



**Village of Mount Prospect  
Committee of the Whole  
Meeting Agenda  
50 S. Emerson St. Mount Prospect, IL 60056**

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**April 14, 2026**

**Village Hall - 3rd Floor Board Room**

**6:00 PM**

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CITIZENS TO BE HEARD**
- 4. JOINT WORKSHOP with the PLANNING AND ZONING COMMISSION - MP2040  
COMPREHENSIVE PLAN UPDATE AND DISCUSSION**
  - 4.1. Review and Discuss the DRAFT Vision, Goals and Objectives Prepared by Staff for the MP2040 Comprehensive Plan.
- 5. DISCUSSION ITEMS**
  - 5.1. Review and Discussion of draft resolution in opposition to State Preemption of Local Zoning Authority (The BUILD Act HB 5626)
  - 5.2. Evaluation of Zoning Code Text Amendments to Promote Single-Family Residential Neighborhoods
- 6. VILLAGE MANAGER'S REPORT**
  - 6.1. As submitted
- 7. ANY OTHER BUSINESS**
- 8. ADJOURNMENT**

ANY INDIVIDUAL WHO WOULD LIKE TO ATTEND THIS MEETING BUT BECAUSE OF A DISABILITY OR NEEDS SOME ACCOMMODATION TO PARTICIPATE, SHOULD CONTACT THE VILLAGE MANAGER'S OFFICE AT 847/392-6000, EXTENSION 5327



## Item Cover Page

<b>Subject</b>	<b>Review and Discuss the DRAFT Vision, Goals and Objectives Prepared by Staff for the MP2040 Comprehensive Plan.</b>
Meeting	April 14, 2026 - MEETING OF THE MOUNT PROSPECT COMMITTEE OF THE WHOLE
Fiscal Impact	N/A
Dollar Amount	
Budget Source	
Category	JOINT WORKSHOP with the PLANNING AND ZONING COMMISSION - MP2040 COMPREHENSIVE PLAN UPDATE AND DISCUSSION
Type	Presentation

### Information

The Village is currently updating its Comprehensive Plan through the MP2040 planning process. The Comprehensive Plan establishes the long-term vision for Mount Prospect and provides a policy framework to guide growth, reinvestment, land use, and capital decisions through the year 2040. It addresses major topic areas including land use, housing and neighborhoods, commercial and industrial areas, community facilities, transportation and mobility, and parks and environment.

The Vision, Goals, and Objectives (VGO) Report, attached for review, summarizes the foundational direction of the plan. It serves as the basis for the plan document that will be drafted by staff. The VGO Report is organized around an overall vision statement, topic-specific goals and objectives, and a Future Land Use Plan with nine proposed land use categories that will guide future zoning, development review, and reinvestment decisions.

The content of the VGO Report is largely based on input received over the course of the MP2040 community engagement process. Staff conducted a multiphase outreach effort that included a statistically valid community survey, pop-up engagement stations at Village events, stakeholder interviews, focus groups with institutional partners, and a series of public workshops. An interactive project website provided additional opportunities for residents to share input throughout the process. The feedback gathered through these efforts shaped the vision statement, informed the goals and objectives across each topic area, and directly influenced the Future Land Use Plan presented in the attached report.

This joint workshop with the Planning and Zoning Commission provides an opportunity for both bodies to review the direction of the plan together before staff drafts the chapters, and we move toward adoption.

### Discussion

This workshop is intended as a working discussion. Staff is seeking feedback from the Village Board and Planning and Zoning Commission on the following:

1. **Vision and Overall Direction:** Does the vision statement and the overall framework of the VGO Report reflect the Village's long-term priorities?
2. **Goals and Objectives by Topic Area:** Within each topic area (land use, housing, commercial/industrial, community facilities, transportation, parks), do you agree with the proposed goals? Should anything be added or removed? Are there policy directions that warrant additional emphasis or clarification?
3. **Future Land Use Plan:** Do the proposed land use categories and their application across the Village align with Board and Commission expectations for where growth, investment, and stability should be directed? Are there specific areas warranting further discussion?
4. **Next Steps:** Staff will incorporate feedback from this workshop into the draft plan document, which will return to the Planning and Zoning Commission for formal review and recommendation prior to Village Board consideration of adoption this summer.

### **Alternatives**

N/A

### **Staff Recommendation**

N/A

### **Attachments**

1. MP2040\_Vision, Goals & Objectives Report\_April 2026



# Vision, Goals and Objectives Report

The Vision Goals and Objectives Report describes the long-term vision for Mount Prospect and provides a framework to guide growth, reinvestment, and decision-making through the year 2040. Built on extensive community input, technical analysis, and coordination with partner agencies, the plan identifies the Village’s key strengths, challenges, and opportunities. It establishes clear goals, objectives, and policies across major topic areas—land use, housing, economic development, transportation, parks, community facilities, and placemaking—to ensure future decisions are thoughtful, coordinated, and aligned with community priorities. Together, these elements form a practical roadmap to help Mount Prospect protect what residents value most while preparing for change and long-term success.

## Vision Statement

**In 2040...** Mount Prospect will continue to embody the very best of suburban living as a forward-thinking, community-centered village that sets the standard for quality of life in the region. We will have beautiful neighborhoods, vibrant commercial districts, and abundant parks and cultural spaces. The Village will be well-connected by safe streets, trails, and transit, where residents of every age can access parks, services, housing choices, and community spaces that support healthy, active lives. We will pursue sustainable and resilient practices that balance economic opportunity with environmental stewardship, ensuring long-term viability for both public and private investment. Community facilities will be inclusive, active hubs that bring people together and support daily life across all ages. Our economy will cultivate modern commercial areas and a strong local identity that attracts unique businesses and positions the Village as a regional destination. Together, these elements will define Mount Prospect as a competitive, business-friendly community with a strong local identity – a place where people of all ages can live, work, and thrive at every stage of life.

# Goals and Objectives

## What Is the Difference Between Goals and Objectives?

Goals and objectives describe the policy direction Mount Prospect will pursue as it implements the MP2040 Plan. Together, they reflect the insights gained through past planning efforts, stakeholder engagement, community feedback, and an understanding of current and future conditions.

### Goals

Goals are broad, aspirational statements describing what the Village seeks to preserve, enhance, or achieve over the long term. They articulate Mount Prospect’s desired future but are not intended to be specific or measurable. While some goals may not be fully realized within the timeframe of this plan, they provide a clear sense of direction and a shared foundation for decision-making.

### Objectives

Objectives are the strategies, policies, or actions that support and advance the goals. Some are intentionally high-level, while others offer more detailed guidance. They do not carry fixed timelines and may evolve as conditions, resources, and opportunities change. Objectives serve as the bridge between long-range vision and practical implementation, allowing the MP2040 Plan to remain both grounded and adaptable.

## Land Use

### Overall Goal

Guide community growth and improvement in a coordinated manner that strengthens Mount Prospect's neighborhoods, supports economic vitality, and improves quality of life.

### Goals and Objectives

#### **1. Protect Neighborhoods while Focusing Development in Targeted Areas**

- a. Preserve the character, scale, and stability of established residential neighborhoods.
- b. Direct higher-intensity development to appropriate locations such as Downtown, Randhurst, major corridors, transit areas, and identified opportunity sites.
- c. Encourage compatible transitions between differing land uses to minimize conflicts and improve livability.

#### **2. Promote Mixed-Use, Walkable, and Connected Development Patterns**

- a. Support mixed-use development that integrates housing, employment, services, and public spaces in walkable environments.
- b. Strengthen land use patterns that support walking, biking, and transit access.
- c. Encourage compact development that makes efficient use of land and existing infrastructure.
- d. Coordinate land-use decisions with existing and planned transit investments to support transit-oriented development patterns.

#### **3. Support Economic Vitality and Reinvestment**

- a. Align land use policies with economic development goals to attract new businesses, support job creation, and encourage reinvestment in aging commercial and industrial areas.
- b. Promote flexibility in land use designations and development formats to adapt to changing market conditions and emerging industries.

- c. Encourage redevelopment of underutilized and obsolete sites to maximize community benefit.

#### **4. Integrate Sustainability and Resilience into Land Use Decisions**

- a. Incorporate environmental considerations, stormwater management, and climate resilience into land use planning and site design.
- b. Promote development patterns that reduce environmental impacts and support long-term infrastructure efficiency.
- c. Protect and enhance natural areas and open spaces.

#### **5. Strengthen Compatibility Between Residential, Commercial, and Industrial Areas**

- a. Support the improvement of aging industrial areas with a mixture of light-industrial, commercial and residential uses where appropriate.
- b. Improve buffering, design standards, and mobility connections at industrial/residential edges.
- c. Continually improve regulations meant to minimize noise, traffic, and operational impacts on nearby neighborhoods.

#### **6. Coordinate Land Use with Infrastructure, Facilities, and Services**

- a. Align land use planning with capital improvements, utilities, transportation investments, and community facilities.
- b. Ensure development occurs in locations that can be adequately served by public infrastructure and services.

#### **7. Evaluate Annexation of remaining unincorporated areas around the Village**

- a. Research the costs and benefits of annexation, including potential changes to service levels, tax revenue projections, and the feasibility of infrastructure investment in these areas.

## Housing & Neighborhoods

### Overall Goal

Ensure Mount Prospect’s neighborhoods remain strong, accessible, and well-connected by expanding housing choices, supporting infill and reinvestment, and strengthening the character, safety, and livability of every residential area.

### Goals and Objectives

#### 1. Uphold Neighborhood Character and Quality

- a. Maintain the attractive tree-lined streets, pedestrian scale, and other distinguishing qualities of Mount Prospect’s existing residential neighborhoods.
- b. Promote high standards of building design and construction that are consistent with the Village’s historic character, scale, and charm for all development within the Village.
- c. Improve neighborhood public spaces through thoughtful design, streetscape upgrades, and pedestrian-oriented development.
- d. Invest in sidewalks, street trees, lighting, public art, and stormwater improvements along key corridors to strengthen neighborhood livability and identity.
- e. Coordinate with utility companies to move overhead utilities underground to reduce interference with natural elements and to enhance service predictability, improve aesthetics, and protect the Village’s tree canopy.
- f. Beautify community gateways with special signage, landscaping, and other entry design features.
- g. Research additional neighborhood area signage to help distinguish Mount Prospect’s various community areas from each other.
- h. Sponsor programs, activities, events, and celebrations that stimulate public involvement and participation, foster a strong and unified community spirit and identity, and bring together residents from the various neighborhoods on a regular basis.
- i. Improve and expand existing community gathering spaces in Downtown to better host events.

## **2. Expand Senior-Oriented Housing**

- a. Encourage the development of accessible, age-friendly housing near healthcare, transit, Downtown amenities, and community facilities.
- b. Support investment in both age-restricted senior oriented community facilities, and non-restricted market-rate housing that meets the needs of seniors (for example, new condos with minimal maintenance, townhomes with accessible infrastructure, etc.)
- c. Facilitate aging-in-place through zoning reforms, universal design, and walkability improvements.

## **3. Expand Entry-Level Housing Aimed at Young Professionals and Growing Families**

- a. Encourage a broader range of entry-level and “missing middle” housing options through targeted zoning refinements and design standards in areas near Downtown and transit corridors, while maintaining neighborhood character.
- b. Support incremental increases in housing opportunities within a half-mile walking distance to the Metra stations by prioritizing infill development, redevelopment, and adaptive reuse of underutilized properties.
- c. To minimize “housing mismatch,” update zoning to allow greater flexibility and predictability in housing types, densities, and mixed-use formats, particularly in walkable areas and designated reinvestment corridors, without imposing uniform density increases.
- d. Evaluate fiscally responsible funding tools and incentive programs that help offset rising construction and financing costs while protecting the Village’s long-term stability.
- e. Capitalize on available land in South Mount Prospect by supporting more housing south of Golf Road that would relieve some housing demand and complement local businesses.

#### **4. Support Quality, Safety, and Management in existing Multifamily and Townhome Housing Areas**

- a. Encourage rehabilitation and modernization of aging multifamily housing stock by supporting upgrades to building systems, accessibility, and site design.
- b. Develop strategies to improve building maintenance, management practices, and public safety in multifamily developments experiencing higher call volumes or operational challenges.

## **Commercial & Industrial Areas**

### Overall Goal

Support active, resilient, and well-connected commercial and industrial districts that sustain a diverse economy, attract investment, strengthen Mount Prospect’s identity, and provide services, jobs, and amenities for residents and businesses.

### Goals and Objectives

#### **1. Strengthen Downtown as the Village’s Primary Economic and Social Hub**

- a. Reinforce Downtown’s role as a dining, shopping, entertainment, and residential hub through infill development, upper-floor activation, attractive streetscapes, and incremental development of neighboring parcels.
- b. Prioritize and encourage active, publicly oriented first-floor uses - such as restaurants and experiential retail to facilitate walkability, vitality, and a lively Downtown experience.
- c. Upgrade pedestrian infrastructure, lighting, parking access, and wayfinding to foster all-day commercial activity.

#### **2. Cultivate Distinct and Walkable Secondary Activity Centers**

- a. Transform Randhurst into a more walkable mixed-use entertainment destination through investments in residential development and a redesign of the parking fields to support walkability.
- b. Establish a new walkable district at the intersection of Wolf Road and Kensington Road utilizing greenfield sites in the area.

- c. Consider mixed-use and limited industrial redevelopment as an alternative to aging office buildings in South Mount Prospect.

### **3. Beautify Commercial Districts**

- a. Upgrade streetscapes with wider sidewalks, greenery, shade, lighting, bike amenities, and pedestrian-focused design.
- b. Integrate public art, plazas, outdoor dining areas, and seasonal programming to activate commercial districts.

### **4. Investigate the Feasibility of Neighborhood-Scale Corner Stores**

- a. Evaluate targeted regulatory approaches – such as overlays, conditional uses, or pilot programs – at select residential street corners to determine whether small-scale, neighborhood-serving retail can be introduced in a manner compatible with surrounding homes.
- b. Develop context-sensitive design, operational, and performance standards, including building scale, site layout, hours of operation, and noise or lighting controls, to ensure compatibility with residential neighborhoods.
- c. Assess on-site and shared parking strategies, as well as walkability and access considerations, to minimize traffic and parking impacts on nearby streets.

### **5. Rejuvenate Industrial Areas and Improve Compatibility**

- a. Attract investment in industrial districts through infrastructure upgrades and improved site access.
- b. Increase the number of businesses with larger employment counts and higher incomes, such as technology and engineering firms.
- c. Revitalize South Mount Prospect with new investments in infrastructure, land use requirements, and incentives.
- d. As the suburban office market evolves, continually transition the Kensington Business Center into a mixed-use business area.

## **6. Revitalize Aging Retail Centers and Corridors**

- a. Target reinvestment and redevelopment in aging or underperforming commercial corridors and big-box centers to induce modern retail formats, mixed-use development, and new employment opportunities.
- b. Introduce housing, plazas, trails, and public spaces in commercial opportunity areas such as Randhurst, Golf Road, and Route 83.
- c. Leverage economic incentives to stimulate redevelopment and site improvements.

## **7. Diversify the Village's Business Base**

- a. Recruit unique restaurants, specialty retail, entertainment venues, multicultural businesses, and family-friendly destinations to fill market gaps.
- b. Promote flexible commercial space models such as incubators, coworking, pop-ups, and start-up retail environments.

## **8. Advance Mount Prospect's Economic Identity and Branding**

- a. Building on the recently adopted marketing strategy, investigate creating an updated Village economic brand that upholds Mount Prospect as a regional destination.
- b. Evaluate updating the Village logo and branding.
- c. Maintain consistent branding, signage, district markers, and corridor design standards to unify commercial and industrial areas.

## **9. Champion Business Retention and a Strong Investment Climate**

- a. Continually streamline permitting and development processes to provide clarity and predictability for investors in the Village.
- b. Use incentives, including grants, TIF, Special Service Areas (SSAs), sales tax incentives, and low-interest financing to create catalytic projects that would not be possible otherwise.

- c. Reinforce communication and partnerships with business owners, developers, and regional economic organizations.

## **10. Leverage Regional Assets and Major Developments**

- a. Prepare for opportunities created by nearby regional investments, including the potential Chicago Bears stadium, by activating hospitality, dining, entertainment, and service-sector growth.
- b. Support transportation connections to major commercial and employment nodes around the region, such as new bus services to regional destinations and increased frequencies on “game day”.

## **Community Facilities**

### **Overall Goal**

Sponsor high-quality, accessible, and resilient public facilities, utilities, and services that meet the evolving needs of Mount Prospect’s residents and advance safety, sustainability, and long-term community well-being.

### **Goals and Objectives**

#### **1. Modernize Critical Infrastructure**

- a. Upgrade aging water, sewer, roadway, and stormwater systems.
- b. Mitigate flooding through green infrastructure, targeted capital projects, and systemwide reinvestment.
- c. Align infrastructure upgrades with opportunity areas and capital planning efforts.

#### **2. Strengthen Public Safety Services and Facilities**

- a. Provide staffing, training, and equipment for Police and Fire to sustain high service levels.
- b. Address emerging risks and growing mental health needs through updated policies and facility improvements.
- c. Continue to support interagency communication for coordinated responses and long-term planning.

### **3. Revitalize Community Facilities**

- a. Expand community connections center programming and capacity for multigenerational recreation, health, and social amenities in South Mount Prospect.
- b. Improve ADA accessibility across all Village-owned facilities, parks, schools, and public spaces.
- c. Modernize schools and learning environments through collaboration with local districts.

### **4. Increase Access to Free, Welcoming Community Gathering Spaces, Especially for Children and Teenagers.**

- a. Introduce year-round indoor and outdoor spaces, including teen lounges, youth activity rooms, and flexible community gathering areas, within both public facilities and new private developments.
- b. Close the gap left by the decline of traditional commercial gathering places (such as free-to-enter indoor Malls) by supporting drop-in, no-cost social spaces where young people can spend free time without the expectation of spending money.
- c. Integrate public amenities such as plazas, open spaces, and community rooms into redevelopment projects (especially in Downtown, Randhurst, and along mixed-use corridors) through design standards, partnership agreements, and development incentives, where appropriate.
- d. Partner with the Mount Prospect and River Trails Park Districts, the MP Public Library, and local school districts, to activate community spaces through regular programming - such as events, leagues, and drop-in activities - that give residents, especially youth, consistent reasons to gather.

### **5. Advance Sustainability and Resilience in Public Facilities**

- a. Incorporate energy-efficient systems, renewable energy, and sustainable design practices into new and renovated facilities.
- b. Incorporate environmentally responsible building and site design practices where feasible at Village-owned buildings and properties.

## 6. Catalyze Partnerships and Communication

- a. Collaborate with park districts, schools, public safety agencies, and regional partners to align long-term capital planning and facility needs.
- b. Diversify community outreach tools, event notifications, emergency alerts, and multilingual communication strategies.

## 7. Boost Community Growth Through Strategic Investment

- a. Ensure that facility planning reflects demographic trends, including the needs of seniors, youth, families, and diverse populations.
- b. Leverage redevelopment opportunities to incorporate new or improved civic facilities in key districts.

# Transportation & Mobility

## Overall Goal

Create a safe, connected, and multimodal transportation network that facilitates mobility for all users, reduces congestion, and ensures access to destinations throughout Mount Prospect.

## Goals and Objectives

### 1. Address Safety for All Roadway Users

- a. Implement street design improvements that reduce vehicle speeds and enhance visibility at high-risk intersections and corridors.
- b. Incorporate pedestrian safety features such as more visible crossings, refuge islands, curb extensions, Pedestrian Flashing Beacons, and lighting.
- c. Continue Safe Routes to School initiatives, addressing circulation, pickup/drop-off conflicts, and bike/pedestrian access near school campuses.

## **2. Invest in Multimodal Transportation Options to Access Neighborhood Amenities and Daily Needs Throughout the Village**

- a. Develop a protected on-street bicycle network that safely connects neighborhoods to schools, parks, and commercial areas.
- b. Expand off-street trails and pedestrian infrastructure, including multi-use paths and wider sidewalks, to improve access between residential areas, parks, retail, transit, and services.
- c. Fill sidewalk gaps and construct accessible pathways throughout the Village.
- d. Streamline last-mile connections between neighborhoods, Metra stations, Pace service, and key destinations.

## **3. Champion Public Transit Access and Reliability**

- a. Reinforce Metra’s and Pace’s efforts to increase service frequency, expand weekend service, and refresh stations.
- b. Promote Pace’s “Pulse” bus service along Golf Road, Elmhurst, and other corridors to connect Mount Prospect residents to surrounding communities.
- c. Update transit stops with improved shelters, seating, lighting, and real-time arrival information.
- d. Align land-use decisions with transit improvements to encourage transit-supportive development patterns.

## **4. Reduce Congestion and Modernize Traffic Operations**

- a. Pursue adaptive signal technologies and corridor-wide timing updates to maintain traffic flow.
- b. Target efficiency, queuing, and safety interventions for congested intersections.
- c. Ensure circulation within and around commercial districts, schools, and event areas.

## 5. Champion Emerging Mobility and Sustainability Practices

- a. Foster electric vehicle charging infrastructure in public, commercial, and redevelopment areas.
- b. Plan for autonomous vehicle readiness through pickup/drop-off zones, and updated regulations.
- c. Reinforce walking, biking, and transit to reduce emissions and congestion

## 6. Rejuvenate Wayfinding, Connectivity, and Travel Experience

- a. Expand the village wayfinding system for easier navigation to parks, neighborhoods, transit, and commercial districts.
- b. Construct lighting, signage, and public-realm amenities along major pedestrian and bicycle corridors.
- c. Build regional connectivity through partnerships with IDOT, Cook County, Metra, Pace, and neighboring communities.

# Parks & Environment

## Overall Goal

Maintain and revitalize parks, open spaces, and environmental systems to build equitable access, ecological health, climate resilience, and a high quality of life for all Mount Prospect residents.

## Goals and Objectives

### 1. Improve Access to Parks, Open Space, and Recreation

- a. Explore land acquisition, redevelopment partnerships, and new pocket parks in underserved areas.
- b. Link parks, schools, neighborhoods, and commercial areas through trail, sidewalk, and wayfinding networks.
- c. Sponsor year-round and all-ages recreation opportunities, including indoor and outdoor amenities that respond to evolving community needs.

## **2. Rejuvenate Park Facilities**

- a. Partner with and support local park districts in the planning and enhancement of park amenities, such as restrooms, water stations, lighting, seating, shade structures, and accessible pathways to improve user experience and accessibility.
- b. Coordinate with park districts and other public partners to support the reinvestment in aging park infrastructure, including playgrounds, athletic fields, aquatic facilities, and recreation centers, as part of broader community improvement efforts.
- c. Support catalytic transformational capital projects with partner organizations, such as school, library, and park districts.

## **3. Add Natural Amenities and Passive Recreation**

- a. Assess opportunities to introduce or enhance nature trails, quiet zones, gardens, and other passive recreation spaces that support wellness, environmental education, and ecological function.
- b. Evaluate the feasibility and naturalization of trail improvements along Weller Creek, including environmental benefits, access, maintenance considerations, and coordination with relevant agencies.
- c. Identify and prioritize opportunities to improve public access to water features and natural amenities, such as rivers, creeks, and wetlands, through targeted reforestation, edge treatments, or access improvements where feasible.
- d. Explore interpretive and educational strategies, including signage, environmental storytelling, and partnerships with schools, park districts, or environmental organizations, to strengthen connections between residents and local ecosystems.

## **4. Position Parks as Community Destinations and Cultural Assets**

- a. Coordinate with park districts and community partners to support the use of parks as venues for community events, seasonal programming, performances, and cultural celebrations.

- b. Collaborate with park districts and other public partners to explore opportunities for public art, placemaking elements, and identity-focused features into major parks and green spaces, where appropriate.
- c. Work with park districts and leverage development and reinvestment efforts to identify opportunities for new or enhanced green spaces, plazas, and gathering areas that contribute to neighborhood vibrancy and community identity.

**5. Support environmental stewardship, climate resilience, and sustainable development practices across the Village**

- a. Encourage green infrastructure—including bioswales, permeable paving, rain gardens, and naturalized stormwater systems – where feasible and appropriate.
- b. Preserve and expand the Village’s tree canopy by protecting existing trees, planting new trees, and incorporating native landscaping and habitat restoration in parks, public spaces, and development areas where feasible and consistent with maintenance and operational considerations.
- c. Support and explore sustainability initiatives such as conservation programs, composting, renewable energy integration, and environmentally responsible maintenance practices as capacity and resources allow.
- d. Encourage sustainable site design and building practices, including green infrastructure, energy efficiency, water conservation, in commercial and industrial redevelopment where appropriate.
- a. Evaluate opportunities for adaptive reuse of existing buildings to reduce demolition waste when consistent with economic viability and redevelopment objectives.

## Future Land Use Plan

The Future Land Use Plan outlines how different parts of the Village are intended to grow and change over time. It provides a clear framework for where housing, businesses, mixed-use development, and community spaces are most appropriate, while reinforcing the protection of established neighborhoods. This section introduces the Future Land Use categories and accompanying map, which together serve as a guide for policy decisions, zoning updates, redevelopment efforts, and long-term investment aligned with the Village’s overall vision.

### Proposed Future Land Use Categories

#### 1. **Community Residential** (Most Residential Areas)

- Primary: SF Homes, Townhomes, Duplexes, Triplex/Quadplex
- Supporting: Senior Housing, Religious Uses, Parks and Open Space, Pocket commercial uses or corner stores

#### 2. **Multifamily** (Variety of MF developments around the Village)

- Primary: 3+ story MF Buildings, Townhomes, Duplexes, Triplex/Quadplex
- Supporting: Retail, Parks, Professional Offices

#### 3. **High Density Commercial Mixed Use** (Downtown, Randhurst)

- Primary: 2-6 story mixed use buildings, Retail, Restaurants + Outdoor Dining
- Supporting: Townhomes, Community Gathering Spaces, Parks + Open Space

#### 4. **Neighborhood Center** (Secondary commercial areas)

- Primary: Business offices, small-scale retail, restaurants, daycares, professional services, and other commercial uses, residential above commercial.
- Supporting: Townhomes, small apartment buildings, senior housing, health services, community amenities, plazas, squares, pocket parks, and other community gathering spaces.

## 5. Corridor Mixed Use (Big Box Centers and strip malls)

- Primary: Large Format Retail, car-oriented uses
- Supporting: High Density Residential, Medical, Entertainment, Hotel, Office, public gathering spaces.

## 6. Business & Industrial Mixed Use (KBC, South MP)

- Primary: Commercial office, light industrial, manufacturing, research, solid waste handling, warehousing uses
- Supporting: Recreational uses, health services, hotel, civic uses, restaurants, and screened outdoor storage.

## 7. Institutional

- Primary: Village Buildings, Schools

## 8. Parks & Open Space

- Primary: Parks, Recreational facilities, Golf Courses

## 9. Utility/ROW

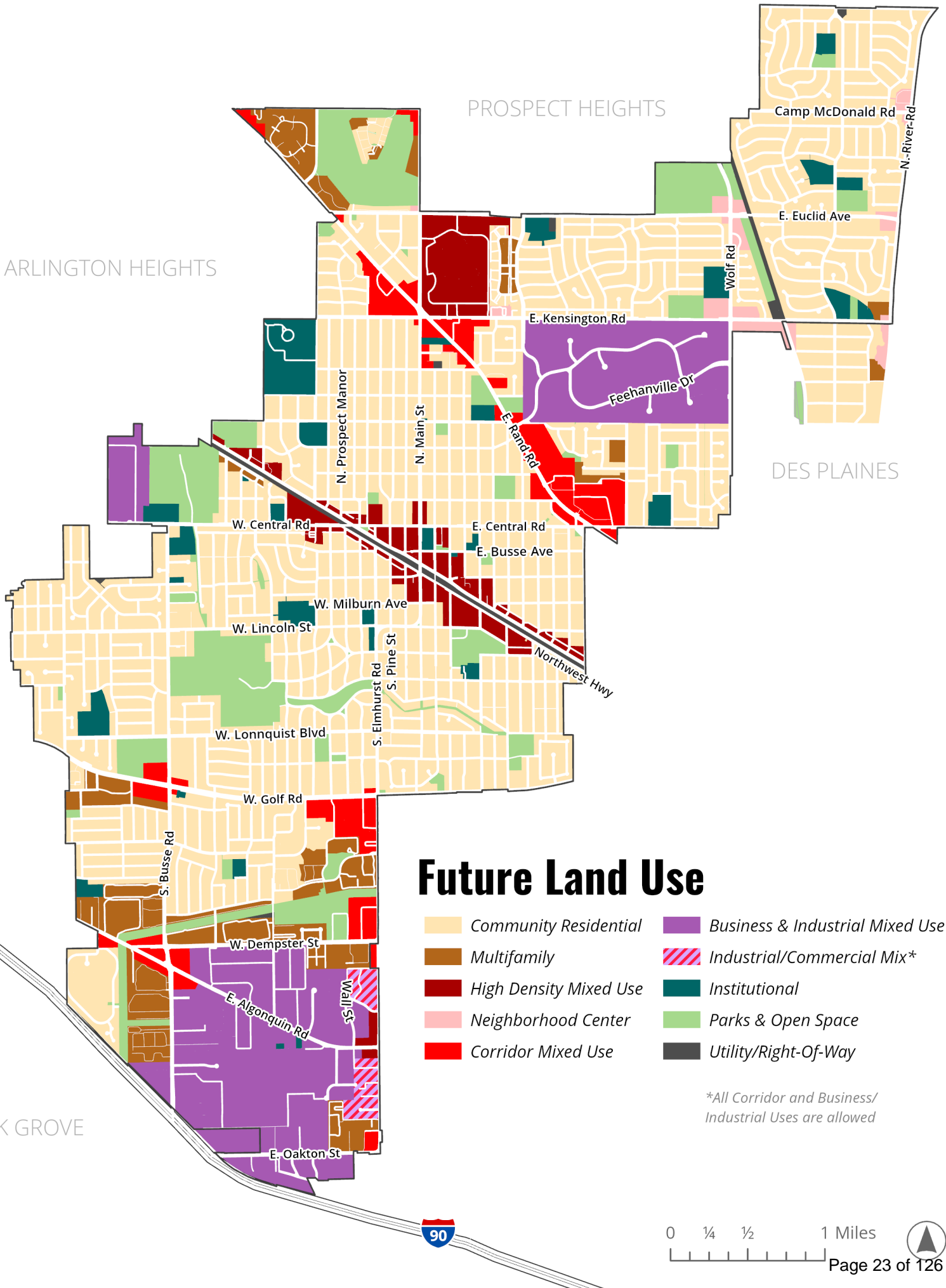
- Primary: Metra ROW, Electrical Substations

PROSPECT HEIGHTS

ARLINGTON HEIGHTS

DES PLAINES

ELK GROVE



# Future Land Use

- Community Residential
- Multifamily
- High Density Mixed Use
- Neighborhood Center
- Corridor Mixed Use
- Business & Industrial Mixed Use
- Industrial/Commercial Mix\*
- Institutional
- Parks & Open Space
- Utility/Right-Of-Way

*\*All Corridor and Business/Industrial Uses are allowed*



0 1/4 1/2 1 Miles





## Item Cover Page

<b>Subject</b>	<b>Review and Discussion of draft resolution in opposition to State Preemption of Local Zoning Authority (The BUILD Act HB 5626)</b>
Meeting	April 14, 2026 - MEETING OF THE MOUNT PROSPECT COMMITTEE OF THE WHOLE
Fiscal Impact	N
Dollar Amount	
Budget Source	
Category	DISCUSSION ITEMS
Type	Presentation

### Information

The attached draft resolution affirms the Village of Mount Prospect’s support for maintaining local control over zoning and land use decisions. It reiterates the Village’s responsibility to regulate land use in a manner that protects public health, safety, and welfare, while ensuring compatible development patterns, protecting property values, managing traffic impacts, and coordinating infrastructure. The resolution also emphasizes that zoning decisions are best made at the local level by officials familiar with the community’s unique conditions and planning goals.

Adoption of the resolution would formally communicate the Village’s position to the Illinois General Assembly and Governor, urging preservation of municipal zoning authority without additional state-imposed limitations. A copy would also be transmitted to the Illinois Municipal League as part of broader advocacy efforts.

### Discussion

The Build Illinois Act is proposed state legislation aimed at addressing housing affordability and supply by limiting local zoning authority in certain circumstances. While the Act is intended to increase housing production, particularly higher-density and affordable housing, it would do so by preempting or restricting municipal control over zoning regulations such as density, permitted uses, parking requirements, and approval processes near transit or in designated areas.

In practice, the legislation could reduce the Village’s ability to evaluate development proposals based on local impacts, including compatibility with surrounding neighborhoods, traffic generation, school capacity, infrastructure demands, and overall community character. While increasing housing supply is a shared goal, the Act shifts decision-making from local governments to the state, potentially limiting the Village’s ability to plan proactively and

respond to site-specific conditions.

Staff recommends approval of the resolution to formally express the Village's support for maintaining local zoning and land use authority while continuing to participate in regional and statewide discussions on housing policy solutions.

### **Alternatives**

### **Staff Recommendation**

If there is general support for the draft resolution to formally express the Village's support for maintaining local zoning and land use authority while continuing to participate in regional and statewide discussions on housing policy solutions, then the resolution will be presented at a future Village Board meeting for approval.

### **Attachments**

1. In support of Maintaining Municipal Local Zoning and Land Use Authority

RESOLUTION NO.

**A RESOLUTION OF THE VILLAGE OF MOUNT PROSPECT IN SUPPORT OF MAINTAINING MUNICIPAL LOCAL ZONING AND LAND USE AUTHORITY**

**WHEREAS**, the Village of Mount Prospect has the responsibility to promote public health, safety, and general welfare by regulating land use, density, and development standards within the Village of Mount Prospect; and

**WHEREAS**, the Village of Mount Prospect recognizes that municipal authority of land use and zoning is a means to address separating incompatible land uses, protecting property values, managing traffic flow, ensuring adequate infrastructure and guiding orderly community growth; and

**WHEREAS**, the Village of Mount Prospect reiterates that community-led policies for land use and zoning are not causing a crisis of housing affordability or availability; and

**WHEREAS**, land use and zoning decisions are appropriately made at the local level by municipal officials familiar with the unique characteristics of the Village of Mount Prospect; and

**WHEREAS**, the Mayor and Board of Trustees of the Village of Mount Prospect find that the existing municipal authority for land use and zoning is essential for the continuing community vitality of the Village of Mount Prospect.

**NOW THEREFORE BE IT ORDAINED/RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS:**

**SECTION ONE:** That the foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION TWO:** That the Village of Mount Prospect urges the Illinois General Assembly and Governor to preserve municipal authority for land use and zoning in its current form without additional restrictions on municipal government and the communities they serve.

**SECTION THREE:** That the Village Clerk shall forward a copy of this Resolution to the Illinois Municipal League.

**SECTION FOUR:** That this Resolution shall be in full force and effect after passage and approval as required by law.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this day of April, 2026.

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Paul Wm. Hoefert Mayor

ATTEST:

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Karen M. Agoranos, Village Clerk



## Item Cover Page

<b>Subject</b>	<b>Evaluation of Zoning Code Text Amendments to Promote Single-Family Residential Neighborhoods</b>
Meeting	April 14, 2026 - MEETING OF THE MOUNT PROSPECT COMMITTEE OF THE WHOLE
Fiscal Impact (Y/N)	N
Dollar Amount	
Budget Source	
Category	DISCUSSION ITEMS
Type	Presentation

### Information

Planning staff is proposing comprehensive text amendments to Chapter 14 of the Village Code intended to modernize and clarify zoning regulations affecting single-family residential neighborhoods. The proposed amendments are designed to eliminate unnecessary regulatory obstacles, improve administrative efficiency, and better align the Zoning Ordinance with current development patterns, community expectations, and adopted Village policy direction.

### Discussion

#### **Purpose and Background**

The proposed amendments implement an Action Item identified under Goal 3 of the Village’s 2024–2029–2039 Strategic Plan and continue work listed as “In Progress” under the 2025–2030–2040 Strategic Plan, including the evaluation of zoning regulations to promote single-family residential neighborhoods and to establish policy and address monotony for new detached single-family residential developments.

Planning staff was directed to conduct a comprehensive review of the Zoning Ordinance and prepare text amendments aimed at providing greater flexibility for property owners in single-family residential districts by eliminating unnecessary regulatory barriers. As part of this initiative, staff also evaluated opportunities to delegate final decision-making authority to the Planning and Zoning Commission and/or the Director of Community Development for certain zoning applications, thereby streamlining the review process and reducing the number of matters requiring Village Board consideration, ultimately providing better customer service to Village residents.

#### **Summary of Proposed Amendments:**

- Introduce architectural diversity standards for new, detached single-family residential dwellings;
- Add a cross-reference between the Building Code and the Zoning Ordinance for the use stucco and engineered stucco systems (EIFS);

- Increase the maximum size of detached garages from 672 square feet to 720 square feet;
- Increase the maximum size of gazebos, pergolas, greenhouses, sheds and other similar accessory structures from 2% of the lot area to 200 square feet;
- Permanent attachments to a garage or shed to be considered as extensions of these structures and count towards the maximum size of the garage or shed;
- Clarity on the prohibition of using accessory structures (garages and sheds) as residential living quarters;
- Accessory structures considered as part of principal structures for single-family residential districts only (not applicable to commercial or industrial properties);
- Increase the width of driveways serving 1- and 2- car attached or detached garages from 26' to 30' and taper to 26' at property line;
- Increase the width of driveways serving 3-car attached garages from 33' within the first 18' of garage's front elevation and taper to 26' within the first 18' of garage's front elevation to 33' and taper to 26' at property line;
- Increase the width of driveways serving 3-car detached garages from 33' within the first 18' of garage's front elevation and taper to 26' within the first 30' of garage's front elevation to 33' and taper to 26' at property line;
- Increase the width of driveways serving side load garages from 26' to 30' and taper to 26' at property line;
- Rename "Minor Variations" to "Administrative Variations" to include Parking Requirements For Uses in Excess of 2,500 SF in the B-5/B-5C Districts;
- Introduce "Administrative Conditional Uses" to include Existing Nonconforming Accessory Structures;
- Change all fence petitions in single-family residential districts from variations (PZ Final) to conditional uses (PZ Final);
- Change all relief requests related to accessory structures in single-family residential districts from variations (PZ or VB Final) to conditional uses (PZ Final);
- Introduce a new application process and submission requirements for administrative variation and administrative conditional use requests;
- Introduce the administrative hearing procedure for administrative variation and administrative conditional use requests;
- Modify the Land Use Table 1 to include: 1) relief requests for accessory structures in the R-X, R-1 and R-A single-family residential zoning districts, except for existing nonconforming accessory structures that are eligible for administrative conditional use approval (PZ Final); 2) relief requests for fences in the R-X, R-1 and R-A single-family residential zoning districts (PZ Final); and 3) existing nonconforming accessory structures as administrative conditional uses (CD Director Final);
- Add definitions of accessory structure, administrative variation, administrative conditional use and permitted obstruction;
- Corrections of scrivener's errors and internal inconsistencies within the zoning ordinance.

**Table 1: Final Authority Responsibility Matrix Under Current Zoning Code**

	Final Authority		
	Director of Community Development	Planning & Zoning Commission	Village Board
<b>VARIATIONS</b>			
Any Chapter 14 Zoning requirement, except for fences	-	≤25%	>25%

Fences	-	All	-
Signs	-	All	-
Minor variations: <ul style="list-style-type: none"> <li>Existing nonconforming accessory structures meeting certain requirements</li> <li>Parking requirements for uses in excess of 2,500 SF in the B-5 and B-5C districts</li> </ul>	All	-	-
<b>CONDITIONAL USES</b>			
Setback reductions in all required yards in single-family residential zoning districts	-	≤25%	>25%

**Table 2: Final Authority Responsibility Matrix Under Proposed Amendments**

	Final Authority		
	Director of Community Development	Planning & Zoning Commission	Village Board
<b>VARIATIONS</b>	<b>Administrative</b>	<b>Standard</b>	<b>Standard</b>
Parking Requirements for Uses in Excess of 2,500 square feet in the B-5/B-5C Districts <sup>1</sup>	All	-	-
Fences in Nonsingle-Family Residential Districts		All	
Signs	-	All	-
All Other Chapter 14 Zoning requirements	-	≤25%	>25%
<b>CONDITIONAL USES</b>	<b>Administrative</b>	<b>Standard</b>	<b>Standard</b>
Existing Nonconforming Accessory Structures <sup>2</sup>	All	-	-
Relief from Accessory Structure Requirements in Single-Family Residential Districts	-	All	-

Setback Reductions in Required Yards in Single-Family Residential Districts	-	≤25%	>25%
Fences in Single-Family Residential Districts	-	All	-

1. No change from what is currently under the purview of the community development director’s authority as a minor variation.
2. Applicable structures shall: (i) be replaced with the same type of structure, (ii) do not exceed a total of two (2) accessory structures per lot of record, (iii) extend into no more than forty percent (40%) of the required interior side yard setback, and (iv) extend into no more than ten percent (10%) of the rear yard setback.

**Standards for Text Amendments**

Staff finds that the proposed text amendments meet the standards contained in Section 14.203(D) of the Zoning Ordinance and are consistent with adopted Village plans and policies. The Planning and Zoning Commission shall review the standards and findings of fact outlined in Exhibit A and 1) accept them without changes, 2) accept them with changes, or 3) reject the findings. The Planning and Zoning Commission shall use the findings of fact to guide their recommendation to the Village Board.

**Public Comment**

As of this writing, staff has not received public comment pertaining to the proposed text amendments.

**Public Hearing**

The proposed text amendments were presented to the Planning and Zoning (P&Z) Commission on February 26, 2026, as Case PZ-01-26. Director Shallcross provided an overview of the proposed changes to Chapter 14. The P&Z Commission discussed concerns about how accessory structures count toward lot coverage, the potential impact of allowing two accessory structures on smaller lots, and whether accessory buildings could be used as living quarters, which staff clarified is already prohibited by Section 14.312 of the Village's Zoning Code. The P&Z Commission also debated a proposal to increase the maximum driveway width from 26 feet to 30 feet to allow three vehicles to park side-by-side; commissioners raised concerns about front yards becoming overly paved or creating continuous concrete areas between neighboring properties, though staff emphasized that tapering at the property line and existing lot coverage limits would maintain neighborhood character. The P&Z Commission further considered amendments to streamline zoning review procedures, including creating administrative conditional uses for certain routine requests and shifting some approvals from the P&Z Commission to the Director of Community Development when cases are typically approved anyway. After discussion and clarification of safeguards, the P&Z Commission supported the amendments as practical updates to the zoning code and voted 5-0 to recommend approval to the Village Board.

**Alternatives**

**Staff Recommendation**

**Attachments**

1. PZ-01-26 Staff Report
2. PZ-01-26 Administrative Content
3. PZ-01-26 Ordinance
4. PZ-01-26 (50 S Emerson St) Minutes
5. A\_Chapter 14 Article 2 Sections 14.201-14.203\_Redline
6. B\_Chapter 14 Article 3 Section 14.304.1 Design Standards\_Redline
7. C\_Chapter 14 Article 3 Section 14.306 Accessory Structures\_Redline
8. D\_Chapter 14 Article 6 Zoning Districts Land Use Table 1
9. E\_Chapter 14 Article 22 Section 14.2204 Residential Driveways\_Redline
10. F\_Chapter 14 Article 24 Section 14.2401 Definitions\_Redline

Jason C Shallcross, AICP, CEcD  
Director of Community Development

Ann Choi  
Development Planner



DATE: February 19, 2026

**CASE NUMBER**

PZ-01-26

**PUBLIC HEARING DATE**

February 26, 2026

**PETITIONER / PROPERTY OWNER**

Village of Mount Prospect

**PROPERTY ADDRESS/LOCATION**

50 S. Emerson Street

**BRIEF SUMMARY OF REQUEST**

The purpose of this memo is to discuss proposed code amendments to Chapter 14 of the Village Code. The motivation for the proposed code amendments, a summary of the proposed changes, and their potential impacts are described below.

**STAFF RECOMMENDATION**

APPROVE

APPROVE WITH  
CONDITIONS

DENY

**DISCUSSION OF PROPOSAL**

**PROPOSAL**

The “Evaluation of the Current Zoning Regulations to Promote Single-Family Residential Neighborhoods” is listed as an Action Item under Goal 3 of the Village of Mount Prospect’s 2024-2029-2039 Strategic Plan. The “Common Residential Zoning Conflicts (Accessory Structures, Driveways, Relief Process) Text Amendments”, the completion of “Current Zoning Regulations to Promote Single-Family Residential Neighborhoods” and “Monotony for New Detached Single-Family Residential Policy” are all listed as Action Items in Progress under the Village’s 2025-2030-2040 Strategic Plan.

Planning staff was directed to conduct a comprehensive review of the Zoning Ordinance and prepare text amendments aimed at providing greater flexibility for property owners in single-family residential districts by eliminating unnecessary regulatory barriers. As part of this initiative, staff also evaluated opportunities to delegate final decision-making authority to the Planning and Zoning Commission and/or the Director of Community Development for certain zoning applications, thereby streamlining the review process and reducing the number of matters requiring Village Board consideration.

The proposed text amendments include revisions to administrative procedures and final decision-making authority for certain zoning requests, expanded eligibility for conditional uses, increases to the permitted size of select accessory structures, modifications to driveway width standards, new architectural diversity standards, and corrections to scrivener’s errors and internal inconsistencies within the Zoning Ordinance. A summary and discussion of the proposed text amendments are provided below.

**Organization of Discussion and Proposed Text Amendments**

- Architectural Diversity Standards
- Changes to Accessory Structure Size Requirements
- Accessory Structures Considered Principal Structures For Single-Family Residential Properties

- Changes to the Driveway Widths
- Current Process for Conditional Uses, Variations and Minor Variations
- Changes to Administrative Functions Affecting Single-Family Residential Properties
  - New Administrative Variations (CD Director Final)
  - New Administrative Conditional Uses
    - Existing Nonconforming Accessory Structures (CD Director Final)
- Standard Conditional Uses Expanded to Include:
  - Accessory Structures in Single-Family Residential Districts (PZ Final)
  - Fences (PZ Final)
- Clarify the Difference Between an Accessory Structure and a Permitted Obstruction

## **ARCHITECTURAL DIVERSITY STANDARDS**

### **Proposed Changes**

#### 14.304.1: DESIGN STANDARDS

Planning staff has historically required non-monotony conditions of approval for detached single-family residential subdivision requests to prevent repetitive building patterns, promote visual variety, and avoid a “cookie-cutter” appearance within new residential developments. The proposed architectural diversity standards would formalize this practice by requiring that no two detached single-family residential homes located within two (2) lots of each other on the same street be substantially similar in appearance.

For purposes of these standards, homes would be considered “similar in appearance” if they share three (3) or more of the following key design characteristics: roof type or height, front massing or silhouette, window arrangement, garage design, and primary exterior materials. Minor variations, standing alone, such as differences in color, decorative details, mirrored floor plans, or small variations of less than five percent (5%), would not be sufficient to distinguish homes as dissimilar.

Prior to the issuance of any building permits within a residential subdivision consisting of detached single-family homes, the proposed standards would require the developer to submit building elevations and a streetscape plan demonstrating compliance with the architectural diversity requirements. The Director of Community Development would review and approve the submitted materials to ensure that architectural diversity is maintained.

Rather than continuing to impose non-monotony requirements on a case-by-case basis through conditions of approval, staff is recommending that these standards be codified within the Zoning Ordinance to provide consistent requirements for future subdivision developments consisting of detached single-family homes.

The regulations would apply to dwellings constructed within a residential subdivision or to dwellings constructed as new principal residential construction on an individual lot after the effective date of the ordinance. They would not apply to additions to existing homes, exterior remodels, or to existing homes.

Section 14.304.1 would also be amended to include a cross-reference to Section 21.229 of the Building Code, which regulates the use of stucco and engineered stucco systems for residential and nonresidential applications. This Building Code provision is intended to limit the use of engineered stucco systems, such as EIFS, in order to reduce long-term maintenance concerns, moisture

intrusion, and building durability issues. The Building Code prohibits engineered stucco systems on residential buildings due to documented performance and water-management concerns, while allowing limited use on nonresidential buildings only when strict design, placement, installation, and inspection standards are satisfied. These standards are intended to ensure proper water management, protect vulnerable lower wall areas, and prevent premature or widespread façade deterioration.

Staff recommends incorporating this cross-reference into the Zoning Code to ensure that prohibited or limited exterior building materials are identified and addressed early in the zoning and design review process, rather than later during building permit review, to provide greater clarity for developers.

**CHANGES TO ACCESSORY STRUCTURE SIZE REQUIREMENTS**

Accessory structures such as detached garages, gazebos, sheds, and pergolas are subject to size restrictions. These bulk requirements ensure that the accessory structures are compatible with the size and scale of the existing buildings in a residential neighborhood. Additionally, the code defines garages and sheds as structures designed for the storage of vehicles, equipment, and household items.

Staff frequently requires residents to revise plans for accessory structures because the proposed structures exceed the current code limits for size. For detached garages and sheds, residents often cite the need for more storage space for vehicles and personal items. During and after the pandemic, there was a wave of investment in outdoor entertaining spaces shaded by large gazebos and pergolas. Smaller accessory structures, such as sheds, pergolas, and gazebos, are available to purchase in standard sizes as DIY kits from big box retailers. Staff is proposing code changes that will meet the demand for larger accessory structures while maintaining an appropriate scale for residential districts.

**Proposed Changes**

14.306: ACCESSORY STRUCTURES

**Table 1** shows the proposed changes for several accessory structures. The proposed size increase for detached garages to 720 SF is consistent with sizes permitted in other nearby municipalities. The proposed size increase for gazebos, pergolas, and sheds to 200 SF is consistent with standard sizes available for prefabricated models. Residents would still need to meet the lot coverage requirements for their zoning district, which will preclude large accessory structures from being built on smaller lots.

To further limit oversized accessory structures, gazebos, pergolas, and other similar improvements permanently attached to a garage or shed are considered extensions of the garage or shed and count towards the maximum area for the garage or shed.

Garages and sheds will continue to be restricted to storing vehicles, equipment for maintaining the home, and personal property.

**Table 1: Accessory Structure Size**

Accessory Structure	Current	Proposed	Change
Detached Garage Maximum Area	672 SF	720 SF	48 SF (+7%)
Gazebo / Pergola / Shed Maximum Area	2% lot area or 200 SF, whichever is smaller	200 SF	200 SF is standard

**Exhibit B** of the staff report provides a comparison of maximum sizes of detached garages among neighboring communities. The proposed changes are in line with Arlington Heights, Des Plaines, Park Ridge and Prospect Heights.

### **Accessory Structures Considered as Principal Structures for Single-Family Residential Districts**

In addition to recommending increases to the permitted areas for certain detached accessory structures, staff is proposing a clarification to the zoning code to address a gap related to accessory structures in nonsingle-family zoning districts. Currently, the zoning code treats any accessory structure that is permanently attached to a principal structure as an extension of the principal structure, rather than as a standalone accessory structure. As a result, these attached structures are subject to the bulk requirements of the zoning district for principal structures, unless otherwise specified as a permitted obstruction. This provision was originally intended to apply exclusively to single-family residential properties in the R-X, R-1, and R-A zoning districts, and not to commercial and industrial properties, which have their own set of bulk requirements for accessory structures. The proposed amendment seeks to close this loophole for nonsingle-family properties as the original intent of this requirement was to allow homeowners of single-family residential properties to build larger pergolas and gazebos.

Clarifying language has also been added to ensure that any structure permanently attached to an accessory structure will be considered part of the accessory structure and shall meet the bulk requirements for accessory structures, unless otherwise listed as a permitted obstruction in Section 14.319 Permitted Obstructions. This was added to address the scenarios where people are extending the roofs of the detached garages over patio areas or creating makeshift car ports. Once the structure is attached to the garage, the whole structure is subject to size and height limits of detached garage. If it is a detached accessory structure such as a shed, pergola or gazebo, then it will subject to its own standards in the code. Additional language has been added to restrict the use of accessory structures for residential living quarters.

### **CHANGES TO RESIDENTIAL DRIVEWAY WIDTH**

#### **Current Practice**

The driveway requirements are designed to maintain open, green space in front of homes rather than an abundance of hard surfaces for the parking of vehicles. Driveways serving 1- and 2-car garages are allowed a maximum width of 26'. Driveways serving 3-car attached garages may be the same width as the garage, not to exceed a maximum width of 33' within the first 18' of the garage's front elevation, and shall be tapered to a width no greater than 26' within 18' of the garage's front elevation. Driveways serving detached 3-car garages may be the same width as the garage not exceed a maximum width 33' within the first 18' of the garage's front elevation, and shall be tapered to a width no greater than 26' within 30' of the garage's front elevation. All single-family residential districts have a maximum "front lot coverage" between 35% and 50%. Driveways in front of homes cannot encroach more than 3' beyond the garage towards the front plane of the house. Depending on the type of lot (corner vs. interior), orientation of the home and garage, and other structures built on the property, the driveway may be restricted in size or location.

#### **Reasons for Changes**

Staff frequently requires residents to revise plans for driveways because the proposed driveways do not meet the current code limits for width and location. Residents cite the need for more driveway space to be able to park all their household vehicles on their property, as they are not allowed to park overnight on the public right-of-way. Car ownership has steadily increased over time. US Census data

reveals that only 2% of 1960 households owned 3 or more vehicles; in 2010, the share was almost 20%. Staff is proposing code changes that will meet the demand for more parking on residential lots while maintaining an appropriate balance of open, green space in residential areas.

### Proposed Changes

#### 14.2204(A): RESIDENTIAL DRIVEWAYS, DRIVEWAYS

**Table 2** summarizes the proposed changes for maximum driveway widths, from 26' to 30' for 1- and 2-car garages, and taper to a width of 26' at the property line. Additionally, staff is proposing to clarify driveway encroachment in front of homes. Driveways in front of homes shall not encroach more than 3' beyond the attached garage, and in the case of detached garages, no more than 3' along the closest plane of the principal structure. Staff is not proposing changes to the front lot coverage requirement, which ranges from 35% to 50% in single-family residential districts. The goal is to maintain a minimum amount of green, open space in front of homes, rather than paved or hard surfaces for the parking of vehicles.

**Exhibit C** of the staff report provides a comparison of driveway width requirements among neighboring communities. The proposed changes to the Village of Mount Prospect's driveway widths are most aligned with Palatine's driveway width requirements.

**Table 2: Driveway Width**

Driveway Type	Current	Proposed	Change
Serving 1- and 2-car attached or detached garage	26'	30', taper to 26' at property line	4' (+15%)
Serving 3-car attached garage	33' within first 18' of garage's front elevation, taper to 26' within first 18' of garage's front elevation	33', taper to 26' at property line	4' (+15%)
Serving 3-car detached garage	Same width as garage not to exceed width of 33' within the first 18' of garage's front elevation, taper to 26' within first 30' of garage's front elevation	33', taper to 26' at property line	4' (+15%)
Serving Sideload Garages	26'	30', taper to 26' at property line	4' (+15%)
Circular and Dual Frontage Driveway	26'	26'	No change
Aprons	Not to exceed 26' at property line	Not to exceed 26' at property line	No change

### CURRENT PROCESS FOR CONDITIONAL USES, VARIATIONS AND MINOR VARIATIONS

The planning and zoning commission currently hears and decides as final administrative authority, all petitions for fence and sign variations, variations which do not exceed twenty-five percent (25%) of any requirement of the zoning code, and conditional uses for setback reductions that do not exceed twenty-five percent (25%) of the required setback in all required yards in the R-X, R-1 and R-A zoning districts. For variation and conditional use requests that exceed 25%, final authority rests with the

Village Board. The director of community development has the authority to grant a minor variation after holding an administrative hearing.

### **Variations**

Standards for variations are generally difficult to meet as applicants must prove a zoning hardship related to the physical characteristics of the property. Variations run with the land in perpetuity and permanent zoning relief is typically not granted if the variation standards are not met. Approval for variations also have a time limit. A variation will become null and void if a building permit is not issued and substantial work has not commenced within one year of approval. For example, a variation allowing increased lot coverage for a patio will be voided, meaning the patio could not be installed, if a permit is not issued and installation has not begun within the required timeframe.

### **Conditional Uses**

A conditional use is applied for certain uses that require more scrutiny and review because of the impacts it may have on the surrounding area – the zoning code states that conditional uses, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration of the impact of those uses upon adjoining properties and their impact on the neighborhood in general.

In contrast to variations whose standards are based on zoning hardships caused by the physical constraints of a property, standards for conditional uses are easier to meet because zoning relief would be supported based on the impact of the use upon its neighbors. Conditional use approval may be revoked if the use is not established or commenced within one year and is not completed within 18 months. Additionally, a conditional use expires if the use ceases for more than 12 months. For instance, a conditional use permit granted for a setback reduction for a detached garage would be revoked, meaning the detached garage could not be constructed, if a building permit is not obtained or construction does not begin within 18 months. If the garage was lawfully constructed but later demolished and is not reconstructed within one year, the conditional use would expire, and the property owner would need to reapply for conditional use approval before seeking a building permit.

### **Minor Variations**

Section 14.203(C)(11) currently grants the director of community development final administrative authority to hear and decide all petitions for minor variations. The following are currently eligible for minor variation requests:

1. Existing nonconforming accessory structures that meet the following requirements:
  - a. Will be replaced with the same type of structure,
  - b. Do not exceed a total of two (2) accessory structures per lot of record,
  - c. Extend into no more than forty percent (40%) of the required interior side yard setback,
  - d. Extend into no more than ten percent (10%) of the rear yard setback, or
  - e. Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%).
2. Parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district.

Upon receipt of an application for a minor variation, all property owners within one hundred feet (100') of the subject property will be mailed a public notice and a notice sign will be posted on the subject

property no more than thirty (30) days nor less than seven (7) days prior to the administrative hearing. After the administrative hearing has taken place and a decision has been made by the director of community development, any individual may file an appeal of the decision with the planning and zoning commission within five (5) calendar days of the director’s decision. Standards for minor variations must be met and vary based on the type of minor variation request. These standards are found under Section 14.203(C)(11). **Table 3** outlines the final authority for standard variations, minor variations and standard conditional uses.

**Table 3: Final Authority Responsibility Matrix Under Current Zoning Code**

	Final Authority		
	Director of Community Development	Planning & Zoning Commission	Village Board
<b>VARIATIONS</b>			
Any Chapter 14 Zoning requirement, except for fences	-	≤25%	>25%
Fences	-	All	-
Signs	-	All	-
Minor variations: <ul style="list-style-type: none"> <li>- Existing nonconforming accessory structures meeting certain requirements</li> <li>- Parking requirements for uses in excess of 2,500 SF in the B-5 and B-5C districts</li> </ul>	All	-	-
<b>CONDITIONAL USES</b>			
Setback reductions in all required yards in single-family residential zoning districts	-	≤25%	>25%

## CHANGES TO ADMINISTRATIVE FUNCTIONS

### New Administrative Variations

Staff proposes to rename all instances of “Minor Variations” to “Administrative Variations” to better reflect the entitlement being requested and to remove existing nonconforming accessory structures as an eligible request. Existing nonconforming accessory structures will be changed to a new administrative conditional use and is further discussed below. As proposed, the only request that would be eligible for an administrative variation is to vary parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district, which the Director of Community Development already serves as the administrative authority over. The standards for an administrative variation would remain the same as the standard for a minor variation. The Director of Community Development would have administrative authority over administrative variations.

### New Administrative Conditional Uses and Existing Nonconforming Accessory Structures

Staff proposes a new administrative process that would authorize the Director of Community Development to assume final administrative authority over certain conditional use requests. Public noticing and administrative hearings for an administrative conditional use would be identical to the current minor variation (proposed administrative variation) process. Any decision made by the Director of Community Development for an administrative conditional use would be appealable to the Planning and Zoning Commission. The new standards for administrative conditional uses are proposed below and would be easier to meet than the administrative variation standards. No administrative conditional use shall be granted by the Village unless the administrative conditional use:

- Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.
- Will not be injurious to the uses and enjoyment of other property in the neighborhood in which it is located.
- That in all other respects, the administrative conditional use conforms to the applicable regulations of the district in which it is located.

Staff proposes to change the relief mechanism for certain existing nonconforming accessory structures, from a minor variation to an administrative conditional use. Under this change, an existing nonconforming accessory structure is eligible for an administrative conditional use if the accessory structure meets the existing criteria under minor variations.

An example of when administrative conditional use approval for an existing nonconforming accessory structure might be sought is when a homeowner replaces an existing nonconforming patio that exceeds the maximum permitted lot coverage with a new patio that reduces the existing lot coverage but still exceeds the allowable limit by not more than 10%.

### Standard Conditional Uses to Include Fences and Accessory Structures

#### Fences

In the past seven years, there have been a total of nine fence variation requests. See **Table 4** below. Out of these nine requests, the Planning and Zoning Commission denied only one fence variation request (PZ-07-23) and disagreed with staff’s recommendation to approve a fence variation on another case (PZ-12-18). Since the Planning and Zoning Commission has historically approved most of these requests, staff proposes to change all fence requests in single-family residential districts to conditional uses. This would remove the burden on homeowners to prove a zoning hardship since the conditional use standards are easier to attain. The proposed change would meet the strategic plan goal of enabling property owners in single-family residential districts to improve their properties by eliminating unnecessary obstacles to such improvements. Fence petitions for nonsingle-family residential properties would remain as variations. Final authority for all fence petitions would remain with the Planning and Zoning Commission.

**Table 4: Fence Variation History in the Last 8 Years**

Zoning Case No.	Address	Request	Staff Rec.	P&Z Decision
PZ-16-17	101 Horner Ln	Fence Height: 11’ tall Fence Location: Front Yard	Approve	5-0 Approved
PZ-12-18	15-19 N. Elmhurst Rd	Fence Height: 8’ tall	Approve	0-6 Denied
PZ-09-19	1 S. Busse Rd	Fence Location: Exterior Side Yard	Approve	5-0 Approved
PZ-12-20	2004 W. Lonquist Bl	Fence Location: Front Yard	Approve	4-0 Approved
PZ-07-21	1650 Dempster St	Fence Height: 11’ tall with an additional 12” of Y-shaped barbed wire atop and four 16’ tall fence posts	Approve	5-0 Approved
PZ-03-22	1650 Greenbriar Dr	Fence Location: Front Yard	Approve	5-0 Approved
PZ-07-23	902 Willow Ln	Fence Location: Exterior Side Yard	Deny	4-0 Denied
PZ-08-23	900 Emerson Ct	Fence Location: Front Yard	Approve	4-0 Approved
PZ-10-23	201 W. Council Trl	Fence Location: Front Yard	Approve	4-0 Approved

### New Accessory Structures

Currently, any relief request to increase the size, height and location of accessory structures requires a variation. If the request is 25% or less of the zoning requirement, approval from the Planning and Zoning Commission is required; if it exceeds 25%, it requires approval from the Village Board. **Table 5** on the following page shows that in the last 20 years, the Village Board had final authority on only three variation requests out of thirteen requests related to accessory structures in single-family residential districts and that these requests were approved. Staff proposes to change all relief requests related to accessory structures in single-family residential districts to conditional uses for the same reasons stated under fences. The standards for conditional uses are easier to attain and would align with Goal 3 of the strategic plan. This change would not apply to existing nonconforming accessory structures, which were addressed previously and are proposed as administrative conditional uses and approved by the community development director.

The Planning and Zoning Commission would have final authority over all conditional use petitions for accessory structures.

**Table 5: Accessory Structure Variation History in the Last 20+ Years**

Zoning Case No.	Address	Request	Size (SF)	Staff Rec.	P&Z Rec./ Decision	VB Decision
PZ-11-02	306 N. Owen St	Detached Garage Size	770	Deny	6-0 Denied	N/A
PZ-24-02	915 S. Owen St		768	Deny	4-0 Approved	N/A
PZ-46-04	1310 Burning Bush Ln		750	Deny	4-3 Denied	N/A
PZ-28-07	1030 Linneman Rd		840	Deny	4-0 Approved	N/A
PZ-25-08	1504 Larch Ln	Shed Height	12'-0"	Deny	6-0 Denied	N/A
PZ-27-12	903 Ironwood Dr	Detached Garage Height	13'-3" (to midpoint of roof)	Deny	7-0 Approved	N/A
PZ-07-13	2008 Hopi Ln	Shed Location	In easement	Approve	7-0 Rec. Approval	5-0 Approved
PZ-08-16	214 N. Emerson St	Detached Garage Height	12'-10" to midpoint of roof	Deny	7-0 Approved	N/A
PZ-13-20	300 E. Evergreen Av	Detached Garage Size & Height	1047	Deny	2-2 Denied	6-0 Approved
PZ-05-21	707 See Gwun Av	Shed Size & Height	192 SF & 12'-3.5"	Approve	3-2 Approved	N/A
PZ-26-21	122 N. Emerson St	Detached Garage Size & Height	838 SF & 18'-3.375"	Approve	4-0 Approved	N/A
PZ-04-23	1306 Pima Ln	Detached Garage Size	792	Deny	5-0 Denied	N/A
PZ-12-24	2004 W. Lonquist Bl	Shed Location	In front yard	Approve	4-0 Rec. Approval	5-0 Approved

**Table 6** on the following page outlines the proposed final authority for both variations and conditional uses.

**Table 6: Final Authority Responsibility Matrix Under Proposed Amendments**

	Final Authority		
	Director of Community Development	Planning & Zoning Commission	Village Board
<b>VARIATIONS</b>	<b>Administrative</b>	<b>Standard</b>	<b>Standard</b>
Parking Requirements for Uses in Excess of 2,500 square feet in the B-5/B-5C Districts <sup>1</sup>	All	-	-
Fences in Nonsingle-Family Residential Districts		All	
Signs	-	All	-
All Other Chapter 14 Zoning requirements	-	≤25%	>25%
<b>CONDITIONAL USES</b>	<b>Administrative</b>	<b>Standard</b>	<b>Standard</b>
Existing Nonconforming Accessory Structures <sup>2</sup>	All	-	-
Relief from Accessory Structure Requirements in Single-Family Residential Districts	-	All	-
Setback Reductions in Required Yards in Single-Family Residential Districts	-	≤25%	>25%
Fences in Single-Family Residential Districts	-	All	-

- 1 No change from what is currently under the purview of the community development director’s authority as a minor variation.
- 2 Applicable structures shall: (i) be replaced with the same type of structure, (ii) do not exceed a total of two (2) accessory structures per lot of record, (iii) extend into no more than forty percent (40%) of the required interior side yard setback, and (iv) extend into no more than ten percent (10%) of the rear yard setback.

**14.201: ORGANIZATION (and in all other instances in the Zoning Code)**

Change all instances of “Minor variations” to “Administrative variations” and add “Administrative conditional uses”.

**14.203: PROCEDURES FOR ADMINISTRATIVE FUNCTIONS**

Staff proposes to create separate categories for administrative variations and administrative conditional uses under this section and to modify the list of eligible requests provided under the existing minor variations (now administrative variations) subsection to remove “existing nonconforming accessory structures”. Relief requests for existing nonconforming accessory structures meeting certain requirements will be eligible as administrative conditional uses rather than as minor variations under this amendment. Additionally, staff proposes a separate application process and submission requirements for administrative variation or administrative conditional use requests. New standards for administrative conditional uses are also proposed. The administrative hearing and appeals process for administrative variations and administrative conditional uses will also be outlined in this section.

**14.604: LAND USE TABLE 1**

The following land uses have been added as conditional uses to Section 14.604 Land Use Table 1 in the appropriate alphabetical locations: 1) relief requests for accessory structures in the R-X, R-1 and R-A single-family residential zoning districts, except for existing nonconforming accessory structures that are eligible for administrative conditional use approval; 2) relief requests for fences in the R-X, R-1 and R-A single-family residential zoning districts; and 3) existing nonconforming accessory structures as

administrative conditional uses. The planning and zoning commission will have final authority over items 1) and 2), and the director of community development will have final authority over item 3).

**14.2401: PURPOSE**

Staff proposes to add definitions of ACCESSORY STRUCTURE, ADMINISTRATIVE VARIATION, ADMINISTRATIVE CONDITIONAL USE and PERMITTED OBSTRUCTION in the appropriate alphabetical order.

**SUMMARY OF PROPOSED CHANGES TO THE ZONING CODE**

Staff is proposing a comprehensive update to the zoning code. The following attachments contain the redlined code sections:

- Attachment A: Chapter 14, Article 2 – Administration and Enforcement
- Attachment B: Chapter 14, Article 3 – Section 14.304.1 Design Standards
- Attachment C: Chapter 14, Article 3 – Section 14.306 Accessory Structures
- Attachment D: Chapter 14, Article 6 – Section 14.604 Land Use Table 1
- Attachment E: Chapter 14, Article 22 – Section 14.2204 Residential Driveways
- Attachment F: Chapter 14 Article 24 – Section 14.2401 Definitions

The proposed text amendments are contained in the attached documents. Modifications to each of the chapters are indicated as **deletions** and **additions**.

**STANDARDS FOR TEXT AMENDMENTS**

The Planning and Zoning Commission shall review the standards and findings of fact outlined in **Exhibit A** and 1) accept them without changes, 2) accept them with changes, or 3) reject the findings. The Planning and Zoning Commission shall use the findings of fact to guide their recommendation to the Village Board.

**STAFF RECOMMENDATION**

The proposed text amendments meet the standards contained in Section 14.203(D) of the Zoning Ordinance. Staff requests that the Planning and Zoning Commission make a motion to adopt staff’s findings as the findings of the Planning and Zoning Commission and recommend approval of the following motion:

1. “To adopt the text amendments to Chapter 14 of the Mount Prospect Village Code.”

The Village Board’s decision is final.


ATTACHMENTS:

**ADMINISTRATIVE CONTENT**  
 (Zoning Request Application, Responses to Standards, etc...)

**PLANS**  
 (Plat of Survey, Site Plan, etc.)

**OTHER**  
 (Supplemental Information, Public Comments Received, etc...)

I concur:

  
 Jason C Shallcross, AICP, CEcD  
 Director of Community Development

**Exhibit A**  
**Standards and Findings of Fact**

**TEXT AMENDMENT STANDARDS**

Section 14.203.D.8.b of the Village of Mount Prospect Zoning Ordinance provides that when a text amendment is proposed, the planning and zoning commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. The degree to which the proposed amendment has general applicability within the village at large and not intended to benefit specific property.
2. The consistency of the proposed amendment with the objectives of this chapter and the intent of the applicable zoning district regulations.
3. The degree to which the proposed amendment would create nonconformity.
4. The degree to which the proposed amendment would make this chapter more permissive.
5. The consistency of the proposed amendment with the comprehensive plan.
6. The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitioners involving similar circumstances.

Staff's Findings: The proposed text amendments have general applicability to the single-family residential districts within the Village of Mount Prospect at large and are not intended to benefit a specific property. The proposed text amendments are in line with the Village requirement that the Planning and Zoning Commission and the Village Board review the effectiveness of the Village's Zoning Ordinance on an annual basis. The proposed changes are intended to reflect current Village objectives as outlined in the Comprehensive Plan. The proposed amendments further implement an Action Item identified under Goal 3 of the Village's 2024–2029–2039 Strategic Plan and continue work listed as “In Progress” under the 2025–2030–2040 Strategic Plan, including the evaluation of zoning regulations to promote single-family residential neighborhoods. “Common Residential Zoning Conflicts (Accessory Structures, Driveways, Relief Process) Text Amendments”, the completion of “Current Zoning Regulations to Promote Single-Family Residential Neighborhoods” and “Monotony for New Detached Single-Family Residential Policy” are all listed as Action Items in Progress under the Village's 2025-2030-2040 Strategic Plan. The proposed text amendment are intended to modernize and clarify zoning regulations affecting single-family residential neighborhoods, eliminate unnecessary regulatory obstacles, improve administrative efficiency, and better align the Zoning Ordinance with current development patterns, community expectations, and adopted Village policy direction.

Based on the foregoing, staff finds that the proposed amendments satisfy the standards as required in Section 14.203(D) of the Zoning Ordinance and recommends approval of the text amendments.

**Exhibit B**  
**Size of Detached Garages**  
**Comparison of Neighboring Municipalities**

<b>Maximums for Detached Garage</b>	<b>Height</b>	<b>Area</b>
Mount Prospect	15'	672 SF (32' x 21')
Arlington Heights	15'	720 SF
Elk Grove Village	15'	600 SF, no side may exceed 25'
Des Plaines	15'	720 SF
Park Ridge	18' >15' requires appeal to appearance commission	720 SF
Prospect Heights	15'	720 SF
Wheeling	Cannot exceed height of principal structure, up to 24'	800 SF
Palatine	15' to midpoint of roof	

**Exhibit C**  
**Driveway Width**  
**Comparison of Neighboring Municipalities**

<b>Width of Driveway Requirements in Neighboring Communities</b>					
	<b>1-car garage</b>	<b>2-car garage</b>	<b>3-car garage</b>	<b>Setback from Property Line</b>	<b>Apron Width</b>
<b>Mount Prospect</b>	26'	26'	As wide as garage up to 33', taper to 26'	0'	As wide as driveway at property line
<b>Palatine</b>	30', taper to 25'	30', taper to 25'	35', taper to 25'	2'	
<b>Arlington Heights</b>	22'	22'	32', taper to 22'	>70' lot – setback 3'	
<b>Prospect Heights</b>	22' at property line	22' at property line	22' at property line		28'
<b>Elk Grove Village</b>	20'	30'	30'		26' (single) or 36' (2- or 3-car garage); Min. 2' and max. 3' flare at curb
<b>Des Plaines</b>	20'	23'	26'	2'	Match driveway
<b>Park Ridge</b>	Detached – as wide as garage for 20', then taper down to 12' Attached – as wide as garage				
<b>Wheeling</b>	No wider than garage, plus a 4' walkway				
<b>Recommendation</b>	30'	30'	30'	0	



Village of Mount Prospect  
 Community Development Department  
 50 S. Emerson Street  
 Mount Prospect, Illinois 60056  
 Phone: (847) 818-5328

## Zoning Request Application

<b>Official Use Only (To be completed by Village Staff)</b>		
Case Number: P&Z -	<u>01</u> - <u>26</u>	Date of Submission: <u>08/01/2024</u> Hearing Date: <u>02/26/2026</u>
Project Name/Address: <u>ZONING CODE UPDATES</u>		

<b>I. Subject Property</b>	
Address(es): <u>50 S. EMERSON STREET, MOUNT PROSPECT IL 60056</u>	
Zoning District (s): <u>N/A</u>	Property Area (Sq.Ft. and/or Acreage): <u>N/A</u>
Parcel Index Number(s) (PIN(s): <u>N/A</u>	

<b>II. Zoning Request(s) (Check all that apply)</b>	
<input type="checkbox"/> Conditional Use: For _____	
<input type="checkbox"/> Variation(s): To _____	
<input type="checkbox"/> Zoning Map Amendment: Rezone From _____ To _____	
<input checked="" type="checkbox"/> Zoning Text Amendment: Section(s) <u>Chapter 14</u>	
<input type="checkbox"/> Other: _____	

<b>III. Summary of Proposal (use separate sheet if necessary)</b>
See attached memo.

<b>IV. Applicant (all correspondence will be sent to the applicant)</b>	
Name: <u>Jason C. Shallcross</u>	Corporation: <u>Village of Mount Prospect</u>
Address: <u>50 S. Emerson Street</u>	
City, State, ZIP Code: <u>Mount Prospect, IL 60056</u>	
Phone: <u>847-818-5328</u>	Email: <u>comdev@mountprospect.org</u>
Interest in Property: <u>Director of Community Development</u> (e.g. owner, buyer, developer, lessee, architect, etc...)	

V. Property Owner	
<input type="checkbox"/> Check if Same as Applicant	
Name: <u>  N/A  </u>	Corporation: _____
Address: _____	
City, State, ZIP Code: _____	
Phone: _____	Email: _____

In consideration of the information contained in this petition as well as all supporting documentation, it is requested that approval be given to this request. The applicant is the owner or authorized representative of the owner of the property. The petitioner and the owner of the property grant employees of the Village of Mount Prospect and their agent's permission to enter on the property during reasonable hours for visual inspection of the subject property.

I hereby affirm that all information provided herein and in all materials submitted in association with this application are true and accurate to the best of my knowledge.

Applicant:   *Jason C. Shallcross*   Date:   8/01/2024    
 (Signature)  
  Jason C. Shallcross    
 (Print or Type Name)

If applicant is not property owner:

I hereby designate the applicant to act as my agent for the purpose of seeking the zoning request(s) described in this application and the associated supporting material.

Property Owner:   N/A   Date: \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Print or Type Name)



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 14 “ZONING” OF THE VILLAGE CODE OF THE VILLAGE OF MOUNT PROSPECT, ILLINOIS**

**WHEREAS**, the Village of Mount Prospect is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the President and Board of Trustees of the Village of Mount Prospect desire to make certain amendments to the Village Code of Mount Prospect as set forth below; and

**WHEREAS**, pursuant to the authority granted under the Illinois Municipal Code and in accordance with home rule authority granted to home rule municipalities, the President and Board of Trustees of the Village of Mount Prospect approve the amendments as set forth below.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS:**

**SECTION 1:** Section 14.202, “Organization,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

The administration of this chapter is hereby vested in the following elected and appointed boards and professional staff:

Village board of trustees  
Planning and zoning commission  
Director of community development

The administrative functions of this chapter are as follows:

Zoning compliance reviews  
Issuance of certificates of occupancy  
Variations  
Text and map amendments  
Appeals  
Conditional uses  
Public hearings  
Fees and penalties  
Administrative variations  
Administrative conditional uses

**SECTION 2:** Subsection A (1) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

1. Receive recommendations from the planning and zoning commission concerning all text and map amendments, certain conditional use permits, certain variations and to approve or disapprove any such recommendation from the planning and zoning commission.

**SECTION 3:** Subsection B (1) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to

Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

1. To hear petitions for certain variations, certain conditional use permits, map and text amendments and prepare recommendations to the village board regarding such petitions.

**SECTION 4:** Subsection B (2) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

2. To hear and decide as final administrative authority, all petitions for fence variations, all conditional use petitions for fences in the R-X, R-1, and R-A zoning districts, conditional use petitions for accessory structures in the R-X, R-1, and R-A zoning districts, and conditional uses for residential setback reductions in the R-X, R-1, and R-A zoning districts which do not exceed twenty five percent (25%) of any requirement of this chapter. The planning and zoning commission shall also hear and decide variations which do not exceed twenty five percent (25%) of any requirement of this chapter. The planning and zoning commission shall not hear and decide as final administrative authority any petitions for administrative variations and/or administrative conditional uses.

**SECTION 5:** Subsection C (2) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to

Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

2. Forward to the planning and zoning commission all applications for appeals; variations, except for administrative variations; conditional uses, except for administrative conditional uses; map or text amendments; or other matters on which the planning and zoning commission is required to review under this chapter.

**SECTION 6:** Subsection C (4) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

4. Maintain possession of appropriate records and files pertaining to the zoning ordinance, including, but not limited to, zoning maps, amendments, conditional uses, administrative conditional uses, variations, administrative variations, and appeals.

**SECTION 7:** Subsection C (9) of Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

9. Conduct administrative hearings and make final determinations on administrative variations and administrative conditional uses.

**SECTION 8:** Section 14.202, “Administrative Bodies and Specific Duties,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended to add subsection (D) as follows:

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D. TABLE OF ADMINISTRATIVE BODIES AND SPECIFIC DUTIES:

	Final Authority		
	Director of Community Development	Planning & Zoning Commission	Village Board
<b>VARIATIONS</b>	Administrative	Standard	Standard
Parking requirements for uses in excess of 2,500 square feet in the B-5/B-5C districts	All	-	-
Fences in nonsingle-family residential districts	-	All	-
Sign variations	-	All	-
All other Chapter 14 zoning requirements	-	≤25%	>25%
<b>CONDITIONAL USES</b>	Administrative	Standard	Standard
Existing nonconforming accessory structures <sup>1</sup>	All	-	-
Relief from accessory structure requirements in single-family residential districts	-	All	-
Setback reductions in required yards in single-family residential zoning districts	-	≤25%	>25%
Fences in single-family residential districts	-	All	-

1 Applicable structures shall: (i) be replaced with the same type of structure, (ii) not exceed a total of two (2) accessory structures per lot of record, (iii) extend into no more than forty percent (40%) of the required interior side yard setback, and (iv) extend into no more than ten percent (10%) of the rear yard setback.

**SECTION 9:** The heading of Subsection C of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended to read as follows:

C. Variations and Administrative Variations:

**SECTION 10:** Subsection C (1) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

1. Intent: Variations shall be granted or recommended for approval only where the planning and zoning commission, or in the case of administrative variations, the director of community development, makes findings of fact in accordance with the standards set forth in this chapter, and further finds that the regulations of this chapter will impose practical difficulties or particular hardships on the petitioner in carrying out the strict letter of the regulations of this chapter.

**SECTION 11:** Subsection C (2) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

2. Authority: The director of community development may, after an administrative hearing, grant an administrative variation as provided in

this chapter. The planning and zoning commission may, after a public hearing, grant or recommend for approval a variation in harmony with the general purpose and intent of this chapter.

**SECTION 12:** Subsection C (3) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

3. Initiation: An application for an administrative variation or variation may be made by any person, firm, other entity, corporation, or by any governmental entity requesting or intending to request application for a building permit.

**SECTION 13:** Subsection C (4) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

4. Filing Of Applications: An application for an administrative variation or variation shall be filed with the director of community development on forms obtained from the community development department. Such form shall include all information necessary for processing the request, including, but not limited to, a statement on specific hardship, the extent of variation requested, legal description of subject property, survey, site plan, appropriate proof of ownership, or proof of authority. The application form may be revised from time to time. The application shall be filed with the appropriate fee in an amount established by the board of trustees.

**SECTION 14:** Subsection C (5) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

5. Public Hearing: Public hearings for variations and administrative variations shall be held in compliance with state statutes and provisions of this chapter as described in subsection G or subsection H of this section.

**SECTION 15:** Subsection C (6) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

6. Action By Planning And Zoning Commission: The planning and zoning commission shall hear and decide as final administrative authority, all petitions for fence variations in nonsingle-family residential districts and variations which do not exceed twenty five percent (25%) of any requirement of this chapter.

The planning and zoning commission shall make recommendations to the village board on all variations which are more than twenty-five percent (25%) of any requirement of this chapter.

In all petitions for variations, the planning and zoning commission shall make findings of fact based on the standards listed in subsection C9 of this chapter. In all petitions for administrative variations, the planning

and zoning commission shall make findings of fact based on the standards listed in subsection C11c of this chapter.

**SECTION 16:** Subsection C (11) of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

11. Administrative Variations:

a. **Action By Director Of Community Development:** The director of community development shall consider the following administrative variations and may either administratively approve or remand to the Planning and Zoning Commission for further action. The following types of relief are eligible as administrative variations, and requests that are not included in this eligibility list may apply for a standard variation:

(1) Parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district.

b. **Filing of Application:** All applications for administrative variations shall be made on an appropriate application form provided by the Village. The application for administrative variations shall be filed and processed in the manner prescribed for variations and shall be accompanied by the following information:

(1) Said application shall contain the following information:

- (A) Zoning Request Application / Petition for Hearing;
- (B) Affidavit of Ownership;

- (C) Proof of Ownership;
- (D) Paid receipt of the most recent tax bill;
- (E) Responses to applicable standards;
- (F) Plat of Survey;
- (G) Site plan;
- (H) Building elevation(s), existing and proposed, if applicable;
- (I) Floor plans, if applicable;
- (J) Preliminary engineering plans, if applicable;
- (K) Legal description of the subject property;
- (L) Any other information deemed necessary by the Village.

c. Standards for Administrative Variations:

(1) For an administrative variation request considering a reduction in the minimum number of required parking spaces in the B-5 central commercial district and B-5C core central commercial district, the director of community development shall make findings of fact based on the petition and public input according to the following standards:

(A) Whether the requested relief will be out of character with the neighborhood.

(B) Whether there are other properties within the same zoning district, which have received a variation from the same regulation.

(C) Whether there is public parking available within one thousand feet (1,000').

(D) Whether there is public transit (e.g., train station) available within one thousand feet (1,000').

(E) Whether there are adjacent land uses with different peak parking demand periods based on the hours of operations.

(F) Whether there is a shared parking agreement/valet service provided.

d. Hearings: Administrative hearings shall be held for administrative variations in compliance with the provisions as described in subsection H of this section.

e. Administrative Approvals: Administrative variations adhering to the application submittal requirements and ordinance requirements may be administratively approved as follows:

(1) After the administrative variation application is submitted and reviewed by the various Village departments, the director of community development will indicate if the applicant may proceed forward with seeking approval of the requested relief with the sign-off approval of the surrounding property owners.

(2) In all cases where the director of community development grants an administrative variation, an authorizing determination shall be prepared that may set forth the terms for operation of the conditional use. The village clerk shall record the authorizing determination with the county recorder of deeds.

f. Appeal Of Director Of Community Development Decision: Any individual may file an appeal of the decision of the director of community development regarding an administrative variation with the planning and zoning commission. Such appeal shall be filed

with the director of community development within five (5) calendar days of the director's decision.

12. **Additional Restrictions:** In the granting of a variation or administrative variation, additional conditions and restrictions may be placed upon the premises, which are necessary to comply with the standards listed above and the objectives of this chapter.

13. **Revocation:** Where a variation or administrative variation has been granted pursuant to the provisions of this chapter, such approval shall become null and void unless a building permit is issued and work is substantially under way within twelve (12) months of the date of the variation, unless the variation approval is extended by the planning and zoning commission or the administrative variation approval is extended by the director of community development.

14. **Effect Of Denial Of Proposal:** No application for a variation which has been denied by the planning and zoning commission or village board or for an administrative variation which has been denied by the director of community development shall be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of change of condition found to be valid by the director of community development.

**SECTION 17:** Subsection F of Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

F. **Conditional Uses and Administrative Conditional Uses:**

1. Intent And Applicability: The development and administration of this chapter is based upon the village being divided into zoning districts within which the use of land and buildings and the bulk and location of buildings and structures is substantially uniform. However, it is recognized that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration of the impact of those uses upon adjoining properties and their impact on the neighborhood in general. Such conditional uses fall into two (2) categories:

a. Uses publicly operated or uses traditionally promoting a public interest or benefit.

b. Uses entirely private in character but of a nature that their operation may present a different impact upon adjoining properties or the neighborhood in general.

2. Authority: Except as otherwise provided in subsection F10 of this section, the planning and zoning commission shall convene a public hearing on a conditional use application. The planning and zoning commission shall prepare findings of fact based on evidence presented addressing required standards, and submit a recommendation on an application to the village board for their review and final decision.

3. Initiation: Any person, firm, corporation, office or other legal entity having ownership interest in land, or a contractual interest that may become an ownership interest, may file an application with the consent of the property owner.

4. Filing Of Application: An application for a conditional use shall be filed with the director of community development on forms obtained from the community development department. Except as otherwise provided in subsection F10 of this section, the director shall, upon receiving a complete application for a conditional use, forward the application, along with other

data considered important by the director, to the planning and zoning commission for their review and recommendation to the village board.

5. Public Hearings: Public hearings for conditional uses and administrative conditional uses shall be held in compliance with state statutes and provisions of this chapter as described in subsection G or subsection H of this section.

6. Recommendation By The Planning And Zoning Commission: Except as otherwise provided in subsection F10 of this section, the director of community development shall submit the written recommendation of the planning and zoning commission on an application for a conditional use to the village board within thirty (30) days of conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of the applicant and the director of community development.

For petitions for conditional uses involving any of the following in the R-X, R-1, and R-A zoning districts:

- a. Residential setback reductions in any yard that do not exceed twenty-five percent (25%) of the applicable setback requirements of this chapter;
- b. Relief from the accessory structure requirements; and
- c. Fence petitions;

the Planning and Zoning Commission shall hear and decide such petitions as the final administrative authority. The planning and zoning commission shall make recommendations to the village board on all conditional uses involving residential setback reductions in all yards in the R-X, R-1, and R-A zoning districts that exceed twenty five percent (25%) of the setback requirement(s) of this chapter.

## 7. Action By The Village Board:

a. The village board shall not act upon a proposed conditional use until it has received a written report and recommendation from the planning and zoning commission provided by the director of community development.

b. The village board may approve a conditional use by ordinance, deny, or refer back to the planning and zoning commission for further review. The village board may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use, as is deemed necessary for the protection of adjoining properties and the neighborhood in general and the public interest.

c. In all cases where the village board permits a conditional use, the authorizing ordinance shall specifically set forth the terms for operation of the conditional use.

d. Any conditional use which fails to receive a favorable recommendation from the planning and zoning commission shall not be granted by the village board unless there is a concurring vote of five (5) if all seven (7) members of the corporate authorities are present and voting, and a concurring vote of four (4) if less than seven (7) members of the corporate authorities are present and voting.

8. Standards For Conditional Uses: Except as otherwise provided in subsection F10 of this section, no conditional use shall be recommended for approval by the planning and zoning commission unless it finds:

a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

b. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already

permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located;

c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

d. That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

f. That the proposed conditional use is not contrary to the objectives of the current comprehensive plan for the village; and

g. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the planning and zoning commission.

9. Conditions And Guarantees: Except as otherwise provided in subsections F6 and F10 of this section, in all cases where conditional uses are granted, and conditions regulating the use are established as described in subsection F8 of this section, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditional use complies with all regulating conditions.

#### 10. Administrative Conditional Uses.

a. Action By Director Of Community Development: The director of community development shall consider the following administrative conditional uses and may either administratively approve or remand to the Planning and Zoning Commission for further action. The following types of relief are eligible as administrative conditional uses:

(1) Existing nonconforming accessory structures:

(A) Applicable Structures:

- (i) Will be replaced with the same type of structure,
- (ii) Do not exceed a total of two (2) accessory structures per lot of record,
- (iii) Extend into no more than forty percent (40%) of the required interior side yard setback,
- (iv) Extend into no more than ten percent (10%) of the rear yard setback, or
- (v) Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%).

b. Filing of Application: All applications for administrative conditional uses shall be made on an appropriate application form provided by the Village. The application for administrative conditional uses shall be filed and processed in the manner prescribed for conditional uses and shall be accompanied by the following information:

(1) Said application shall contain the following information:

- (A) Zoning Request Application / Petition for Hearing;
- (B) Affidavit of Ownership;
- (C) Proof of Ownership;
- (D) Paid receipt of the most recent tax bill;
- (E) Responses to applicable standards;
- (F) Plat of Survey;
- (G) Site plan;
- (H) Building elevation(s), existing and proposed, if applicable;
- (I) Floor plans, if applicable;

- (J) Preliminary engineering plans, if applicable;
- (K) Legal description of the subject property;
- (L) Any other information deemed necessary by the Village.

c. Standards for Administrative Conditional Uses. No administrative conditional use shall be granted by the Village unless the administrative conditional use:

(1) Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

(2) Will not be injurious to the uses and enjoyment of other property in the neighborhood in which it is located.

(3) That in all other respects, the administrative conditional use conforms to the applicable regulations of the district in which it is located.

d. Administrative conditional uses adhering to the application submittal requirements and ordinance requirements may be administratively approved as follows:

(1) After the administrative conditional use application is submitted and reviewed by the various Village departments, the director of community development will indicate if the applicant may proceed forward with seeking approval of the requested relief with the sign-off approval of the surrounding property owners.

(2) In all cases where the director of community development grants an administrative conditional use, an authorizing determination shall be prepared that may set forth the terms for operation of the conditional use. The village clerk shall record the authorizing determination with the county recorder of deeds.

e. Appeal Of Director Of Community Development Decision: Any individual may file an appeal of the decision of the director of community

development regarding an administrative conditional use with the planning and zoning commission. Such appeal shall be filed with the director of community development within five (5) calendar days of the director's decision.

11. Effect Of Denial Of Application: No application for a conditional use which has been denied by the village board shall be resubmitted for a period of one year from the date of denial, except on the grounds of new factual evidence, or a change in conditions which would alter the concept or intent of the request. Such changes may include reductions in density or building height, changes in land use and road standards and alignment, or conditions which would have a positive effect on surrounding property, and serve to address the circumstances of the denial of the original application. Such change or new evidence must be reviewed and acknowledged by the director of community development before a new application can be submitted for a public hearing.

12. Revocation:

a. In any case where the construction of an approved conditional use is not substantially under way, or if a use is not established or commenced in the building within one year from the date of granting thereof, and completed within eighteen (18) months, then, without further action by the village board, the conditional use or authorization thereof shall be null and void.

b. A conditional use may be revoked if conditional use as established or constructed on the site does not conform to the established conditions for approval. The director of community development will be responsible for advising the village board of any violations and the village board may then authorize the planning and zoning commission to schedule a public hearing to consider revoking the conditional use permit. After conducting the public hearing, the planning and zoning commission shall

then prepare a written report and recommendation to submit to the village board. Upon receipt of the planning and zoning commission report, the village board shall then render a final judgment regarding rescinding the conditional use permit and accompanying ordinance.

13. Expiration And Transferability: The conditional use shall expire if the conditional use shall cease for more than twelve (12) months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

14. Modification Or Intensification: Any modification or intensification of a conditional use which alters the essential character or operation of the use in a way not intended at the time the conditional use was granted shall require a new conditional use permit. Such conditional use permit shall be applied for prior to any modification of the use or property. The director of community development shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the director of community development with all the necessary information related to the conditional use to render this determination.

**SECTION 18:** Section 14.203, “Procedures For Administrative Functions,” of Article II, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended by adding a new subsection H and the heading of the existing subsection H of Section 14.203, “Procedures For Administrative Functions,” of Article III, “Administration and Enforcement,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended and shall read as follows:

## H. Administrative Hearing Procedures:

(1) Upon receipt of an application for an administrative variation or an administrative conditional use, the director of community development shall review the application for completeness and assign a case number to the request.

(2) For all applications for administrative variations or administrative conditional uses, the department of community development shall provide a list of all owners of record of property lying within one hundred feet (100'), exclusive of right of way width, of the parcel subject to the public hearing. The director of community development shall cause a copy of the public notice to be mailed to all property owners on the list no more than thirty (30) days nor less than seven (7) days prior to the hearing.

(3) An administrative notice shall contain the case number assigned to the application, the address of the property, a brief statement on the nature of the administrative variation or administrative conditional use, the name and address of the property owner, the petitioner and their legal representative, and the date, time and location of the administrative hearing.

(4) For all applications for an administrative variation or administrative conditional use, the director of community development shall also cause one or more signs to be posted on the property, which is the subject of the administrative hearing.

(5) The number and location of signs shall be determined by the director of community development.

(6) The sign must be a minimum of thirty inches by thirty inches (30" x 30") in size, having letters a minimum of two inches (2") high, and contain the following information:

(A) The fact that an administrative hearing that affects the subject property will be held, with direction to interested members of the general public to call the office of the community development director for further information concerning date, time and place and subject matter of said administrative hearing.

(B) Any interested person may appear and be heard at the hearing and such appearance may be made in person, by agent (if a corporation), or in writing.

I. Administrative Site Plan Review:

**SECTION 19:** Subsection B of Section 14.304.1, "Design Standards," of Article III, "General Provisions," to Chapter 14, "Zoning" to the Mount Prospect Village Code shall be amended by adding a new sub-subsection (3) and new sub-subsection (4) as follows:

3. Architectural Diversity: To promote architectural diversity and avoid repetitive building patterns, no detached single-family dwelling constructed within a residential subdivision approved after the effective date of this ordinance, or constructed as new principal residential construction on an individual lot, shall be similar in appearance to any other detached single-family dwelling located on the same street within a distance of two (2) lots in either direction of the subject lot.

For purposes of this subsection, the term “constructed” shall mean the erection of a new principal detached single-family dwelling and shall not include:

- Additions to an existing dwelling;
- Exterior renovations or façade modifications to an existing dwelling;

or

- Interior remodeling.

This subsection shall not apply retroactively to dwellings legally existing as of the effective date of this ordinance.

a. Definition of “Similar in Appearance”: For purposes of this subsection, two detached, single-family dwellings shall be considered similar in appearance if they are identical or nearly identical with respect to any three (3) or more of the following architectural characteristics:

- (1) Primary roof form, including the dominant roof type (gable, hip, mansard, gambrel, flat, or combination);
- (2) Roof height, measured from finished grade to the peak, within a tolerance of +/- 2 feet;
- (3) Front-facing massing, defined as the approximate height and width of the primary front wall plane closest to the front lot line;
- (4) Overall front-elevation form, including the predominant silhouette and massing as viewed from the street;
- (5) Fenestration pattern, including the relative location, arrangement, and size of windows on the front elevation;

(6) Garage configuration, including the location, orientation, and dimensions of garage doors visible from the street; and

(7) Primary exterior siding materials on the front elevation wall planes (e.g., brick veneer, horizontal siding, board-and-batten, shakes, or similar materials).

b. Characteristics Not Constituting Dissimilarity: The following characteristics, standing alone, shall not be deemed sufficient to establish dissimilarity between dwellings:

(1) Variations in color;

(2) Variations in roofing material;

(3) Addition or deletion of minor decorative elements (including, but not limited to, dormers, cupolas, bay windows, belt courses, fan lights, chimneys, or ornamental features);

(4) Reversal of plan orientation (right-hand/left-hand orientation);

(5) Variation in window styles; and

(6) Variations in height, width, or length measurements of less than five percent (5%), unless otherwise specified herein.

c. Submission and Approval Requirements: Prior to issuance of any building permit within a subdivision, the applicant shall submit:

(1) A proposed set of building elevations for all planned home models; and

(2) A streetscape diagram or lot assignment plan demonstrating compliance with the spacing requirement established in this subsection.

The Director of Community Development shall review the submitted elevations and lot assignments for compliance with the requirements of this subsection. Approved elevations and lot assignments shall be binding upon subsequent building permit reviews.

4. Stucco or engineered stucco systems shall comply with the regulations stipulated in section 21.229 of the building code.

**SECTION 20:** Subsection A of Section 14.306, “Accessory Structures,” of Article III, “General Provisions,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

A. General Requirements: The following restrictions on accessory buildings, structures and uses apply to all zoning districts, unless otherwise provided for in this chapter:

1. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the time of construction of a principal building.

2. Yard Requirements: No accessory building, structure or use shall be located in a required front yard, required side yard or exterior side yard, unless otherwise provided for in this chapter.

3. Height Requirements:

a. Residential And Commercial Districts: No detached garage or gazebo shall exceed a maximum height of fifteen feet (15'). No other accessory building/structure shall exceed ten feet (10') in height.

b. Industrial, Office Research And Conservation Recreation Districts: No accessory building/structure shall exceed twenty feet (20') in height.

4. Separation Between Buildings:

a. A detached accessory building or structure shall be located no closer to the principal building than three feet (3'). Detached garages located between three feet (3') and ten feet (10') from a principal building shall be provided with a five- eighths inch (5/8") drywall finish on the interior walls and ceiling.

b. For single-family residential properties in the R-X, R-1 and R-A zoning districts only, any structure permanently attached to the principal structure is no longer considered an accessory structure pursuant to article XXIV of this chapter and shall meet the bulk requirements of the zoning district for principal structures, unless otherwise listed as a permitted obstruction in section 14.319 of this article.

c. For single-family residential properties in the R-X, R-1 and R-A zoning districts only, any structure permanently attached to an accessory structure is considered part of the accessory structure and shall meet the bulk requirements for accessory structures, unless otherwise listed as a permitted obstruction in section 14.319 of this article.

d. Aboveground swimming pools are permitted to attach to a deck if all required rear and side yard setbacks are met and the deck is designed with a gate between the deck and pool and access is provided to the yard from the deck.

e. Pergola support columns shall be located no closer to the principal building than three feet (3').

5. Number Of Accessory Structures: The maximum number of accessory structures shall not exceed two (2) such structures per zoning lot. Swimming pools and structures listed as permitted obstructions in section 14.319 of this article are exempt from the total number of accessory structures.

6. Shed and Garage Restrictions:

a. A shed shall not be utilized to store motor vehicles or as office, work or living space. The storage of household items, equipment to maintain the property and small recreational equipment is permitted.

b. A detached garage shall not be utilized as office, work or living space. The storage of motor vehicles, household items, equipment to maintain the property and small recreational equipment is permitted.

7. Roof Pitch: No accessory structure shall have a roof pitch of less than three to twelve (3:12). Pergolas, arbors, and accessory structures in the I-1 Limited Industrial and C-R Conservation Recreation zoning districts shall be exempt from this requirement.

8. No accessory structure shall be used for residential living quarters.

**SECTION 21:** Subsection B (1) of Section 14.306, “Accessory Structures,” of Article III, “General Provisions,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended in its entirety to read as follows:

B. Restrictions In Residential Districts:

1. Maximum Size:

a. A detached private garage may be no larger than seven hundred twenty (720) square feet.

b. A shed, gazebo, pergola, greenhouse, or other similar accessory structure may be no larger than two hundred (200) square feet).

**SECTION 22:** Land Use Table 1: “Residential and Recreational Zoning Districts” of Section 14.604, “Land Use Tables,” of Article VI, “Zoning Districts,” to Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended to add “Existing nonconforming accessory structures” as an administrative conditional use in the R-X, R-1 and R-A zoning districts, “Relief from accessory structure requirements, except for certain existing nonconforming accessory structures” and “Relief from fence requirements” as new conditional uses in the R-X, R-1 and R-A zoning districts, and a new footnote 3 in the Notes section below Land Use Table 1:

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Land Use	C-R	R-X	R-1	R-A	R-2	R-3	R-4
Existing nonconforming accessory structures Applicable structures: (i) Will be replaced with the same type of structure, (ii) Do not exceed a total of two (2) accessory structures per lot of record, (iii) Extend into no more than forty percent (40%) of the required interior side yard setback, (iv) Extend into no more than ten percent (10%) of the rear yard setback, or (v) Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%).		C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>			
Relief from accessory structure requirements, except for certain existing nonconforming accessory structures		C	C	C			
Relief from fence requirements		C	C	C			

Notes:

1. Permitted in limited circumstances. A conditional use shall be required if the following circumstances apply:
  - a. A residential dwelling unit is being converted to the proposed use so as to be the principal use of the structure; or
  - b. A new building or structure is to be constructed on property less than 40,000 square feet not currently in use for the proposed use.
2. Residential setback reductions below 5 feet may trigger additional building code requirements including, but not limited to, fire-rated walls, limitation on projections, and opening in walls. Any zoning relief granted through the conditional use shall adhere to Chapter 21 Building Code of the Municipal Code.
3. Administrative conditional use approval is required.

**SECTION 23:** Subsection A (6) through A (9) of Section 14.2204,

“Residential Driveways,” of Article XXII, “Off Street Parking and Loading,” to

Chapter 14, “Zoning” to the Mount Prospect Village Code shall be amended to read as follows:

6. Attached Garages: Driveways serving attached garages shall not exceed thirty feet (30’) in width unless otherwise regulated elsewhere in this chapter and shall taper to a width no greater than twenty-six feet (26’) at the property line.

a. Driveways In Front Of Houses: The portion of a driveway located in front of the house shall not extend more than three feet (3’) beyond the point where the garage meets the house, measured along the front plane of the house. Circular driveways, dual-frontage lots, and driveways serving side-loaded garages are exempt from this requirement.

b. Driveways serving three (3) car attached garages may be the same width as the garage, not to exceed a maximum width of thirty-three feet (33’) and shall taper to a width no greater than twenty-six feet (26’) at the property line.

7. Detached Garages: Driveways serving detached garages shall not exceed thirty feet (30’) in width unless otherwise regulated elsewhere in this chapter and shall taper to a width no greater than twenty-six feet (26’) at the property line.

a. Driveways In Front Of Houses: The portion of a driveway located in front of the house shall not extend more than three feet (3’) beyond the closest plane of the house, measured along the front plane of the house.

b. Driveways Serving Three Car Detached Garages: Driveways serving three-car detached garages may be the same width as the garage not to exceed a maximum width of thirty-three feet (33’) and shall taper to a width no greater than twenty-six feet (26’) at the property line. Maximum measurement shall be taken from garage's edge farthest from the side lot line, running parallel to the garage facade.

8. Vehicle Turnaround Pads: Driveways fronting onto a major arterial street, as defined in the Village's comprehensive plan, may provide a vehicle turnaround pad no larger than twelve feet (12') in depth as measured parallel to the front lot line, and ten feet (10') in width as measured perpendicular to the front lot line. The vehicle turnaround pad shall be located entirely on the property, perpendicular to the driveway, and at least fifteen feet (15') from the principal structure. The turnaround pad may be in addition to the overall permitted driveway width.

9. Driveways Serving Side Load Garages: Driveways serving side load garages shall not exceed thirty feet (30') in width and shall taper to a width no greater than twenty-six feet (26') at the property line. Measurements for driveway width shall be taken parallel to the front lot line, no closer to the right of way than two feet (2') from the required front yard setback line.

**SECTION 24:** Section 14.2401, "Purpose," of Article XXIV, "Definitions," to Chapter 14, "Zoning," to the Mount Prospect Village Code shall be amended to modify the existing definition of "ACCESSORY STRUCTURE" and to add the new definitions of "ADMINISTRATIVE CONDITIONAL USE", "ADMINISTRATIVE VARIATION" and "PERMITTED OBSTRUCTION" in the appropriate alphabetical locations as follows:

**ADMINISTRATIVE CONDITIONAL USE:** A category of conditional use for single-family residential zoning districts which may be approved administratively by the Village of Mount Prospect, in conjunction with a submitted application, site plan, and all of the necessary requirements as required by the zoning ordinance and with required consent or determination of no objection from adjacent property owners.

**ADMINISTRATIVE VARIATION:** A category of variation which may be approved administratively by the Village of Mount Prospect, in conjunction with a submitted application, site plan, and all of the necessary requirements as required by the zoning ordinance and with required consent or determination of no objection from adjacent property owners.

**ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of a principal structure. Said structures may include, but are not limited to, detached garages, gazebos, pergolas, greenhouses, sheds, trash enclosures, parking lots, outdoor storage tanks, swimming pools, fences, and certain permitted obstructions including central air conditioning units, generators and similar mechanical equipment, driveways, parking pads, open stoops and canopies, patios, balconies, decks, service walks, sidewalks, steps, handicap ramps, sports courts, unenclosed porches and window wells, as further defined by this Code.

**PERMITTED OBSTRUCTION:** An accessory structure that is allowed to encroach into a required yard as long as it meets certain size and location requirements set forth by this Code.

**SECTION 25:** This Ordinance shall be in full force and effect from and after its passage, approval, adoption and publication in the manner provided by law.

AYES:

NAYS:

ABSENT:

**PASSED AND APPROVED** this 16th day of March 2026, by the Village Mayor of the Village of Mount Prospect, and attested by the Village Clerk, on the same day.

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Paul Wm. Hoefert  
Village Mayor

ATTEST:

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Karen Agoranos  
Village Clerk

**MINUTES OF THE REGULAR MEETING OF THE  
PLANNING & ZONING COMMISSION**

<b>CASE NO. PZ-01-26</b>	Hearing Date: February 26, 2026
<b>PROPERTY ADDRESS:</b>	50 S. Emerson Street
<b>PETITIONER:</b>	Village of Mount Prospect
<b>PUBLICATION DATE:</b>	February 11, 2026
<b>REQUEST:</b>	Text Amendments Chapter 14 of the Village Code (Evaluation of the Current Zoning Regulations to Promote Single-Family Residential Neighborhoods)
<b>MEMBERS PRESENT:</b>	Joseph Donnelly William Beattie Walter Szymczak Richard Rogers Fay Costa
<b>MEMBERS ABSENT:</b>	Ewa Weir Donald Olsen Michael Fricano
<b>STAFF MEMBERS PRESENT:</b>	Antonia Lalagos – Development Planner Jason Shallcross – Director of Community & Economic Development
<b>INTERESTED PARTIES:</b>	Village of Mount Prospect, Petitioner

Chairman Donnelly called the meeting to order at 7:03 PM. Vice Chairman Beattie made a motion seconded by Commissioner Szymczak to approve the minutes from the Planning and Zoning Commission meeting on January 8, 2026. The minutes were approved 4-0 (Commissioner Rogers abstained).

After hearing three items of New Business, Chairman Donnelly introduced case number PZ-01-26 for text amendments to Chapter 14 of the Village code.

## Staff Presentation

Director Shallcross presented the proposed text amendments to Chapter 14 of the Village Code, explaining that the amendments respond to strategic planning directives prioritized by the Village Board in the previous year. The amendments address two primary objectives: (1) establishing architectural diversity standards for new single-family subdivisions and (2) evaluating existing zoning regulations affecting single-family residential properties to reduce common barriers residents encounter when making improvements to their homes.

Director Shallcross explained that the architectural diversity standards would prevent repetitive housing patterns in new subdivisions. Under the proposed regulations, a new single-family home could not be similar in appearance to homes located within two lots on either side along the same street. Similarity would be determined based on characteristics such as roof form, front elevation massing, fenestration patterns, garage configuration, primary exterior materials, and wall planes. If three or more of these characteristics were substantially similar, the homes would be considered monotonous and would require revision. The proposal would also require submission of home model building elevations and streetscape diagrams to ensure compliance with these standards.

Director Shallcross also explained that existing restrictions on stucco and EIFS (synthetic stucco) for residential construction are currently located in the Building Code. The amendment would cross-reference these restrictions within the Zoning Code to make them easier for staff to identify during review. Director Shallcross noted that the Village prohibits these materials on residential applications due to durability and maintenance concerns but allows limited use as accent materials on non-residential buildings with specific restrictions.

Vice Chairman Beattie asked for clarification on EIFS and stucco materials. Director Shallcross explained that EIFS and stucco are engineered exterior systems composed of layered waterproof materials applied over a backing and finished with a sprayed coating. Director Shallcross noted that these materials are not highly durable and tend to deteriorate over time, which can lead to significant maintenance issues. For this reason, the Village does not permit their use on residential homes. However, they are commonly used as accent materials on non-residential buildings, such as commercial strip centers, and are therefore allowed in those applications subject to limitations on how and where they may be used.

Commissioner Rogers asked about the difference between stucco and Dryvit and whether Dryvit would be permitted. Director Shallcross explained that both materials are treated the same under Village regulations. Dryvit would not be permitted on single-family homes, which is the Village's existing policy. Director Shallcross clarified that the proposed amendment does not change this rule but simply cross-references the restriction in the Zoning Code for clarity.

Director Shallcross explained transitioned the discussion from architectural design standards to proposed amendments affecting single-family zoning districts. Director Shallcross noted that staff evaluated common challenges residents face when applying for permits and reviewed practices in other communities to identify potential amendments that could reduce obstacles and make it easier for homeowners to make improvements to their properties. Director Shallcross discussed several amendments affecting accessory structures in single-family districts. One change clarifies that accessory structures attached to a principal structure will be treated as part of the principal structure only in residential districts, preventing potential misuse of this provision in commercial or industrial districts. Another amendment would treat multiple attached accessory structures, such as a detached garage with an attached pergola, as a single accessory structure to prevent the creation of oversized or combined structures that exceed intended limits. Additional language reinforces existing prohibitions on using accessory structures as residential living quarters or office space.

Commissioner Costa expressed concern about accessory structure regulations appearing in multiple sections of the code and asked how the Village prevents inconsistencies if amendments are made in one section but not another. Director Shallcross responded that staff monitors the zoning code for inconsistencies as part of their regular responsibilities. Director Shallcross noted that some provisions are cross-referenced by section number while others are repeated in full text to make them more visible during review. Director Shallcross added that staff continually reviews the zoning code and maintains a list of potential amendments, typically addressing updates on an annual basis, and that a future comprehensive zoning code rewrite could further reconcile any inconsistencies.

Chairman Donnelly added that the Village adopts the International Building Code by reference, meaning updates to the code are automatically incorporated into the Village's regulations. However, certain provisions may not always align with the Village's preferences. The provision being discussed allows the Village to review and approve specific building code changes before they are implemented, providing protection against unintended changes that could occur when the code is updated.

Commissioner Rogers asked whether the Village had recently approved a shed to be used as living quarters for a young woman. Director Shallcross clarified that the approved structure was not considered formal living quarters because it did not include a bathroom and was not classified as a habitable space. Director Shallcross added that the structure could not legally be leased or rented as a dwelling unit.

Director Shallcross then presented proposed revisions to accessory structure size standards. The amendment would increase the maximum size of detached garages from 672 square feet to 720 square feet (7% increase), allowing garages to be 2 to 4 feet deeper to accommodate larger vehicles and storage needs, but maintaining the maximum height at 15 feet. The proposal also replaces the current formula for accessory structures such as

sheds and pergolas with a simpler maximum of 200 square feet Village-wide, eliminating granular calculations based on lot area.

Chairman Donnelly sought clarification on whether the proposed regulations would limit properties to one accessory structure. Director Shallcross explained that the code currently permits up to two accessory structures per lot and that no changes to this limit are being proposed. Chairman Donnelly expressed concern about smaller lots potentially accommodating multiple accessory structures, such as two 200-square-foot structures, which could significantly reduce usable yard space. Director Shallcross responded that most lots in the Village are larger, typically around 7,500 square feet, and noted that lot coverage requirements would still regulate the amount of development on a property. Director Shallcross further clarified how different accessory structures are counted toward lot coverage. Structures such as sheds and patios count toward lot coverage, while pergolas are treated differently because they are open structures; generally, only the posts supporting a pergola are counted. As a result, a pergola placed over an existing patio would not typically increase lot coverage beyond the patio itself.

Director Shallcross presented the proposed text amendment to increase the maximum driveway width from 26 feet to 30 feet. Director Shallcross explained that the recommendation follows a comprehensive review of driveway standards across municipalities in the northwestern suburbs, where staff found that several communities already allow wider driveways. Director Shallcross noted that residents frequently request wider driveways due to increasing numbers of household vehicles and the Village's prohibition on overnight street parking. Director Shallcross stated that the proposed change is intended to allow residents to comfortably park three vehicles side-by-side, since a typical parking space is approximately nine feet wide, meaning three vehicles require roughly 27 feet of width. While three vehicles can technically fit within the current 26-foot limit, it is tight and often leads to complaints from residents.

To maintain neighborhood character, Director Shallcross emphasized that the driveway must still taper to 26 feet at the property line, meaning the widening would occur only on the private portion of the driveway closer to the house. Director Shallcross explained that this approach avoids creating larger driveway aprons at the street and limits the visual impact along the public right-of-way. Director Shallcross further explained that the proposal also does not apply to circular driveways, which are already permitted only on larger lots (minimum 75 feet wide) and already allow significant driveway area.

Chairman Donnelly asked several clarifying questions about driveway dimensions, setbacks, and how the change would function in practice. Director Shallcross explained that most homes in the Village have a 30-foot front setback, meaning the typical driveway length is approximately 30 feet from the property line to the garage. Vehicles are not allowed to park across sidewalks or in the driveway apron, so many households currently struggle to fit multiple vehicles fully within the driveway area. Director Shallcross indicated

the change may help reduce situations where cars are parked partially over sidewalks or in the grass.

Vice Chairman Beattie expressed concern that allowing wider driveways could lead to front yards appearing overly paved or resembling parking lots, particularly when homes already have two-car garages and additional driveway space. Director Shallcross responded that the amendment represents only a four-foot increase beyond what is already permitted and noted that many homeowners already attempt to create additional parking areas through informal solutions such as gravel strips, brick pavers, or parking on grass, which the Village must then address through code enforcement.

Commissioner Costa asked whether driveways could extend all the way to the property line. Director Shallcross confirmed that the Village does not currently have a driveway setback requirement from side property lines, meaning driveways can extend to the property boundary. Commissioner Rogers noted that because many homes have 7.5- to 10-foot side yards, expanding driveways could result in large continuous paved areas when neighboring homes both place driveways along their property lines. Director Shallcross acknowledged this possibility and stated that the Commission could recommend a setback requirement if desired.

Ms. Lalagos clarified existing safeguards, including restrictions that prevent driveways from extending more than three feet beyond the front of the house toward the street. The Commission also discussed existing lot coverage limits that regulate how much of a property, specifically the front yard, can be covered by impervious surfaces. These standards would continue to apply and prevent properties from being entirely paved over. Overall, the amendment is proposed as a modest adjustment intended to address resident parking needs while maintaining existing limits on driveway placement and lot coverage.

Director Shallcross presented a proposed set of text amendments to Chapter 14 of the Zoning Code intended to adjust how certain zoning requests are categorized and who has final decision-making authority over those requests. Director Shallcross explained that the goal of the amendments is to streamline the review process, reduce unnecessary hearings for routine matters, and create a new category of administrative requests that can be handled at the staff level when appropriate.

Director Shallcross explained that the Village currently allows “minor variations,” which are administrative approvals handled by the Director of Community Development. These minor variations presently apply to two situations:

1. Existing legal nonconforming accessory structures, and
2. Parking requirement reductions for downtown uses larger than 2,500 square feet.

Under the proposed amendments, Director Shallcross explained that the Village would eliminate a minor variation request and restructure the approval system. Specifically:

1. Requests involving existing legal nonconforming accessory structures would no longer be processed as minor variations. Instead, they would become Administrative Conditional Use requests.
2. The only remaining Administrative Variation would be parking reductions for certain downtown uses over 2,500 square feet.

Director Shallcross also presented the existing “Final Authority Matrix,” which identifies which body has decision-making authority over different zoning requests. Currently:

1. The Planning and Zoning Commission (PZC) is the final authority for:
  - a. Fence petitions
  - b. Sign requests
  - c. Zoning variations under Chapter 14 that are less than 25% of the required standard
  - d. Conditional uses for setback reductions under 25%
2. The Director of Community Development is the final authority for minor variations.

The proposed changes would adjust the matrix while largely keeping the Planning and Zoning Commission’s authority intact. Key proposed changes include:

1. Fences in residential districts would shift from being reviewed as variations to conditional uses, meaning they would be evaluated under conditional use standards rather than under hardship criteria.
2. Requests for relief from accessory structure requirements in single-family districts would become conditional uses with the Planning and Zoning Commission as the final authority.
3. Existing legal nonconforming accessory structures would become administrative conditional uses decided by the Director.
4. Setback reductions under 25% would remain unchanged.

Director Shallcross explained that the shift from variations to conditional uses changes the evaluation standard. Variations require demonstrating a unique hardship tied to the property, whereas conditional uses are evaluated based on impacts on adjacent properties, neighborhood character, and public welfare, making them somewhat easier to review for common situations. Director Shallcross also clarified that administrative conditional uses would still require public notice, including:

1. Mailed notices within 100 feet of the property
2. A posted notice sign on the property for 7–30 days

### 3. A formal recorded decision tied to the property

Director Shallcross stated that the approval criteria would focus on public health, safety, welfare, and neighborhood compatibility, and further noted that if an administrative request is denied by staff, the applicant may appeal to the Planning and Zoning Commission, and Commission decisions may be appealed to the Village Board, with further appeal possible through the court system.

Director Shallcross also described new definitions that would be added to the zoning code, including definitions for the following: Administrative Conditional Use, Administrative Variation, Accessory Structures (modification to existing definition), Permitted Obstructions.

Finally, Director Shallcross stated that the amendments support the Village's strategic planning goals, including improving zoning processes and making it easier for homeowners to undertake property improvements.

#### **Discussion**

Chairman Donnelly asked clarifying questions about how the proposed administrative conditional use category would apply to existing nonconforming accessory structures and specifically asked whether the category would apply only to structures that were originally built legally but later became nonconforming due to changes in zoning regulations. Director Shallcross confirmed that this is correct.

Chairman Donnelly emphasized the distinction between legal nonconforming structures (originally permitted but now inconsistent with current regulations), and illegal structures (built without permits). Chairman Donnelly asked if illegal structures would not qualify for the administrative conditional use process.

Chairman Donnelly also asked about how accessory structures are counted. When he noted that items such as generators, air-conditioning units, and sheds might technically be considered structures, Ms. Lalagos clarified that the accessory structure limit only applies to certain accessory structures, not mechanical equipment.

Chairman Donnelly expressed support for the proposed approach and noted that similar adjustments had been made in the past—such as delegating authority for certain routine requests like circular driveways because the Commission frequently approved them anyway. Chairman Donnelly stated that when requests are consistently approved, it can make sense to delegate authority to staff to streamline the process. Chairman Donnelly commented that the types of requests being shifted to administrative review are generally ones the Commission would typically approve, meaning the change simply removes unnecessary hearings.

### **Motion and Vote**

Vice Chairman Beattie thanked Director Shallcross for the diligent work. Director Shallcross acknowledged planning staff and Ms. Choi for her contributions.

Hearing no further comments or questions, Chairman Donnelly closed the hearing and asked for a motion. Vice Chairman Beattie made a motion seconded by Commissioner Szymczak to approve the following motion:

“To adopt the text amendments to Chapter 14 of the Mount Prospect Village Code.”

UPON ROLL CALL    AYES: Szymczak, Beattie, Rogers, Costa, Donnelly  
                              NAYS: None

The Planning and Zoning Commission gave a positive recommendation (5-0) for the next Village Board meeting to be held on March 17, 2026. **REVISED MEETING DATE: This meeting has been rescheduled to March 16, 2026 due to a recently passed amendment to the Open Meetings Act.**

After hearing no additional items of new business, Chairman Donnelly asked if there were any citizens to be heard.

Hearing no further discussion, Chairman Donnelly made a motion, seconded by Vice Chairman Beattie, and the meeting was adjourned at 8:43 PM.



Ann Choi, Development Planner

## **ATTACHMENT A**

Modifications to each of the chapters are indicated as **deletions** and **additions**.

### ARTICLE II ADMINISTRATION AND ENFORCEMENT

#### 14.201: ORGANIZATION:

The administration of this chapter is hereby vested in the following elected and appointed boards and professional staff:

Village board of trustees

Planning and zoning commission

Director of community development

The administrative functions of this chapter are as follows:

Zoning compliance reviews

Issuance of certificates of occupancy

Variations

Text and map amendments

Appeals

Conditional uses

Public hearings

Fees and penalties

**Minor Administrative** variations (Ord. 5173, 3-6-2001; amd. Ord. 5219, 11-6-2001)

**Administrative conditional uses**

#### 14.202: ADMINISTRATIVE BODIES AND SPECIFIC DUTIES:

A. Village Board Of Trustees: The board of trustees shall have the following duties and responsibilities with regard to this chapter:

1. Receive recommendations from the planning and zoning commission concerning all text and map amendments, **certain** conditional use permits, certain variations and to approve or disapprove any such recommendation from the planning and zoning commission.

2. All decisions and findings by the village board of trustees shall in all instances be the final administrative decision and shall be subject to judicial review as may be provided by law. In the case where decisions made by the village board are done so by ordinance, the authorizing ordinance shall provide the final administrative decision and shall be subject to judicial review as may be provided by law.

3. The village board shall convene an annual meeting with the planning and zoning commission to review the effectiveness of this zoning ordinance.

B. Planning And Zoning Commission: The planning and zoning commission of the village, as described in section 5.500 of this code, has the authority and duties described below:

1. To hear petitions for certain variations, **certain** conditional use permits, map and text amendments and prepare recommendations to the village board regarding such petitions.

2. ~~To hear and decide as final administrative authority, all petitions for fence variations and variations which do not exceed twenty five percent (25%) of any requirement of this chapter, except for minor variations as described in this chapter.~~ **To hear and decide as final administrative authority, all petitions for fence variations, all conditional use petitions for fences in the R-X, R-1, and R-A zoning districts, conditional use petitions for accessory structures in the R-X, R-1, and R-A zoning districts, and conditional uses for residential setback reductions in the R-X, R-1, and R-A zoning districts which do not exceed twenty five percent (25%) of any requirement of this chapter. The planning and zoning commission shall also hear and decide variations which do not exceed twenty five percent (25%) of any requirement of this chapter. The planning and zoning commission shall not hear and decide as final administrative authority any petitions for administrative variations and/or administrative conditional uses.**

3. To hear appeals from any order, requirement, decision, or determination made by the director of community development.

C. Director Of Community Development: The position of the director of community development has been established by the village. This is a department head position, reporting to the village manager. The duties and authority of the director of community development, or duly appointed employees of the community development department, shall be as follows:

1. Provide public information on the provisions of the zoning ordinance.

2. ~~Forward to the planning and zoning commission all applications for appeals, variations, conditional uses, map or text amendments, or other matters on which the~~

~~planning and zoning commission is required to review under this chapter.~~ Forward to the planning and zoning commission all applications for appeals; variations, except for administrative variations; conditional uses, except for administrative conditional uses; map or text amendments; or other matters on which the planning and zoning commission is required to review under this chapter.

3. Review and prepare recommendations on all matters going before the planning and zoning commission.

4. Maintain possession of appropriate records and files pertaining to the zoning ordinance, including, but not limited to, zoning maps, amendments, conditional uses, administrative conditional uses, variations, administrative variations, and appeals ~~and minor variations~~.

5. Conduct inspections of buildings, structures, and land to determine appropriate compliance with the regulations of this chapter.

6. Issue notice of violations and citations for violations of the regulations of this chapter. Notices shall require compliance within fifteen (15) days and advise violators of their right to appeal.

7. Issue "stop work" orders for any construction or work that is not in compliance with the regulations of this chapter.

8. Approve certificates of occupancy and zoning for any structure or use of land in the village.

9. Conduct administrative hearings and make final determinations on ~~minor~~ administrative variations and administrative conditional uses.

10. Review and make final determinations for projects that require administrative site plan review. (Ord. 4590, 9-21-1993; amd. Ord. 5173, 3-6-2001; Ord. 5219, 11-6-2001; Ord. 5426, 4-20-2004; Ord. 5639, 7-17-2007; Ord. 6246, 5-17-2016; Ord. 6583, 9-5-2021)

**D. TABLE OF ADMINISTRATIVE BODIES AND SPECIFIC DUTIES:**

	<u>Final Authority</u>		
	<u>Director of Community Development</u>	<u>Planning &amp; Zoning Commission</u>	<u>Village Board</u>
<b><u>VARIATIONS</u></b>	<b><u>Administrative</u></b>	<b><u>Standard</u></b>	<b><u>Standard</u></b>
<u>Parking requirements for uses in excess of 2,500 square feet in the B-5/B-5C districts</u>	<b><u>All</u></b>	<b><u>=</u></b>	<b><u>=</u></b>
<u>Fences in nonsingle-family residential districts</u>		<b><u>All</u></b>	
<u>Sign variations</u>	<b><u>=</u></b>	<b><u>All</u></b>	<b><u>=</u></b>
<u>All other Chapter 14 zoning requirements</u>	<b><u>=</u></b>	<b><u>≤25%</u></b>	<b><u>&gt;25%</u></b>
<b><u>CONDITIONAL USES</u></b>	<b><u>Administrative</u></b>	<b><u>Standard</u></b>	<b><u>Standard</u></b>
<u>Existing nonconforming accessory structures<sup>1</sup></u>	<b><u>All</u></b>	<b><u>=</u></b>	<b><u>=</u></b>
<u>Relief from accessory structure requirements in single-family residential districts</u>	<b><u>=</u></b>	<b><u>All</u></b>	<b><u>=</u></b>
<u>Setback reductions in required yards in single-family residential zoning districts</u>	<b><u>=</u></b>	<b><u>≤25%</u></b>	<b><u>&gt;25%</u></b>
<u>Fences in single-family residential districts</u>	<b><u>=</u></b>	<b><u>All</u></b>	<b><u>=</u></b>

**1** Applicable structures shall: (i) be replaced with the same type of structure, (ii) do not exceed a total of two (2) accessory structures per lot of record, (iii) extend into no more than forty percent (40%) of the required interior side yard setback, and (iv) extend into no more than ten percent (10%) of the rear yard setback.

**14.203: PROCEDURES FOR ADMINISTRATIVE FUNCTIONS:**

The procedures regarding all administrative functions of this chapter are set forth as follows:

A. Review For Zoning Compliance: No permit pertaining to the use of land or buildings, existing or proposed, shall be issued by any officer, employee or department of the village unless the application for such permit has been reviewed and approved by the director of community development or duly appointed employee of the community development department. Such approval shall be by written authorization certifying the proposed use complies with all provisions of this chapter. In certifying this zoning compliance, the village authorizes that the specific land or building can be occupied or used for its intended purpose, provided that any new construction or remodeling conforms to the approved plans and all applicable regulations of the village. Any permit issued in conflict with the provisions of the zoning ordinance, or without proper authorization, shall be null and void.

B. Approval Of Occupancy: No building shall be used for any purpose until the director of community development or duly appointed employee of the community development department has provided written authorization for approval of the occupancy in accordance with section 15.703 of this code.

C. Variations **and Administrative Variations:**

1. Intent: Variations shall be granted or recommended for approval only where the planning and zoning commission, or in the case of **minor administrative** variations, the director of community development, makes findings of fact in accordance with the standards set forth in this chapter, and further finds that the regulations of this chapter will impose practical difficulties or particular hardships on the petitioner in carrying out the strict letter of the regulations of this chapter.

2. Authority: The director of community development may, after an administrative hearing, grant **a minor administrative** variation as provided in this chapter. The planning and zoning commission may, after a public hearing, grant or recommend for approval a variation in harmony with the general purpose and intent of this chapter.

3. Initiation: An application for **a minor administrative** variation or variation may be made by any person, firm, other entity, corporation, or by any governmental entity requesting or intending to request application for a building permit.

4. Filing Of Applications: An application for **a minor administrative** variation or variation shall be filed with the director of community development on forms obtained from the community development department. Such form shall include all information necessary for processing the request, including, but not limited to, a statement on specific hardship, the extent of variation requested, legal description of subject property, survey, site plan, appropriate proof of ownership, or proof of authority. The application form may be revised from time to time. The application shall be filed with the appropriate fee in an amount established by the board of trustees.

5. Public Hearing: Public hearings **for variations and administrative variations** shall be held in compliance with state statutes and provisions of this chapter as described in subsection G **or subsection H** of this section.

6. Action By Planning And Zoning Commission: The planning and zoning commission shall hear and decide as final administrative authority, all petitions for fence variations [in nonsingle-family residential districts](#) and variations which do not exceed twenty five percent (25%) of any requirement of this chapter.

The planning and zoning commission shall make recommendations to the village board on all variations which are more than twenty five percent (25%) of any requirement of this chapter.

In all petitions for variations, the planning and zoning commission shall make findings of fact based on the standards [listed in subsection C9](#) of this chapter. In all petitions for administrative variations, the planning and zoning commission shall make findings of fact based on the standards [listed in subsection C11c](#) of this chapter.

7. Action By Village Board: The village board shall make a final decision on an application for a variation after receiving the recommendation of the planning and zoning commission. Any variation which fails to receive a favorable recommendation from the planning and zoning commission shall not be granted by the village board unless there is a concurring vote of five (5) if all seven (7) members of the corporate authorities are present and voting, and a concurring vote of four (4) if less than seven (7) members of the corporate authorities are present and voting.

In the case of a written protest against any proposed variation, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjacent or across an alley, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the village clerk, the proposed variation shall not be passed except by the voting requirements in the preceding paragraph.

8. Appeal Of Planning And Zoning Commission Decision: Any individual may file an appeal of any decision of the planning and zoning commission with the village board. Such appeal shall be filed with the director of community development within five (5) calendar days of the planning and zoning commission decision.

9. Standards For Variations: A variation from the regulations of this chapter shall not be granted or recommended for approval by the planning and zoning commission unless findings of fact based on evidence are made in each specific case that affirm the following standards:

a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a specific hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations was to be applied;

b. The conditions upon which an application for a variation are based are unique to the property for which the variation is sought and are not generally applicable to other property within the same zoning classification;

- c. The purpose of the variation is not based primarily upon a desire to increase financial gain;
- d. The alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property;
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- f. The granting of the variation will not alter the essential character of the neighborhood; and
- g. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

10. Restrictions On Variations: The following restrictions shall apply to all variations:

- a. No variation shall be authorized that would modify any definition;
- b. No variation shall be authorized that would vary uses between zoning districts, except use exceptions approved in a planned development; and
- c. No variation shall be authorized that would result in a density increase from that permitted in a zoning district except in conjunction with a planned development.

11. ~~Minor~~**Administrative** Variations:

a. Action By Director Of Community Development: ~~The director of community development shall hear and decide as final administrative authority, all petitions for minor variations for the following:~~**The director of community development shall consider the following administrative variations and may either administratively approve or remand to the Planning and Zoning Commission for further action. The following types of relief are eligible as administrative variations, and requests that are not included in this eligibility list may apply for a standard variation:**

- ~~—— (1) Existing nonconforming accessory structures:~~
- ~~—— (A) Applicable Structures:~~
- ~~—— (i) Will be replaced with the same type of structure;~~
- ~~—— (ii) Do not exceed a total of two (2) accessory structures per lot of record;~~
- ~~—— (iii) Extend into no more than forty percent (40%) of the required interior side yard setback;~~

- ~~———— (iv) Extend into no more than ten percent (10%) of the rear yard setback, or~~
- ~~———— (v) Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%):~~

(21) Parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district.

**b. Filing of Application: All applications for administrative variations shall be made on an appropriate application form provided by the Village. The application for administrative variations shall be filed and processed in the manner prescribed for variations and shall be accompanied by the following information:**

- (1) Said application shall contain the following information:**
  - (A) Zoning Request Application / Petition for Hearing;**
  - (B) Affidavit of Ownership;**
  - (C) Proof of Ownership;**
  - (D) Paid receipt of the most recent tax bill;**
  - (E) Responses to applicable standards;**
  - (F) Plat of Survey;**
  - (G) Site plan;**
  - (H) Building elevation(s), existing and proposed, if applicable;**
  - (I) Floor plans, if applicable;**
  - (J) Preliminary engineering plans, if applicable;**
  - (K) Legal description of the subject property;**
  - (L) Any other information deemed necessary by the Village.**

**c. Standards for Administrative Variations:**

~~———— (B) Standards: For minor variations consisting of existing nonconforming accessory structures, the director of community development shall make findings of fact based on the petition and public input according to the following standards:~~

~~———— (i) Whether the regulation from which relief is sought was in existence when the applicant either purchased or improved the property:~~

~~———— (ii) Whether the applicant changed the property in some way so as to create the nonconformity:~~

~~———— (iii) Whether the requested relief will be out of character with the neighborhood:~~

~~———— (iv) Whether there are other structures within the same zoning district, which either violate or have received a variation from the same regulation:~~

~~———— (v) Whether the negative impact on the applicant, in not being able to use the property in the specific manner requested, substantially outweighs any negative impact on the adjacent properties if the variation is granted:~~

~~\_\_\_\_\_ (vi) Whether the request is the minimum necessary to use the property in a manner reasonably similar to other uses in the neighborhood:~~

~~\_\_\_\_\_ (vii) Whether a reasonable alternative is consistent with the expressed terms of the zoning ordinance:~~

(1) For an administrative variation request considering a reduction in the minimum number of required parking spaces in the B-5 central commercial district and B-5C core central commercial district, the director of community development shall make findings of fact based on the petition and public input according to the following standards:

\_\_\_\_\_ (A) Whether the requested relief will be out of character with the neighborhood.

\_\_\_\_\_ (B) Whether there are other properties within the same zoning district, which have received a variation from the same regulation.

\_\_\_\_\_ (C) Whether there is public parking available within one thousand feet (1,000').

\_\_\_\_\_ (D) Whether there is public transit (e.g., train station) available within one thousand feet (1,000').

\_\_\_\_\_ (E) Whether there are adjacent land uses with different peak parking demand periods based on the hours of operations.

\_\_\_\_\_ (F) Whether there is a shared parking agreement/valet service provided.

~~\_\_\_\_\_ (2) Parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district:~~

~~\_\_\_\_\_ (A) Standards: For minor variations consisting of parking requirements for uses in excess of two thousand five hundred (2,500) square feet in floor area located in the B-5 central commercial district and B-5C core central commercial district, the director of community development shall make findings of fact based on the petition and public input according to the following standards:~~

~~\_\_\_\_\_ (i) Whether the requested relief will be out of character with the neighborhood:~~

~~\_\_\_\_\_ (ii) Whether there are other properties within the same zoning district, which have received a variation from the same regulation:~~

~~\_\_\_\_\_ (iii) Whether there is public parking available within one thousand feet (1,000').~~

~~\_\_\_\_\_ (iv) Whether there is public transit (e.g., train station) available within one thousand feet (1,000').~~

~~\_\_\_\_\_ (v) Whether there are adjacent land uses with different peak parking demand periods based on the hours of operations:~~

~~—— (vi) Whether there is a shared parking agreement/valet service provided.~~

**b-d.** Hearings: Administrative hearings shall be held for **minor administrative** variations **only and** in compliance with the provisions as described in **this subsection H of this section.**

~~—— (1) Upon receipt of an application for a minor variation, the director of community development shall review the application for completeness and assign a case number to the request.~~

~~—— (2) For all applications for a minor variation, the department of community development shall provide a list of all owners of record of property lying within one hundred feet (100'), exclusive of right of way width, of the parcel subject to the public hearing. The director of community development shall cause a copy of the public notice to be mailed to all property owners on the list no more than thirty (30) days nor less than seven (7) days prior to the hearing.~~

~~—— (3) An administrative notice shall contain the case number assigned to the application, the address of the property, a brief statement on the nature of the minor variation, the name and address of the property owner, the petitioner and their legal representative, and the date, time and location of the administrative hearing.~~

~~—— (4) For all applications for a minor variation, the director of community development shall also cause one or more signs to be posted on the property, which is the subject of the administrative hearing.~~

~~—— (5) The number and location of signs shall be determined by the director of community development.~~

~~—— (6) The sign must be a minimum of thirty inches by thirty inches (30" x 30") in size, having letters a minimum of two inches (2") high, and contain the following information:~~

~~—— (A) The fact that an administrative hearing that affects the subject property will be held, with direction to interested members of the general public to call the office of the community development director for further information concerning date, time and place and subject matter of said administrative hearing.~~

~~—— (B) Any interested person may appear and be heard at the hearing and such appearance may be made in person, by agent (if a corporation), or in writing.~~

**e. Administrative Approvals: Administrative variations adhering to the application submittal requirements and ordinance requirements may be administratively approved as follows:**

**(1) After the administrative variation application is submitted and reviewed by the various Village departments, the director of community development will indicate if the applicant may proceed forward with seeking approval of the requested relief with the sign-off approval of the surrounding property owners.**

(2) In all cases where the director of community development grants an administrative variation, an authorizing determination shall be prepared that may set forth the terms for operation of the conditional use. The village clerk shall record the authorizing determination with the county recorder of deeds.

**e.f.** Appeal Of Director Of Community Development Decision: Any individual may file an appeal of the decision of the director of community development regarding **a minor an administrative** variation with the planning and zoning commission. Such appeal shall be filed with the director of community development within five (5) calendar days of the director's decision.

12. Additional Restrictions: In the granting of a variation **or administrative variation**, additional conditions and restrictions may be placed upon the premises, which are necessary to comply with the standards listed above and the objectives of this chapter.

13. Revocation: Where a variation **or administrative variation** has been granted pursuant to the provisions of this chapter, such approval shall become null and void unless a building permit is issued and work is substantially under way within twelve (12) months of the date of the variation, **unless the variation approval is** extended by the planning and zoning commission **or the administrative variation approval is extended by the director of community development.**

14. Effect Of Denial Of Proposal: No application for a variation which has been denied by the planning and zoning commission or village board **or for an administrative variation which has been denied by the director of community development** shall be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of change of condition found to be valid by the director of community development.

F. Conditional Uses **and Administrative Conditional Uses:**

1. Intent And Applicability: The development and administration of this chapter is based upon the village being divided into zoning districts within which the use of land and buildings and the bulk and location of buildings and structures is substantially uniform. However, it is recognized that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district without consideration of the impact of those uses upon adjoining properties and their impact on the neighborhood in general. Such conditional uses fall into two (2) categories:

- a. Uses publicly operated or uses traditionally promoting a public interest or benefit.
- b. Uses entirely private in character but of a nature that their operation may present a different impact upon adjoining properties or the neighborhood in general.

2. Authority: Except as otherwise provided in **subsection 14.316F10** of this **chapter section**, the planning and zoning commission shall convene a public hearing on a conditional use application. The planning and zoning commission shall prepare findings of

fact based on evidence presented addressing required standards, and submit a recommendation on an application to the village board for their review and final decision.

3. Initiation: Any person, firm, corporation, office or other legal entity having ownership interest in land, or a contractual interest that may become an ownership interest, may file an application with the consent of the property owner.

4. Filing Of Application: An application for a conditional use shall be filed with the director of community development on forms obtained from the community development department. **Except as otherwise provided in subsection F10 of this section, The** director shall, upon receiving a complete application for a conditional use, forward the application, along with other data considered important by the director, to the planning and zoning commission for their review and recommendation to the village board.

5. Public Hearings: ~~A public hearing shall be conducted by the planning and zoning commission on the conditional use application. Notice shall be as provided in subsection G of this section, and in compliance with state statutes.~~ **Public hearings for conditional uses and administrative conditional uses shall be held in compliance with state statutes and provisions of this chapter as described in subsection G or subsection H of this section.**

~~—6. Recommendation By The Planning And Zoning Commission: The director of community development shall submit the written recommendation of the planning and zoning commission on an application for a conditional use to the village board within thirty (30) days of conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of the applicant and the director of community development. For all petitions for conditional uses involving residential setback reductions in all yards in the R-X, R-1, and R-A zoning districts, which do not exceed twenty five percent (25%) of the setbacks requirement(s) of this chapter, the planning and zoning commission shall hear and decide as final administrative authority. The planning and zoning commission shall make recommendations to the village board on all conditional uses involving residential setback reductions in all yards in the R-X, R-1, and R-A zoning districts which are more than twenty five percent (25%) of the setback requirement(s) of this chapter.~~

**6. Recommendation By The Planning And Zoning Commission: Except as otherwise provided in subsection F10 of this section, the director of community development shall submit the written recommendation of the planning and zoning commission on an application for a conditional use to the village board within thirty (30) days of conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of the applicant and the director of community development.**

**For petitions for conditional uses involving any of the following in the R-X, R-1, and R-A zoning districts:**

**a. Residential setback reductions in any yard that do not exceed twenty-five percent (25%) of the applicable setback requirements of this Chapter;**

b. Relief from the accessory structure requirements; and

c. Fence petitions;

**the Planning and Zoning Commission shall hear and decide such petitions as the final administrative authority. The planning and zoning commission shall make recommendations to the village board on all conditional uses involving residential setback reductions in all yards in the R-X, R-1, and R-A zoning districts that exceed twenty five percent (25%) of the setback requirement(s) of this chapter.**

7. Action By The Village Board:

a. The village board shall not act upon a proposed conditional use until it has received a written report and recommendation from the planning and zoning commission provided by the director of community development.

b. The village board may approve a conditional use by ordinance, deny, or refer back to the planning and zoning commission for further review. The village board may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use, as is deemed necessary for the protection of adjoining properties and the neighborhood in general and the public interest.

c. In all cases where the village board permits a conditional use, the authorizing ordinance shall specifically set forth the terms for operation of the conditional use.

d. Any conditional use which fails to receive a favorable recommendation from the planning and zoning commission shall not be granted by the village board unless there is a concurring vote of five (5) if all seven (7) members of the corporate authorities are present and voting, and a concurring vote of four (4) if less than seven (7) members of the corporate authorities are present and voting.

8. Standards **For Conditional Uses: Except as otherwise provided in subsection F10c of this section,** ~~No~~ conditional use shall be recommended for approval by the planning and zoning commission unless it finds:

a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

b. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located;

c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

d. That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

f. That the proposed conditional use is not contrary to the objectives of the current comprehensive plan for the village; and

g. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the planning and zoning commission.

9. Conditions And Guarantees: **Except as otherwise provided in subsections F6 and F10 of this section,** in all cases where conditional uses are granted, and conditions regulating the use are established as described in subsection F8 of this section, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditional use complies with all regulating conditions.

#### **10. Administrative Conditional Uses.**

**a. Action By Director Of Community Development: The director of community development shall consider the following administrative conditional uses and may either administratively approve or remand to the Planning and Zoning Commission for further action. The following types of relief are eligible as administrative conditional uses:**

##### **(1) Existing nonconforming accessory structures:**

##### **(A) Applicable Structures:**

**(i) Will be replaced with the same type of structure,**

**(ii) Do not exceed a total of two (2) accessory structures per lot of record,**

**(iii) Extend into no more than forty percent (40%) of the required interior side yard setback,**

**(iv) Extend into no more than ten percent (10%) of the rear yard setback, or**

**(v) Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%).**

**b. Filing of Application: All applications for administrative conditional uses shall be made on an appropriate application form provided by the Village. The application for administrative conditional uses shall be filed and processed in the manner prescribed for conditional uses and shall be accompanied by the following information:**

- \_\_\_\_\_ (1) Said application shall contain the following information:
- \_\_\_\_\_ (A) Zoning Request Application / Petition for Hearing;
  - \_\_\_\_\_ (B) Affidavit of Ownership;
  - \_\_\_\_\_ (C) Proof of Ownership;
  - \_\_\_\_\_ (D) Paid receipt of the most recent tax bill;
  - \_\_\_\_\_ (E) Responses to applicable standards;
  - \_\_\_\_\_ (F) Plat of Survey;
  - \_\_\_\_\_ (G) Site plan;
  - \_\_\_\_\_ (H) Building elevation(s), existing and proposed, if applicable;
  - \_\_\_\_\_ (I) Floor plans, if applicable;
  - \_\_\_\_\_ (J) Preliminary engineering plans, if applicable;
  - \_\_\_\_\_ (K) Legal description of the subject property;
  - \_\_\_\_\_ (L) Any other information deemed necessary by the Village.

\_\_\_\_\_ c. Standards for Administrative Conditional Uses. No administrative conditional use shall be granted by the Village unless the administrative conditional use:

\_\_\_\_\_ (1) Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

\_\_\_\_\_ (2) Will not be injurious to the uses and enjoyment of other property in the neighborhood in which it is located.

\_\_\_\_\_ (3) That in all other respects, the administrative conditional use conforms to the applicable regulations of the district in which it is located.

\_\_\_\_\_ d. Administrative conditional uses adhering to the application submittal requirements and ordinance requirements may be administratively approved as follows:

\_\_\_\_\_ (1) After the administrative conditional use application is submitted and reviewed by the various Village departments, the director of community development will indicate if the applicant may proceed forward with seeking approval of the requested relief with the sign-off approval of the surrounding property owners.

\_\_\_\_\_ (2) In all cases where the director of community development grants an administrative conditional use, an authorizing determination shall be prepared that may set forth the terms for operation of the conditional use. The village clerk shall record the authorizing determination with the county recorder of deeds.

\_\_\_\_\_ e. Appeal Of Director Of Community Development Decision: Any individual may file an appeal of the decision of the director of community development regarding an administrative conditional use with the planning and zoning commission. Such appeal shall be filed with the director of community development within five (5) calendar days of the director's decision.

~~10~~.11. Effect Of Denial Of Application: No application for a conditional use which has been denied by the village board shall be resubmitted for a period of one year from the date of denial, except on the grounds of new factual evidence, or a change in conditions which would alter the concept or intent of the request. Such changes may include reductions in density or building height, changes in land use and road standards and alignment, or conditions which would have a positive effect on surrounding property, and serve to address the circumstances of the denial of the original application. Such change or new evidence must be reviewed and acknowledged by the director of community development before a new application can be submitted for a public hearing.

~~11~~.12. Revocation:

a. In any case where the construction of an approved conditional use is not substantially under way, or if a use is not established or commenced in the building within one year from the date of granting thereof, and completed within eighteen (18) months, then, without further action by the village board, the conditional use or authorization thereof shall be null and void.

b. A conditional use may be revoked if conditional use as established or constructed on the site does not conform to the established conditions for approval. The director of community development will be responsible for advising the village board of any violations and the village board may then authorize the planning and zoning commission to schedule a public hearing to consider revoking the conditional use permit. After conducting the public hearing, the planning and zoning commission shall then prepare a written report and recommendation to submit to the village board. Upon receipt of the planning and zoning commission report, the village board shall then render a final judgment regarding rescinding the conditional use permit and accompanying ordinance.

~~12~~.13. Expiration And Transferability: The conditional use shall expire if the conditional use shall cease for more than twelve (12) months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

~~13~~.14. Modification Or Intensification: Any modification or intensification of a conditional use which alters the essential character or operation of the use in a way not intended at the time the conditional use was granted shall require a new conditional use permit. Such conditional use permit shall be applied for prior to any modification of the use or property. The director of community development shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the director of community development with all the necessary information related to the conditional use to render this determination.

G. Public Hearing Procedures:

1. Upon receipt of an application for a variation, amendment, conditional use or appeal, the director of community development shall review the application for completeness and assign a case number to the request.

2. Not more than thirty (30) days nor less than fifteen (15) days prior to the date an application is to be considered, the director of community development shall cause notice thereof to be published at least once in a newspaper of general circulation within the village.

3. Not more than thirty (30) days nor less than fifteen (15) days prior to the hearing, the director of community development shall cause a copy of the public notice to be mailed to all property owners within two hundred fifty feet (250'), exclusive of right of way width, of the parcel subject to the public hearing. The director shall cause the notice to be mailed according to the following:

a. For all applications for map amendment, conditional use, variation, or appeal requests concerning a single-family residential property, the community development department shall be responsible for mailing the notice.

b. For all applications for map amendment, conditional use, variation, or appeal requests concerning a nonsingle-family residential property, the applicant shall be responsible for mailing the notice. Upon delivery of the notice, the applicant shall attest in writing to the community development department indicating the date the notice was mailed and the list of property owners to whom the notice was mailed.

4. All published and mailed notices shall contain the case number assigned to the application, the common address of the property, or in the event that there is no common address, an appropriate description of the location of the property, a brief statement on the nature of the public hearing, the name and address of the property owner, the petitioners and their legal representative, and the date, time and location of the public hearing.

5. For all applications for map amendment, conditional use, variation, or appeal, the director of community development shall also cause one or more signs to be posted on the property which is the subject of the public hearing.

a. The number and location of signs shall be determined by the director of community development.

b. The sign must be a minimum of thirty inches by thirty inches (30" x 30") in size, having letters a minimum of two inches (2") high, and contain the following information:

(1) The fact that a public hearing will be held to affect the subject property, with direction to interested members of the general public to call the office of the community development director for further information concerning date, time and place and subject matter of said public hearing.

6. Any interested person may appear and be heard at the hearing held concerning any such application for variation, amendment or conditional use, and such appearance may be made in person, by agent (if a corporation), or by attorney.

#### H. Administrative Hearing Procedures:

(1) Upon receipt of an application for an administrative variation or an administrative conditional use, the director of community development shall review the application for completeness and assign a case number to the request.

(2) For all applications for administrative variations or administrative conditional uses, the department of community development shall provide a list of all owners of record of property lying within one hundred feet (100'), exclusive of right of way width, of the parcel subject to the public hearing. The director of community development shall cause a copy of the public notice to be mailed to all property owners on the list no more than thirty (30) days nor less than seven (7) days prior to the hearing.

(3) An administrative notice shall contain the case number assigned to the application, the address of the property, a brief statement on the nature of the administrative variation or administrative conditional use, the name and address of the property owner, the petitioner and their legal representative, and the date, time and location of the administrative hearing.

(4) For all applications for an administrative variation or administrative conditional use, the director of community development shall also cause one or more signs to be posted on the property, which is the subject of the administrative hearing.

(5) The number and location of signs shall be determined by the director of community development.

(6) The sign must be a minimum of thirty inches by thirty inches (30" x 30") in size, having letters a minimum of two inches (2") high, and contain the following information:

(A) The fact that an administrative hearing that affects the subject property will be held, with direction to interested members of the general public to call the office of the community development director for further information concerning date, time and place and subject matter of said administrative hearing.

(B) Any interested person may appear and be heard at the hearing and such appearance may be made in person, by agent (if a corporation), or in writing.

#### H.I. Administrative Site Plan Review:

1. Action By Director Of Community Development: Prior to the issuance of a building permit, the director of community development shall review and decide as final

administrative authority, all applications for administrative site plan review for the following:

- a. Construction Of New Buildings: Construction of new buildings within the downtown as defined in section 14.304.1 of this chapter.
- b. Additions To Existing Buildings: Additions to existing buildings within the downtown as defined in section 14.304.1 of this chapter.
- c. Exceptions: Any construction within the downtown which requires a variation, conditional use, or planned unit development shall be exempt from administrative site plan review.

2. Authority: The director of community development may, after an administrative review, grant or deny any proposed site plan, with or without conditions of approval, or may refer it to the village board for further consideration.

3. Initiation: An application for administrative site plan review may be made by any person, firm, other entity, corporation, or by any governmental entity requesting or intending to request application for a building permit. Preapplication meetings are available to discuss a proposed application and are encouraged.

4. Filing Of Applications: An application for administrative site plan review shall be filed with the director of community development on forms obtained from the community development department. Such form shall include all information necessary for processing the request, including, but not limited to, a statement of the proposed use, legal description of subject property, survey, site plan, building elevations, landscape plan, appropriate proof of ownership, or proof of authority. The application form may be revised from time to time.

5. Standards: No site plan shall be administratively approved unless the director of community development finds the application meets the following standards:

- a. The submitted site plan conforms to all applicable village ordinances.
- b. The proposed improvements support the goals and objectives stated in adopted village plans, including the comprehensive plan.
- c. The site plan is reflective of the downtown design guidelines of section 14.304.1 of this chapter.

6. Appeals: The applicant may file an appeal of any administrative site plan review decision of the director of community development. Such appeal shall be filed with the director of community development within ten (10) business days of the decision.

a. Authority: The village board shall hear and decide appeals from any administrative order, requirement, decision or determination made by the director of community development or other authorized official concerning administrative site plan review.

b. Filing Of Application: An application for an appeal shall be filed with the director of community development, on forms obtained from the community development department, who shall forward such appeal to the village board for their review and decision.

c. Public Hearing: A public hearing shall be conducted by the village board on the appeal application. Notice shall be as provided in subsection G of this section, in compliance with state statutes.

d. Decisions On Appeals: Any decisions by the village board on a site plan review appeal application shall be in all instances the final administrative determination and shall be subject to judicial review only in accordance with applicable statutes of the state.

7. Schedule Of Construction: A site plan approval shall become null and void in the following circumstances:

a. The applicant fails to apply for a building permit within one year from the date of site plan approval.

b. A new application for administrative site plan approval has been received by the community development department for the same subject property. (Ord. 4590, 9-21-1993; amd. Ord. 5113, 6-6-2000; Ord. 5173, 3-6-2001; Ord. 5219, 11-6-2001; Ord. 5253, 5-21-2002; Ord. 5289, 11-19-2002; Ord. 5639, 7-17-2007; Ord. 5751, 8-4-2009; Ord. 6112, 12-17-2013; Ord. 6246, 5-17-2016; Ord. 6583, 9-5-2021)

## **ATTACHMENT B**

Modifications to the text are indicated as **deletions** and **additions**.

### 14.304.1: DESIGN STANDARDS:

#### A. Downtown Design Guidelines:

1. Purpose: The downtown design guidelines contained herein shall serve the built environment within the downtown by promoting the use of high quality materials; supporting a unified pedestrian oriented environment, a mix of land uses, and thriving public spaces; and promoting and enhancing the character of the downtown. The downtown design guidelines shall be in addition to code requirements found elsewhere in this chapter. For the purposes of this section, the "downtown" shall be defined as:

- a. Properties located in the B-5 and B-5C zoning districts.
- b. Properties located along Prospect Avenue from Central Avenue to William Street.
- c. Properties located along East Lincoln Street from Maple Street to William Street.

2. Applicability: The downtown design guidelines shall be applicable to the following projects within the downtown:

- a. Construction of new buildings.
- b. Additions to existing buildings.
- c. Facade improvements to existing buildings. Facade improvements solely consisting of replacement of windows and doors of like size and location are exempt from the guidelines of this section.

3. Building Design: The architectural design and details of the building shall meet the following objectives:

a. Linear Massing: Facades fifty feet (50') or greater in length facing a front or exterior side lot line shall vary the depth of the structure, by way of recesses and projection within the building's architecture. These details shall break up the massing of the structure in addition to any windows and building entrances along the facade.

b. Access: All buildings with a total width greater than fifty feet (50') shall have a minimum of one entryway at the front of the building, defined as the facade of the building which faces the front or exterior side lot line. Buildings constructed on a corner lot may choose the building's orientation; access may be from either the front or the exterior side.

c. **Windows And Doors:** The first floor of buildings shall have a minimum of twenty five percent (25%) of the facade area facing a front or exterior side be devoted to glass windows and/or doors. Windows and doors should be used as an opportunity to provide architectural interest which breaks up building massing and supports a pedestrian friendly environment. If solid, windowless walls are necessary to the building's function, architectural details shall be included to add visual interest.

d. **Rooflines:** The roofline of a building should include architectural details which add to its overall design, such as cornices, dormers, or parapet walls.

e. **Materials:** Durable, high quality building materials which do not require frequent maintenance, such as brick, stone, and glass, shall be used for facades which are visible from the street. Materials located along a single facade shall be harmonious in design and color.

f. **Vertical Massing Of Multi-Story Buildings:** Multi-story buildings shall be visually divided using architectural details such as differing building materials or stepbacks to reduce the sense of mass and highlight the first floor to a pedestrian scale.

#### 4. Site Design:

a. **Building Setbacks And Parking Lots:** Building setbacks shall conform to section 14.905 of this chapter when applicable. Where possible, parking lots shall not be located between the street and the building's front facade.

b. **Landscaping:** Sites shall comply with the landscape provisions found in article XXIII of this chapter. The use of landscape planters, decorative fencing and similar treatments shall be encouraged in all outdoor areas where public gathering is desired, such as patio dining or other outdoor seating areas.

c. **Pedestrian Access:** All buildings shall have clear pedestrian access from a public walkway to the entrance(s) of the building. Sidewalks located on private property, to be utilized by the public, shall be a minimum of seven feet (7') in width.

d. **Streetscape Improvements:** Areas located immediately adjacent to Village right of way shall blend into the Village's existing streetscape improvement program where applicable.

e. **Bicycle Facilities:** Properties which incorporate parking lots shall also provide bicycle racks on site. Bicycle parking shall be provided at a minimum amount of ten percent (10%) of the vehicle parking provided on site. U-shaped racks, similar to those installed by the Village, are the preferred design.

B. **Additional Design Standards:** The following design standards are applicable to the entire Village:

1. Visual Expanse: Any structure over two hundred feet (200') in length shall be designed so as to stagger the building facades which face a right of way, parking lot, or adjacent residential property, in order to break up the visual expanse of the structure.

2. Screening Of Mechanical And Utility Equipment:

a. When feasible, mechanical equipment should be located within the principal structure in order to minimize exterior visual impacts.

b. All rooftop mechanical equipment shall be hidden when viewed from ground level as viewed from the public right of way or property line of any adjacent residentially zoned property. If screening is required, it shall be a continuous, permanent, sound attenuating and noncombustible screen of a color compatible with the principal structure. For new construction, the screen should be designed as an architectural component of the structure in the form of a parapet wall. The addition or modification of rooftop equipment on existing buildings shall be screened to the extent that is feasible, as determined appropriate by the community development director. If structural modifications are required to accommodate screening of mechanical equipment, it shall comply with the building code in effect at the time modifications are made.

c. All ground mounted mechanical and utility equipment that is six feet (6') or less in height shall be screened from view utilizing landscaping which will grow to the height of the ground based utility. Ground mounted mechanical and utility equipment taller than six feet (6') in height that is visible from the right of way or adjacent residential property shall be screened from view with an enclosure that is constructed to be consistent with the material of the principal structure, as determined appropriate by the community development director.

d. Screening of mechanical equipment shall be required when new equipment is installed. Screening shall not be required when replacing an existing, non-screened rooftop mechanical unit in the same place with a new unit that is either as tall as, or shorter than the existing unit. Normal maintenance of mechanical equipment shall not mandate the screening requirement. (Ord. 6286, 12-6-2016; amd. Ord. 3528, 9-2-2020)

**3. Architectural Diversity: To promote architectural diversity and avoid repetitive building patterns, no detached single-family dwelling constructed within a residential subdivision approved after the effective date of this ordinance, or constructed as new principal residential construction on an individual lot, shall be similar in appearance to any other detached single-family dwelling located on the same street within a distance of two (2) lots in either direction of the subject lot.**

**For purposes of this subsection, the term “constructed” shall mean the erection of a new principal detached single-family dwelling and shall not include:**

- Additions to an existing dwelling;**
- Exterior renovations or façade modifications to an existing dwelling; or**

- Interior remodeling.

This subsection shall not apply retroactively to dwellings legally existing as of the effective date of this ordinance.

a. Definition of “Similar in Appearance”: For purposes of this subsection, two detached, single-family dwellings shall be considered similar in appearance if they are identical or nearly identical with respect to any three (3) or more of the following architectural characteristics:

(1) Primary roof form, including the dominant roof type (gable, hip, mansard, gambrel, flat, or combination):

(2) Roof height, measured from finished grade to the peak, within a tolerance of +/- 2 feet;

(3) Front-facing massing, defined as the approximate height and width of the primary front wall plane closest to the front lot line;

(4) Overall front-elevation form, including the predominant silhouette and massing as viewed from the street;

(5) Fenestration pattern, including the relative location, arrangement, and size of windows on the front elevation;

(6) Garage configuration, including the location, orientation, and dimensions of garage doors visible from the street; and

(7) Primary exterior siding materials on the front elevation wall planes (e.g., brick veneer, horizontal siding, board-and-batten, shakes, or similar materials).

b. Characteristics Not Constituting Dissimilarity: The following characteristics, standing alone, shall not be deemed sufficient to establish dissimilarity between dwellings:

(1) Variations in color;

(2) Variations in roofing material;

(3) Addition or deletion of minor decorative elements (including, but not limited to, dormers, cupolas, bay windows, belt courses, fan lights, chimneys, or ornamental features);

(4) Reversal of plan orientation (right-hand/left-hand orientation);

(5) Variation in window styles; and

(6) Variations in height, width, or length measurements of less than five percent (5%), unless otherwise specified herein.

c. Submission and Approval Requirements: Prior to issuance of any building permit within a subdivision, the applicant shall submit:

(1) A proposed set of building elevations for all planned home models; and

(2) A streetscape diagram or lot assignment plan demonstrating compliance with the spacing requirement established in this subsection.

The Director of Community Development shall review the submitted elevations and lot assignments for compliance with the requirements of this subsection. Approved elevations and lot assignments shall be binding upon subsequent building permit reviews.

4. Stucco or engineered stucco systems shall comply with the regulations stipulated in section 21.229 of the building code.

## **ATTACHMENT C**

Modifications to the text are indicated as **deletions** and **additions**.

### 14.306: ACCESSORY STRUCTURES:

A. General Requirements: The following restrictions on accessory buildings, structures and uses apply to all zoning districts, **unless otherwise provided for in this chapter:**

1. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the time of construction of a principal building.

2. Yard Requirements: No accessory building, structure or use shall be located in a required front yard, required side yard or exterior side yard, unless otherwise provided for in this chapter.

3. Height Requirements:

a. Residential And Commercial Districts: No detached garage or gazebo shall exceed a maximum height of fifteen feet (15'). No other accessory building/structure shall exceed ten feet (10') in height.

b. Industrial, Office Research And Conservation Recreation Districts: No accessory building/structure shall exceed twenty feet (20') in height.

4. Separation Between Buildings:

a. A detached accessory building or structure shall be located no closer to the principal building than three feet (3'). Detached garages located between three feet (3') and ten feet (10') from a principal building shall be provided with a five- eighths inch (5/8") drywall finish on the interior walls and ceiling.

b. **For single-family residential properties in the R-X, R-1 and R-A zoning districts only,** Any structure permanently attached to the principal structure is no longer considered an accessory structure pursuant to article XXIV of this chapter and shall meet the bulk requirements of the zoning district for principal structures, unless otherwise listed as a permitted obstruction in section 14.319 of this article.

**c. For single-family residential properties in the R-X, R-1 and R-A zoning districts only, any structure permanently attached to an accessory structure is considered part of the accessory structure and shall meet the bulk requirements for accessory structures, unless otherwise listed as a permitted obstruction in section 14.319 of this article.**

~~c.~~ **d.** Aboveground swimming pools are permitted to attach to a deck if all required rear and side yard setbacks are met and the deck is designed with a gate between the deck and pool and access is provided to the yard from the deck.

~~d.~~ **e.** Pergola support columns shall be located no closer to the principal building than three feet (3').

5. Number Of Accessory Structures: The maximum number of accessory structures shall not exceed two (2) such structures per zoning lot. Swimming pools and structures listed as permitted obstructions in section 14.319 of this article are exempt from the total number of accessory structures.

6. Shed **and Garage** Restrictions:

~~a.~~ **a.** A shed shall not be utilized to store motor vehicles or as office, work or living space. The storage of household items, equipment to maintain the property and small recreational equipment is permitted.

~~b.~~ **b. A detached garage shall not be utilized as office, work or living space. The storage of motor vehicles, household items, equipment to maintain the property and small recreational equipment is permitted.**

7. Roof Pitch: No accessory structure shall have a roof pitch of less than three to twelve (3:12). Pergolas, arbors, and accessory structures in the I-1 Limited Industrial and C-R Conservation Recreation zoning districts shall be exempt from this requirement.

~~8.~~ **8. No accessory structure shall be used for residential living quarters.**

B. Restrictions In Residential Districts:

1. Maximum Size:

a. A detached private garage may be no larger than ~~six hundred seventy two~~ **seven hundred twenty (672720)** square feet.

b. A shed, gazebo, pergola, greenhouse, or other similar accessory structure may be no larger than **two hundred (200) square feet.** ~~the smaller of the following:~~

~~(1) Two percent (2%) of the lot area; or~~

~~(2) Two hundred (200) square feet.~~

2. Bulk Restrictions:

a. On lots fifty five feet (55') in width or less, detached accessory structures shall be set back three feet (3') from any interior side or rear lot line.

b. On lots greater in width than fifty five feet (55'), detached accessory structures shall be set back five feet (5') from any interior side or rear lot line.

c. No accessory structure shall be placed on any right of way or village utility or easement without prior consent from the director of community development.

d. All solid roofed accessory structures, including gazebos, shall be included in any Floor Area Ratio calculation.

3. Lot Coverage: Accessory structures shall be included in any maximum lot coverage calculation. Swimming pools are exempt from the maximum lot coverage calculation.

C. Restrictions In Business And Industrial Districts:

1. Maximum Area: Detached accessory building(s) or structure(s) shall occupy no more than thirty percent (30%) of the area of a required yard.

2. Yard Requirements: Accessory structures shall be set back six feet (6') from any side or rear lot line. No accessory structure shall be placed on any right of way or village utility or easement without prior consent from the director of community development.

D. Regulations For Specific Accessory Structures And Uses:

1. Garbage Dumpsters And Recycling Containers:

a. Required: All multi-family buildings utilizing centralized solid waste services shall provide a garbage dumpster and recycling container area which meets the minimum standards which have been established by the solid waste coordinator.

b. Location: Outdoor designated garbage dumpsters and recycling containers shall maintain the same setbacks as parking lots. Dumpsters and containers that are located within covered parking areas shall be designed so that they do not conflict with required parking spaces or access drives.

c. Screening:

(1) Nonresidential Districts: Such dumpsters and containers shall be screened on all sides by a solid wood fence or equivalent screening material to a height not less than six feet (6').

(2) Residential Districts: Multiple-family residential developments shall provide screening on no less than three (3) sides by a solid wood fence or equivalent screening material to a height not less than six feet (6').

2. Accessory Commercial Uses Within Multi-Family Residences: Accessory commercial uses including restaurants, drugstores, retail food shops, valet services, beauty and barber shops, and physical fitness or health facilities shall be permitted within multi-family buildings provided that the accessory uses must be accessible to the public only through the lobby of the building; and no advertising or display related to the accessory use shall be visible from outside the building.

3. Accessory Uses Within Office Buildings: Accessory uses located within office buildings including cafeterias, restaurants, gift shops, flower shops, snack bars, drugstores, barbershops, beauty parlors, banks, daycare centers, and office supply stores (excluding sales of office machinery and furniture) shall be permitted provided that said accessory uses are conducted for the convenience of the employees, patients, patrons, or visitors. Said accessory uses shall be designed and located totally within the confines of the principal building and the primary access to any accessory retail use shall be from within the principal building.

4. Off Street Parking Facilities: Parking lots and drive aisles shall not be subject to the restrictions of this subsection, but shall be subject to the requirements within articles XXII and XXIII of this chapter.

5. Signs: Signs shall not be subject to the restrictions of this subsection but shall be subject to the requirements of chapter 7 of this code.

6. Swimming Pools: The regulations of this subsection shall not apply to any pool having at every point a depth less than twenty five inches (25").

No out of doors swimming pool for the use of members and their guests of nonprofit club or organization, or limited to house residents of a multiple-dwelling unit, a block, a subdivision, neighborhood, or other community shall be permitted in an R-1, R-A or R-X district.

a. Location: Swimming pools shall not be permitted in any required front, side or exterior side yards. Pools are permitted to encroach into the rear yard provided a minimum of fifteen feet (15') is maintained from the rear property line to the edge of the structure.

b. Construction: All swimming pools shall be constructed according to the requirements of this code.

7. Donation Boxes: The following restrictions shall apply to all donation boxes located within the Village:

a. Location Requirements:

(1) Donation boxes are permitted as an accessory use to an institutional or nonprofit use only.

(2) Donation boxes shall not be located in a required parking space.

(3) Donation boxes shall not be located in a required front yard, required side yard or exterior side yard and shall be located to minimize visual impact when viewed from a street.

b. Number Allowed: No more than one donation box shall be located on any lot.

c. Size: A donation box shall not exceed six and one-half feet (6.5') in height. The box footprint shall be no greater than twenty five (25) square feet.

d. Maintenance Requirements: Donation boxes shall be maintained in good condition with no structural damage, holes, rust or graffiti. All boxes shall be emptied and serviced regularly to prevent overflow of collections and be kept free of debris.

e. Signage: The name, address and phone number of the donation box operator shall be posted on the box. Information shall be provided on the box as to whether the operator is a for profit or not for profit organization. Total signage on the donation box shall not exceed five (5) square feet or as approved by the director of community development.

f. Placement: All donation box placement shall be in accordance with all additional state or county law. (Ord. 6286, 12-6-2016; amd. Ord. 3528, 9-2-2020; Ord. 6583, 9-5-2021; Ord. 6590, 11-16-2021)

## ATTACHMENT D

Modifications to the text are indicated as **deletions** and **additions**.

Add the following land uses to Section 14.604 Land Use Table 1 in the appropriate alphabetical locations.

### 14.604: LAND USE TABLES:

LAND USE TABLE 1  
RESIDENTIAL AND RECREATIONAL ZONING DISTRICTS

Land Use	C-R	R-X	R-1	R-A	R-2	R-3	R-4
<p><b><u>Existing nonconforming accessory structures</u></b>  <b><u>Applicable structures:</u></b>            (i) <u>Will be replaced with the same type of structure,</u>            (ii) <u>Do not exceed a total of two (2) accessory structures per lot of record,</u>            (iii) <u>Extend into no more than forty percent (40%) of the required interior side yard setback,</u>            (iv) <u>Extend into no more than ten percent (10%) of the rear yard setback, or</u>            v) <u>Where the applicable lot coverage does not exceed the maximum permitted for that zoning district by more than ten percent (10%).</u></p>		<u>C<sup>3</sup></u>	<u>C<sup>3</sup></u>	<u>C<sup>3</sup></u>			
<b><u>Relief from accessory structure requirements, except for certain existing nonconforming accessory structures</u></b>		<u>C</u>	<u>C</u>	<u>C</u>			
<b><u>Relief from fence requirements</u></b>		<u>C</u>	<u>C</u>	<u>C</u>			

Notes:

1. Permitted in limited circumstances. A conditional use shall be required if the following circumstances apply:

a. A residential dwelling unit is being converted to the proposed use so as to be the principal use of the structure; or

b. A new building or structure is to be constructed on property less than 40,000 square feet not currently in use for the proposed use.

2. Residential setback reductions below 5 feet may trigger additional building code requirements including, but not limited to, fire-rated walls, limitation on projections, and opening in walls. Any zoning relief granted through the conditional use shall adhere to Chapter 21 Building Code of the Municipal Code.

**3. Administrative conditional use approval is required.**

## **ATTACHMENT E**

Modifications to the text are indicated as **deletions** and **additions**.

### 14.2204: RESIDENTIAL DRIVEWAYS:

A. Driveways: All single-family and attached single-family driveways shall conform to the following requirements:

1. Requirements: A minimum of two (2) parking spaces shall meet the required setbacks of the specific zoning district. Driveways shall lead to an off street parking space(s) or parking pad and shall cross the required front or exterior side yard in a manner essentially perpendicular to the street pavement. Circular or dual frontage driveways, or driveways serving side load garages are exempt from this requirement.

2. Minimum Driveway Width: Minimum driveway width shall be eight feet (8').

3. Parking Strips: Parallel paving strips shall be permitted as alternatives to paved driveway surfaces. Driveway width measurements shall be made from the pavement's outside edge and shall include the width between strips of pavement.

4. Driveway Width: Driveway width shall be calculated by including all abutting parallel sidewalks and patios for driveways located within a required front or required exterior side yard.

5. Unobstructed From Encroachments: All driveways shall be unobstructed from any encroachment such as chimneys, fireplaces, and bay windows.

6. Attached Garages: Driveways serving attached garages shall not exceed ~~twenty six~~ **thirty** feet (~~26'~~ **30'**) in width unless otherwise regulated elsewhere in this chapter. **and shall taper to a width no greater than twenty-six feet (26') at the property line.**

a. Driveways In Front Of Houses: ~~No driveway shall encroach more than three feet (3') beyond the garage toward the front plane of the house, with exception of circular or dual frontage driveways and driveways serving side load garages as permitted per code. The portion of a driveway located in front of the house shall not extend more than three feet (3') beyond the point where the garage meets the house, measured along the front plane of the house. Circular driveways, dual-frontage lots, and driveways serving side-loaded garages are exempt from this requirement.~~

b. Driveways serving three (3) car attached garages may be the same width as the garage, not to exceed a maximum width of thirty three feet (33') ~~within the first eighteen feet (18') of the garage's front elevation~~, and shall ~~be tapered~~ to a width no greater than

twenty six feet (26') ~~within eighteen feet (18') of the garage's front elevation~~ at the property line.

7. Detached Garages: Driveways serving detached garages shall not exceed ~~twenty-six~~ thirty feet (~~26'~~ 30') in width unless otherwise regulated elsewhere in this chapter, and shall taper to a width no greater than twenty-six feet (26') at the property line.

a. Driveways In Front Of Houses: ~~No driveway shall encroach more than three feet (3') beyond the garage toward the front plane of the principal structure (house).~~ The portion of a driveway located in front of the house shall not extend more than three feet (3') beyond the closest plane of the house, measured along the front plane of the house.

b. Driveways Serving Three Car Detached Garages: Driveways serving three-car detached garages may be the same width as the garage not to exceed a maximum width of thirty three feet (33') ~~within the first eighteen feet (18') of the garage's front elevation~~, and shall tapered to a width no greater than twenty-six feet (26') ~~within thirty feet (30') of the garage's front elevation~~ at the property line. Maximum measurement shall be taken from garage's edge farthest from the side lot line, running parallel to the garage facade.

8. Vehicle Turnaround Pads: Driveways fronting onto a major arterial street, as defined in the Village's comprehensive plan, may provide a vehicle turnaround pad no larger than twelve feet (12') in depth as measured parallel to the front lot line, and ten feet (10') in width as measured perpendicular to the front lot line. The vehicle turnaround pad shall be located entirely on the property, perpendicular to the driveway, and at least fifteen feet (15') from the principal structure. The turnaround pad may be in addition to the overall permitted driveway width.

9. Driveways Serving Side Load Garages: Driveways serving side load garages shall not exceed ~~twenty-six~~ thirty feet (~~26'~~ 30') in width and shall taper to a width no greater than twenty-six feet (26') at the property line. Measurements for driveway width shall be taken parallel to the front lot line, no closer to the right of way than two feet (2') from the required front yard setback line.

10. Circular And Dual Frontage Driveways: Circular or dual frontage driveways for lots with a lot width of seventy five feet (75') or greater shall meet these minimum requirements:

a. Minimum Turning Radius: The circular drive portion of the driveway shall have a minimum turning radius of fifteen feet (15');

b. Width: The circular drive portion of the driveway shall have a minimum width of twelve feet (12') and a maximum allowable driveway width of twenty six feet (26'), as measured both at the lot line and at the entrance to the garage.

#### B. Parking Pads:

1. Parking pads are subject to the following requirements:

a. Parking pads shall be accessible via a driveway serving an attached garage and may encroach into required yards.

b. Parking pads shall be a minimum of eight feet (8') in width and shall not exceed two hundred (200) square feet in area. All adjacent flatwork (sidewalks, patios) shall be calculated into the parking pad's total area.

c. Parking pads shall be included in any maximum driveway width calculation, measured at the point where the parking pad meets the driveway.

C. Driveways Serving Multi-Family Residential Lots: Driveways serving multi-family residential lots shall be considered drive aisles and shall meet the parking lot design standards of this Code. (Ord. 6286, 12-6-2016; amd. Ord. 6528, 9-2-2020)

## **ATTACHMENT F**

Modifications to the text are indicated as **deletions** and **additions**.

**Add the definitions of “Administrative Conditional Use”, “Administrative Variation” and “Permitted Obstruction” to Section 14.2401 in the appropriate alphabetical locations. Modify the definition of “Accessory Structure” to be more specific.**

14.2401: PURPOSE

**ADMINISTRATIVE CONDITIONAL USE: A category of conditional use for single-family residential zoning districts which may be approved administratively by the Village of Mount Prospect, in conjunction with a submitted application, site plan, and all of the necessary requirements as required by the zoning ordinance and with required consent or determination of no objection from adjacent property owners.**

**ADMINISTRATIVE VARIATION: A category of variation which may be approved administratively by the Village of Mount Prospect, in conjunction with a submitted application, site plan, and all of the necessary requirements as required by the zoning ordinance and with required consent or determination of no objection from adjacent property owners.**

ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of a principal structure. Said structures may include, but are not limited to, **detached** garages **and, gazebos, pergolas, greenhouses,** sheds, **trash enclosures, parking lots, outdoor storage tanks, swimming pools, fences, and certain permitted obstructions including central air conditioning units, generators and similar mechanical equipment, driveways, parking pads, open stoops and canopies, patios, balconies, decks, service walks, sidewalks, steps, handicap ramps, sports courts, unenclosed porches and window wells,** as further defined by this Code.

**PERMITTED OBSTRUCTION: An accessory structure that is allowed to encroach into a required yard as long as it meets certain size and location requirements set forth by this Code.**