of construction vehicles permitted to park in the public right-of-way
  - Would further limit their permitted location around the construction site
  - Would require flagger when maximum vehicles are present
- Trailers, materials storage, and storage pods
  - Would require plans to specify locations of trailers and materials storage
  - Would formalize process for receiving approval for short-term storage pods
- Demolition Permit applications and notice requirements
  - Would clarify the process for submitting an application and providing notice to surrounding properties
  - Would not impact the current timeline, but would make the process more logical and easier for staff to administer

Trustee Cope then asked if there were any questions from CORB on the topic and discussion ensued:

Trustee Hlepas Nickell asked about the timeframe for these changes coming forward for District 1860's consideration to not hold up their project. Mr. Hammel stated that the plan is to bring this back to the Board by late October or early November. Mr. McNellis stated that Mr. Tucker has been informed of the proposed changes and is starting to develop construction plans under the assumption that the Village will be updated to the 2015 Codes.

Trustee Hlepas Nickell asked if a permit has expired and they have not received their occupancy, do we backtrack the situation and inspect the site. Mr. Hammel stated that they contact the owner and then make a determination what the next steps are to close the permit. Trustee Hlepas Nickell asked what happens if someone states that they cannot close the project because they have run out of money. Mr. Hammel stated that ultimately that the permit needs to be closed out and that they would need to resolve the project and those extensions would be issued as needed.

Trustee Hlepas Nickell asked who is responsible for enforcing standards for site management regulation failures. Mr. Hammel stated that the Building Inspector can enforce it if they are driving by or have an inspection on site and notice an issue. The Code Enforcement Officer is also driving by the construction sites twice a week to look for these issues. Trustee Nickell noted that there was a site in the towers where there was a violation for the past week. Mr. Hammel stated that he would check with the Code Enforcement Officer to determine if that issue has been flagged yet for construction.

Trustee Cope asked for how construction standards will be met for the District 1860 site. Mr. Hammel stated that there will be regular visits to the site and in his experience with construction projects of this size are normally easier to manage from a regulatory standpoint because they have a formalized construction plan. Trustee Cope said that given the fact that District 1860 will



be visible to everyone, we will need to keep an eye on it. Trustee Hlepas Nickell noted that the last time when there was excavation there was a rat problem as far south as Pratt Avenue and that we need to look at special considerations for the site in managing rats during excavation. Mr. Hammel stated that they would be looking at this for District 1860. Village Manager Gaura started that we can address this during the pre-construction meeting with District 1860.

The consensus of CORB was to put in components to the standards related to the containment of pests as a result of excavation or construction.

Ms. Gaura stated that with the proposed construction fencing will help address an issue brought forward by CORB regarding the visual impact of seeing the construction site.

Trustee Cope asked about how staff would address storage pods. Mr. Hammel indicated that they would envision the proposed Code changes would address that situation with the Village issuing a permit accordingly.

Trustee Hlepas Nickell asked if the Village bifurcates the permits for demolition and construction. Mr. Hammel stated that it is normally two permits and if someone doesn't start construction on the property within 30 days then the restoration requirements.

Trustee Cope asked if the District 1860 would be negatively impacted by the proposed Code changes. Mr. Hammel and Mr. McNellis stated that Tucker Development has been informed of the proposed changes.

Trustee Cope asked when Tucker Development will be submitting their plans. Mr. McNellis stated Tucker Development wants to turn in their plans by November. Mr. McNellis stated that Tucker Development wants to move the Village to the 2015 Standards.

Trustee Hlepas Nickell asked if there is a way to have the results of an environmental study be submitted (14-14-11). Village Attorney Passman stated that the Village could make that requirement.

Trustee Hlepas Nickell said that for item 7 said that she didn't see any language regarding restoration. Mr. Hammel indicated that they would make sure that the comments discussed at CORB are incorporated into the future steps and restoration requirements.

It was noted that the item will appear before the Village Board in the fall of 2019.

### C) Cul-de-Sac Setback and Right-of-Way Standards

- The item was presented by Doug Hammel via PowerPoint
- Background:
  - Zoning Ordinance permits driveways to be up to 20' wide or 1/3 of the frontage, whichever is less (no unique standard for lots on cul-de-sacs)

- Previous CORB discussion focused on loss of parkway space on cul-de-sacs
- Summary of Analysis
  - Rectangular Block
    - Actual driveway width: 18% of the block
  - Cul-de-sac
    - Actual driveway width: 34% of the cul-de-sac frontage
- Staff Recommendation
  - Amend Zoning Ordinance to reduce maximum driveway width to 18' for lots where access fronts on a cul-de-sac
  - Would maintain viable width for 2-car access
  - Would maintain parkway areas consistent with rectilinear blocks

Trustee Hlepas Nickell suggested that a narrower apron with the driveway expanding towards the garage to accommodate more vehicles.

Trustee Hlepas Nickell stated that the issue is that with cul-de-sacs that there is a double driveway which limits green space on the cul-de-sac.

Trustee Cope stated that he didn't have a concern to proceed with the approved standards.

Trustee Hlepas Nickell stated that she would like to table the discussion to get examples and to get feedback from the Village Arborist on making sure that heritage trees are not impacted by the construction of the driveway.

It was the consensus of CORB to bring this discussion back for a future meeting and to provide examples.

#### D) Fire Sprinkler Requirements

- The item was presented by Mike Hansen, Fire Chief. Chief Hansen stated that the regulations related to sprinklers have been in place since September, 2017. The standards are in place to encourage residents to add sprinklers to their homes.
- Chief Hansen provided an overview of the program and how it applies to new and remodeled residential homes.

Trustee Cope then asked if there were any questions from CORB on the topic and discussion ensued:

Trustee Cope asked how the program had been received by the community. Fire Chief Hansen stated that it has been well received and that residents understand the rules for the program.

After a brief discussion, the consensus of the CORB was that no further action was needed.

#### E) Required Landscaped Transition Yards Between Commercial and Residential Properties

- This item was presented by Doug Hammel, Development Manager, using PowerPoint.
- Background
  - Zoning Ordinance requires landscaped transition yard on commercial properties that abut residential properties
  - 10'-wide yard with landscape screening
  - 5'-wide yard with landscape screening and 8'-tall masonry wall
  - Transition yard cannot be used for parking, loading, service or storage
- Previous CORB Discussion
  - Staff was advised to conduct research regarding key policy questions and potential amended standards:
    - What is the standard rear yard requirement for commercial properties?
    - Is a special buffer or transition yard required when a commercial property abuts a residential property?
    - What size is the required buffer or transition yard?
    - Is landscaping required?
    - Does the presence of an alley reduce the requirement for a buffer yard?
    - What additional factors are used to determine the size of the buffer yard?
    - What is prohibited in the required buffer yard?
- Possible Regulatory Directions
  - Reduce or waive the required transition yard when an alley exists between the subject commercial and residential properties
    - Alley width + 10' rear yard setback = 26' building setback from residential lot line
    - Would not require screening of commercial property
  - Allow encroachments into the required transition yard to accommodate vehicular access and parking
    - Breaks in screening could allow for parking access
    - Parking could be located in the transition yard and screened to the extent possible
    - Could eliminate screening altogether if spaces accessed from the alley are permitted
  - Reduce the maximum building height for commercial properties when a transition yard is not provided
    - B-1, B-2 and O allow building up to 38'/three stories
    - Shorter buildings could have lesser impacts and may not require as much screening
    - Would provide flexibility for developers on challenging sites

Trustee Cope then asked if there were any questions from CORB on the topic and discussion ensued:

Trustee Hlepas Nickell voiced a desire to incorporate the Beautification Commission into the process of developing landscaping standards for the transition yards between commercial and residential properties.

The discussion focused on the properties that would be impacted by these standards. It was noted that the majority of properties that would be impacted by these standards would be along Devon Avenue. It was the consensus of CORB that staff performs additional research to determine how many properties are affected by these standards and to report back at a future meeting of CORB.

Trustee Cope made a motion to adjourn the meeting of CORB. The motion was seconded by Trustee Sargon. The meeting concluded at 9:28 a.m.

Respectfully Submitted,

Charles Meyer  
Assistant Village Manager



## MEMORANDUM

TO: President Bass and Members of the Village Board

FROM: Charles Meyer, Assistant Village Manager

DATE: November 7, 2019

SUBJECT: **November 12, 2019 Committee on Ordinances, Rules, and Buildings Meeting**

As a reminder, the Committee on Ordinances, Rules, and Buildings (CORB) meeting is scheduled for **8:00 A.M.** on Tuesday Morning. Please find below a summary of the items for discussion:

### **Approval of Meeting Dates for 2020**

In an effort to develop a consistent schedule for CORB, staff has proposed a meeting schedule for 2020. The meetings would be scheduled at 8:00 am on a quarterly basis. The proposed meeting schedule is [attached](#).

### **Cul-de-Sac Setback and Right-of-Way Standards**

At the January, 2019 and August, 2019 Meetings of CORB standards were presented regarding cul-de-sacs as they relate to permitted driveway width and resulting parkways. Based on feedback conveyed during that meeting of CORB, staff conducted additional research and will be completing further research in anticipation of the next meeting of CORB. It is anticipated that the Village will be completing further research on this topic but wished to hold a discussion with CORB to ensure that all aspects of their concerns were being addressed. Specifically, staff sought clarification on two items related to CORB's directives from the August meeting on this topic:

- In regards to developing standards for preserving trees that would might be removed for the creation of a drive way on a cul-de-sac, is CORB looking for standards that are above and beyond the current fee structure in which prospective builders are required to pay a penalty based on the tree's size to serve as a deterrent and to pay for the replacement of the removed tree? If so, what standards would CORB be interested in pursuing?
- If language is developed for cul-de-sacs, would CORB be interested in having uniform standards for all Residential Zoning Districts or have different standards based on the zoning district? There are currently cul-de-sacs in the R-1, R-2, and R-3 zoning districts.
- The Village Code establishes the maximum driveway widths at the lot line as the following: the lesser of 1/3 of the lot width or 20 feet. To help this review of cul-de-sac standards, does CORB want to establish a more restrictive maximum

driveway width for properties on a cul-de-sac based on the fact that a maximum permitted width according to the current standards cuts into the percentage of parkway more so than on rectilinear blocks?

The [attached](#) memorandum from the August meeting summarizes the issue along with providing a recommendation for CORB's consideration.

### **Required Landscaped Transition Yards between Commercial and Residential Properties**

At the January and August meetings of CORB a discussion was held regarding the requirement to have transition yards between commercial and residential properties. Staff is continuing to perform research on this topic and wants to provide an update to CORB regarding this topic. Staff was able to determine initially that approximately 60 properties would be covered by regulations related to transition yards between commercial and residential properties. Of those 60 properties that may be covered by this type of condition, staff is provided an analysis on individual properties such as the proximity to lot lines, existing fencing and the height of those commercial buildings to develop a better understanding of recommended changes for transition yards.

As staff continues its research on this topic, direction is being sought on the following questions:

- Are different standards needed related to transitions based on the type of the residential zoning district and the type of business district?
- Does an alley between commercial and residential districts adequately serve as a buffer between such uses?
- Conversely, if an alley is present, can the required 10 foot transition yard be reduced to a smaller dimension?

The memorandum provided at the August meeting of CORB is [attached](#).

If you should have any questions concerning this matter, please feel free to contact me.



## **Committee on Ordinances, Rules, and Buildings Meeting Agenda**

### Proposed Meeting Schedule 2020

Tuesday, March 24, at 8:00 am

Tuesday, June 23, at 8:00 am

Tuesday, September 22, at 8:00 am

Tuesday, December 8, at 8:00 am



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## MEMORANDUM

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**TO:** Anne Marie Gaura  
Village Manager

**FROM:** Doug Hammel, AICP  
Development Manager

**DATE:** August 6, 2019

**SUBJECT:** Cul-de-Sac Setback and Right-of-Way Standards

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### **BACKGROUND**

In a prior CORB meeting, staff presented the existing conditions of driveways on cul-de-sacs as they relate to permitted driveway width and resulting parkways. In summary, there was concern that the circular design of cul-de-sacs resulted in less parkway space when the permitted maximum driveway width (the lesser of 1/3 of the lot width or 20 feet) was continued down to the curb, since the geometry of a cul-de-sac results in a total curb frontage that is less than the collective lot frontage. (The lot lines and curb share the same center point, but the curb has a shorter radius than the width at the lot line, resulting in a shorter frontage dimension.) Staff's analysis showed that, if a consistent driveway width is continued down to the curb on a cul-de-sac, the percentage of curb frontage taken up can be as much as five percent more than the percentage of lot frontage taken up.

### **RECOMMENDATION**

Staff recommends that the maximum driveway width for properties fronting on a cul-de-sac be reduced to the lesser of 1/3 of the lot frontage or 18 feet. This amendment would preserve additional parkway space for grass or landscaping.

### **DOCUMENTS ATTACHED**

1. Relevant Regulations



## Attachment #1: Relevant Regulations

### Section 15.7.13 Additional driveway regulations for single-family residential properties.

Driveways on private properties used for single-family residential purposes shall comply with the applicable provisions of Chapter 6 of this Code and with the additional requirements set forth in Table 7.13.01 below:

Maximum width of circular driveways	The lesser of 1/3 of the lot frontage, or 12 feet
Width of all other driveways	The lesser of 1/3 of the lot frontage, or 20 feet
Minimum lot frontage for circular driveways	60 feet
Minimum distance between driveway and side lot line	1 foot

### Section 16-5-2 Lots.

(A) General. All lots shall be designed and subdivided in conformance with the Zoning Ordinance, including, without limitation, compliance with the lot area requirements of the Zoning Ordinance. Outside the corporate limits, the minimum area of each proposed lot shall be not less than the minimum lot area required by the zoning regulations of the County of Cook for the district in which the proposed lot is located.

(B) Lot shapes. Every lot shall have four sides. Exceptions may be approved when the applicant demonstrates that a four-sided lot is not feasible because of peculiar topographical conditions, abutting lots of record or abutting parcels, or preexisting parcels not owned directly or indirectly by the applicant. A lot of other than four sides will not be approved if it appears that it has been formed solely to comply with the minimum area, depth and width requirements of the Zoning Ordinance. As nearly as practicable, intersecting lot lines shall form right angles with each other.

(C) Lot width.

(1) Residential districts. All lots located in residential districts shall be of a minimum width in accordance with the applicable standards set forth in the Zoning Ordinance. In the R-1 Residential Zoning District, all lots shall have a minimum lot width of 75 feet.

(2) Culs-de-sac. All lots located on the radius of a cul-de-sac shall have a minimum front lot line of 50 feet.



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## MEMORANDUM

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**TO:** Anne Marie Gaura  
Village Manager

**FROM:** Doug Hammel, AICP  
Development Manager

**DATE:** August 6, 2019

**SUBJECT:** Required Landscaped Transition Yards between Commercial and Residential Properties

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### **BACKGROUND**

During a previous CORB meeting, the Committee discussed Village requirements related to Section 4.07(3), which states that *“wherever a business or office district abuts a residentially zoned lot, a transitional yard shall be maintained.”* The yard must include at least a ten-foot setback, though it may be required to be larger to match the required side yard setback of the adjacent residential property. As an alternative, a five-foot setback can be provided if an eight-foot-tall masonry wall is installed. The required yard cannot be used for parking, loading, service, or storage. As per Sections 4.07(3) and 6.16 of the Zoning Ordinance, the yard must contain continuous landscape screening intended to visually protect the residential property from the commercial property.

At that time, staff was advised to conduct research to determine what appropriate alternatives might be considered related to transition yards. In order to provide context, staff researched the Zoning Ordinance for four nearby communities - Park Ridge, Morton Grove, Skokie and Niles - to determine how those communities address this issue. That research focused on answering the following relevant questions (a matrix of the staff research is provided as an attachment to this report):

#### ***What is the standard rear yard requirement for commercial properties?***

Typical required rear yards vary, with Park Ridge not requiring a rear yard in its (comparable) B Districts. Morton Grove and Skokie typically require at least a five-foot yard, and Niles requires a 20-foot rear yard for its (comparable) C Districts.

***Is a special buffer or transition yard required when a commercial property abuts a residential property?***

All of the researched communities have some modified requirements when commercial properties abut residential properties. In some instances, the modified requirements relate to the dimension of the yard, while in others it triggers additional landscaping.

***What size is the required buffer or transition yard?***

Morton Grove requires larger yards only for its mixed-use district. However, Park Ridge requires a transition yard of at least 15 feet in all of its commercial districts, and Skokie requires a transition yard of 16 feet in all of its commercial districts. Niles requires a ten-foot landscaped transition yard in all of its commercial districts, but it can be located within their standard 20-foot yard setback.

***Is landscaping required?***

Park Ridge, Skokie and Niles specify certain required screening for transition yards. In each community, some combination of shade trees (at one tree for every 20-25 linear feet), shrubs (one for every three linear feet), ground cover, and solid fencing is required.

***Does the presence of an alley reduce the requirement for a buffer yard?***

In Park Ridge, no transition yard is required if an alley exists between the subject lots. In Morton Grove, the required transition yard is increased from five feet to ten feet, and in Skokie the transition yard can be reduced from 16 feet to five feet. Niles does not offer a reduced transition yard.

***What additional factors are used to determine the size of the buffer yard?***

In Skokie, no transition yard is required if the building is within five feet from the rear lot line. In Niles, the Community Development Director has the discretion to reduce the required transition yard if a hardship can be demonstrated.

***What is prohibited in the required buffer yard?***

Park Ridge and Niles specifically prohibit parking, driveways, sidewalks, accessory structures, or other impervious surfaces in the required transition yard.

**POTENTIAL LOCAL ZONING AMENDMENTS**

Based on challenges faced by commercial development in Lincolnwood, staff has identified the following potential modifications to current zoning regulations for the consideration of CORB. It should be noted that alternatives to these modifications, or their application in certain combinations, may be found by CORB to be most appropriate:

1. Reduce or waive the required transition yard when an alley exists between the subject commercial and residential properties. This recognizes that the alley provides a spatial buffer between the different uses. Additionally, in the B-1, B-2, and O Districts, a minimum rear yard setback of ten feet is already required,

providing for a minimum separation of 26 feet between the rear façade of a new commercial building and a residential lot. This approach could potentially waive the requirement for landscaping, and could allow for alley-accessed parking and loading to take place. However, no screening would be provided against residential properties.

2. Allow encroachments in the required transition yard to accommodate vehicular access and parking. One of the challenges imposed by the transition yard is that it inhibits access to parking areas that could otherwise be located in the rear of the building. This approach could allow for additional on-site parking, while still requiring screening where it can reasonably be provided. This, however, would reduce the amount of “visual protection” for the adjoining residential property, and consideration would have to be given to whether it is appropriate to permit access to individual spaces from the alley which, if allowed, would essentially eliminate the transition yard and screening.
3. Reduce the maximum building height for commercial properties where a transition yard is not provided. The B-1, B-2 and O zoning districts currently permit buildings as high as 38 feet or three stories, yet one-story and two-story buildings are subject to the same transition yard requirements. Shorter buildings often have lesser impacts than those that take maximum advantage of zoning permissibility. As an alternative to providing a transition yard, a lower maximum building height may minimize the risk of impacts on residential properties. For example, in a recent case, the Plan Commission considered a request to waive the required transition yard abutting an alley with a residential property on the other side. The proposed height at the back of the building (closest to the residential property) was 27 feet, nine inches. The Plan Commission expressed concerns over a building that tall in close proximity to the residence. They encouraged the Petitioner to explore alternatives with either a reduced building height or one that could be further set back from the alley to accommodate the transition yard.

### **RECOMMENDATION**

Staff seeks direction from the CORB related to the following zoning considerations:

- Reduction or waiving of transition yard requirement when alleys exist;
- Permitted encroachments to support commercial property operations; and
- Reduced maximum building heights for commercial developments that do not provide a transition yard.

### **DOCUMENTS ATTACHED**

1. Matrix of Peer Community Research

## Attachment #1: Matrix of Peer Community Research

	Park Ridge	Morton Grove	Skokie	Niles
Standard rear yard requirement for commercial properties	O: 20 ft B-1: None B-2: None B-3: None	C-1: 5 ft C-2: 5 ft C/R: 5 ft	B-1: 5 ft. B-2: 5 ft. B-3: 0 ft.	C-1: 20 ft C-2: 20 ft C-3: 20 ft C-4: 20 ft C-5: 20 ft
Transition yard required between commercial and residential properties	Yes	When abutting residential, the rear yard in the C/R is increased to 15 ft.	No special screening requirements, but required yard dimensions are modified as noted.	Yes
Size is the required transition yard	O: 20 ft B-1: 15 ft B-2: 15 ft B-3: 20 ft		Regular yard requirement is modified as follows: B-1: 16 ft. B-2: 16 ft. B-3: 16 ft.	10' in all districts
Required landscaping	Required shade and evergreen trees (1 for every 20 lin. ft.), shrubs (1 for every 3 lin. ft.), and 6' tall dense evergreen hedge or wall/fence		Permitted screening materials include masonry wall, decorative concrete, solid wooden fence, dense evergreen shrubs, or a combination of these elements. Screening must be 6' in height.	Required shade trees (1 for every 25 lin. ft.), 6' tall solid fence along entire buffer yard, and 18"-tall shrubs (1 for every 3 lin. ft.)

	<b>Park Ridge</b>	<b>Morton Grove</b>	<b>Skokie</b>	<b>Niles</b>
Influence of an alley on the required size of a buffer yard	Yes. Rear yard is no longer required in B-1, B-2, and B-3 if alley is present	Regular yard requirement is modified as follows: C-1: 10 ft C-2: 10 ft C/R: 5 ft	Regular yard requirement is modified as follows: B-1: 5 ft. B-2: 5 ft. B-3: 5 ft.	No.
Factors used to determine the size of the buffer yard			Buildings with 5 ft. of lot line do not have to provide screening	Comm. Dev. Dir. Has discretion to reduce the required width of the buffer yard where a hardship can be demonstrated
Prohibited elements in the required buffer yard	Parking, driveways, sidewalks, accessory buildings, or impervious surface			Parking, driveways, sidewalks, accessory buildings, or impervious surface