

## Legislative Summary

### Ordinance 23-32

#### APPROVING A TEXT AMENDMENT TO CLARIFY REGULATIONS RELATING TO SHORT-TERM DWELLING UNITS IN MORTON GROVE, ILLINOIS

<b>Introduction:</b>	December 12, 2023
<b>Purpose:</b>	To approve a Text Amendment that clarifies regulations for short-term dwelling units in the Village of Morton Grove.
<b>Background:</b>	<p>Village staff currently enforces a Village-wide prohibition on short-term dwelling units pursuant to Section 12-17-1 of the Village Code, which excludes “tourist homes” from the definition of a “dwelling”, and Section 12-4-1: E.4, which states that uses not specified in the district classification lists are not allowed. The Unified Development Code (Title 12) does not define “tourist homes”, does not list the use as allowed in any zoning district, and does not establish use standards. Due to an increasing number of short-term dwelling units (e.g. Airbnb and VRBO rentals) in Morton Grove and resident complaints received by staff relating to the unauthorized use, staff made an application under Case PC 23-16 requesting a text amendment to define “short-term dwelling units” and list the use as a prohibited use in the zoning district matrices to provide greater clarity in the code and support enforcement efforts (“Application”).</p> <p>At public hearings held on August 15, September 19, October 17, and November 21, 2023, the Plan Commission considered the proposed amendments relating to short-term dwelling units and considered public comment both in support of and against legalization of the use. At the request of the Plan Commission, staff prepared draft language that legalized the use and established use standards, which was considered by the Commission at the November 21, 2023, meeting. On November 21, 2023, staff appeared before the Plan Commission to present the draft language legalizing short-term dwelling units. The Plan Commission voted 4-2 (Commissioner Gabriel absent, Chairperson Blonz and Commissioner Kintner voting no) to recommend legalizing short-term rentals in the Village subject to certain conditions.</p> <p>Ordinance 23-32 legalizing short-term dwelling units as recommended by the Plan Commission, was presented to the Village Board for a first reading on December 12, 2023, and a second reading on January 9, 2024. Due to concerns with legalization the use, the Village Board at their January 9, 2024, meeting voted to continue the case and requested that Ordinance 23-32 be rewritten to conform to the original Application confirming and clarifying the prohibition on short-term dwelling units.</p>
<b>Programs, Dept’s, Groups Affected</b>	Department of Community and Economic Development
<b>Fiscal Impact:</b>	N/A
<b>Source of Funds:</b>	N/A
<b>Workload Impact:</b>	The Text Amendment will be implemented and supervised by staff as part of their normal work activities.
<b>Administrative Recommendation:</b>	Approval as presented
<b>Third Reading:</b>	January 23, 2024 (Second reading occurred January 9, 2024)
<b>Special Considerations or Requirements:</b>	None

Submitted by - Ralph Czerwinski, Village Administrator  
Reviewed by - Teresa Hoffman Liston, Corporation Counsel  
Prepared by - Zoe Heidorn, Community Development Administrator

## ORDINANCE 23-32

### APPROVING A TEXT AMENDMENT TO CLARIFY REGULATIONS RELATING TO SHORT-TERM DWELLING UNITS IN MORTON GROVE, ILLINOIS

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

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

WHEREAS, the Village of Morton Grove submitted a complete Text Amendment Application to the Morton Grove Plan Commission under Case PC 23-16 to consider and recommend adoption of a Text Amendment to Title 12 of the Village of Morton Grove Unified Development Code (Ordinance 07-07) (“Application”); and

WHEREAS, the proposed Text Amendment modifies and establishes regulations pertaining to short-term dwelling units in the Village’s residential and commercial zoning districts; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, notice of a public hearing for case PC 23-16 on August 15, 2023, was duly published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on July 27, 2023; and

WHEREAS, as required by ordinance, the Morton Grove Plan Commission held a public hearing relative to the above referenced case on August 15, 2023, and at said public hearing, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission, and in order to provide more time for discussion and consideration of the Application, the Commission voted to continue Case PC 23-16 to the September 19, 2023, meeting of the Plan Commission; and

WHEREAS, at the September 19, 2023, meeting of the Plan Commission, the Commission voted to continue Case PC 23-16 to the October 17, 2023, meeting of the Plan Commission to provide greater Commissioner attendance for discussion and consideration of the Application; and

WHEREAS, at the October 17, 2023, public hearing for Case PC 23-16, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission, and in order to provide more time for discussion and consideration of the Application, the Commission voted to continue Case PC 23-16 to the November 21, 2023, meeting of the Plan Commission; and

WHEREAS, at the November 21, 2023, public hearing for Case PC 23-16, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission and as a result of said public hearing, the Plan Commission considered all the evidence and testimony

presented to it, discussed the merits of the Application and made certain recommendations through a report dated December 5, 2023, which was presented to the Village Board on December 12, 2023, and a copy of that report is contained in “**Exhibit A**”; and

WHEREAS, Ordinance 23-32 was considered by the Village Board for a first reading at the December 12, 2023, meeting and a second reading at the January 9, 2024, meeting, at which the public was given the opportunity to be present and express their views for consideration; and

WHEREAS, due to concerns with the Plan Commission’s recommendation to legalize short-term dwelling units, the Village Board at their January 9, 2024, meeting voted to continue the case and request modification of Ordinance 23-32 to incorporate the language presented by staff at the first Plan Commission meeting to consider the Application on August 15, 2023, which confirmed and clarified the prohibition on short-term dwelling units; and

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

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

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

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

SECTION 2: Title 12, Chapter 4, Section 2, Subsection C, entitled, “Uses,” is hereby amended to insert the following use in alphabetic order and to read as follows:

**12-4-2: RESIDENTIAL DISTRICTS**

C. Uses:

Categories Of Use	R-1	R-2	R-3
<u>Short-term dwelling units</u>	X	X	X

SECTION 3: Title 12, Chapter 4, Section 3, Subsection D, entitled, “Uses,” is hereby amended to insert the following use in alphabetic order and to read as follows:

**12-4-3: COMMERCIAL DISTRICTS**

D. Uses:

Categories Of Use	C-1	C-2	C/R
<u>Short-term dwelling units</u>	X	X	X

SECTION 5: Title 12, Chapter 17, Section 1, entitled, “Terms Defined,” is hereby amended to add the following terms defined, to be listed in alphabetical order:

SHORT-TERM DWELLING UNIT. All or part of a residential dwelling unit located in any zoning district, being leased, rented, offered for rent, hired out, licensed, or otherwise let to a person or persons other than the owner of the subject property or a family member of the owner thereof for a period shorter than thirty (30) consecutive days. A short-term dwelling unit shall not include a hotel/motel or bed and breakfast as defined herein or a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.

SECTION 6: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 7: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 8: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.

Passed his 23rd day of January 2024.

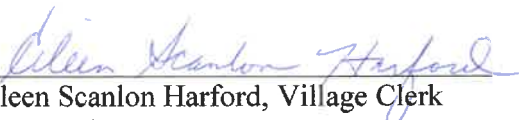
Trustee Khan	<u>Aye</u>
Trustee Minx	<u>Aye</u>
Trustee Shiba	<u>Aye</u>
Trustee Travis	<u>Aye</u>
Trustee Thill	<u>Aye</u>
Trustee Witko	<u>Aye</u>

Approved by me this 23rd day of January 2024.



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

Attested and Filed in my office this  
24th day of January 2024.

  
\_\_\_\_\_  
Eileen Scanlon Harford, Village Clerk  
Village of Morton Grove  
Cook County, Illinois

# **EXHIBIT A**

Plan Commission Report for PC 23-16

*Dated December 5, 2023*

**To:** Village President and Board of Trustees

**From:** Steve Blonz, Plan Commission Chairperson  
Ralph Czerwinski, Village Administrator  
Teresa Hoffman Liston, Corporation Counsel  
Zoe Heidorn, Community Development Administrator

**Date:** December 5, 2023

**Re:** **Case PC 23-16: Request for approval of a Text Amendment to Chapter 12-5 and Sections 12-4-2, 12-4-3, and 12-17-1 to modify and establish regulations relating to short-term dwelling units. The applicant is the Village of Morton Grove.**

### Executive Summary

On July 11, 2023, the Department of Community and Economic Development of the Village of Morton Grove ("applicant") submitted a complete application requesting approval of a Text Amendment to various sections of the Morton Grove Unified Development Code (Title 12) to provide better control over certain land uses, including short-term dwelling units.

The Text Amendment Application was considered by the Plan Commission at four meetings on August 15, 2023, September 19, 2023, October 17, 2023, and November 21, 2023. For the reasons set forth in this report, on November 21, 2023, the Plan Commission recommended by a vote of 4-2 (Commissioner Gabriel absent, Chairperson Blonz and Commissioner Kintner voting no) that the Village Board of Trustees should approve the Text Amendment as specifically modified by recommendation of the Plan Commission. The Plan Commission previously forwarded other portions of the application considered under Case PC 23-16 relating to accessory uses and structures, commercial and industrial uses, and commercial building design, which were considered by the Village Board for a first reading on November 14, 2023, and approved under Ordinance 23-23 on November 28, 2023.

### Application

Under the original Text Amendment Application presented to the Plan Commission on August 15, 2023, staff recommended amending Section 12-17-1 to define short-term dwelling units and list the use as a prohibited use in the residential zoning matrix to provide greater clarity and support enforcement efforts.

Staff currently enforces a Village-wide prohibition on short-term dwelling units using Section 12-17-1, which explicitly excludes tourist homes from the definition of a "dwelling" and Section 12-4-1:E.4, which states that uses not specified in the list for each district classification are not allowed. Currently, "tourist homes" is not defined by Section 12-17-1 and there is also no codified minimum length of stay that staff can refer to in enforcement. Consistent with other communities, staff recommended adding a new use, "short-term dwelling unit" to better address short-term rental uses. The new definition proposed to be added to Section 12-17-1 established a minimum period of stay of 90 days. Listing the use as a prohibited use in the use matrix of Section 12-4-2:C would have provided staff with a clear and effective reference point for enforcement.

At the Plan Commission hearings to consider the proposed amendments relating to short-term dwelling units, the Commissioners discussed the land use and received public comment both in support of and against legalization of the use in the Village's commercial and residential zoning districts. At the request of the Plan Commission, staff prepared draft language that legalizes the use and establishes use standards, which was considered by the Commission at the November 21, 2023, meeting. These proposed regulations, as specifically modified and recommended by the Plan Commission at the November meeting, are attached hereto as "**Attachment A**."

### Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** (Issued November 22, 2023, and subsequently incorporated into the draft legislation.)

"The International Fire Code (IFC), 2018 Ed. designates the proposed purpose of "Permitted Short Term Dwelling Units", as defined by the proposed amendment definition, as Residential Group 3. Specifically, it further specifies the use as a *Lodging House*. Per the IFC a Lodging House is defined as "A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guestrooms." The code allows **Owner-occupied lodging houses** with five or fewer guestrooms and

10 or fewer total occupants shall be permitted to be constructed in accordance with the *International Residential Code, 2018 Ed.*

“The IFC designates the proposed purpose of “Special Use Short Term Dwelling Units”, as defined by the proposed amendment criteria, as Residential Group 3. Specifically, it further specifies the use as *Lodging houses (transient)*. This is the same definition of *Lodging House* except it implies that one or more occupants are primarily transient in nature.

“After review of the Village’s adopted Fire Code the following life safety requirements apply for:

**Permitted Use Short Term Dwellings:**

1. All permitted short-term dwelling units shall comply with the applicable life safety codes of the Village.
2. Smoke Alarms are required:
  - a. **R314.1 General.** Smoke alarms shall comply with NFPA 72 and Section R314.
  - b. **R314.3 Location.** Smoke alarms shall be installed in the following locations:
    - i. In each sleeping room.
    - ii. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
    - iii. On each additional *story* of the *dwelling*, including *basements* and *habitable attics*.
  - c. **R314.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual *dwelling unit*. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.
  - d. **R314.5 Combination alarms.** Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.
  - e. **R314.6 Power source.** Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.
    - i. **Exceptions:** Smoke alarms installed in accordance with Section R314.2.2 can be permitted to be battery powered if the house was not remodeled after December 31, 1987.

**Special Use Short Term Dwellings**

1. All Special Use short-term dwelling units shall comply with the applicable life safety codes of the Village.
2. A Fully Automatic Detection Fire Alarm System monitored by the Fire Department’s Dispatch Center is required.”

- **Public Works Department/Engineering:** No comments at this time.

**Public Hearings**

**Appearance & Traffic Safety Commission**

Because the application is for an amendment to the Unified Development Code and not in relation to any specific property or project, review by the Appearance and Traffic Safety Commissions was not required.

**Plan Commission**

The Village of Morton Grove provided public notice for the August 15, 2023, Plan Commission public hearing for Case PC 23-16 in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on July 27, 2023. Mailed letters to property owners and a public notice sign were not required due to the application being for a Text Amendment to the Unified Development Code and not in relation to a particular property.

At the August 15, 2023, meeting, the Commissioners voted to continue the case to the September 19, 2023, meeting to allow additional time to consider proposed regulation relating to short term dwelling units. At the September 19, 2023, meeting, the Commissioners voted to continue the case to the October 17, 2023, meeting without discussion due to low attendance. No additional public notice was required for the September 19, 2023, October 17, 2023, and November 21, 2023, public hearings.

**Plan Commission – August 15, 2023, Proceedings:** Five members of the Plan Commission were in attendance at the public hearing for Case PC 23-16 held on August 15, 2023. Commissioners Dorgan and Stein were absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated August 8, 2023, and attached hereto as “Attachment B,” was entered into the public record.

Ms. Heidorn said this will be an informal presentation and discussion of the proposed amendments to Title 12. Because public members in the audience are here to speak to the short-term dwelling units amendment, Ms. Heidorn asked if that could be discussed first to accommodate the audience.

Ms. Heidorn explained that homes (Airbnb, VRBO) are excluded from the Village's zoning ordinance, which is what staff has interpreted to be short term dwelling units. When a use is not listed in the code and use matrix, it is not permitted. Staff has been responsive to complaints by residents and now seeks to codify by defining units as short-term dwelling unit. This would allow units to be occupied for not less than 90 days.

Commissioner Gabriel asked how a lease could be enforced. Ms. Heidorn said enforcement is by observation and the use of websites. Discussion ensued regarding the 90-day limitation. Commissioner Liston asked how the requirements can be enforced by the listing companies.

Commissioner Gabriel asked if this amendment is to control unwanted behavior. If so, there are other codes that control nuisances. Ms. Heidorn said these types of rentals are not allowed and the code is being amended due to an onslaught of complaints of disturbance from neighbors.

Commissioner Kintner and Ms. Heidorn clarified that the amendment provides a specific definition of short-term rentals and continues to not allow them in the Village.

Commissioner Gabriel said we are eliminating month-to-month rentals. Ms. Heidorn said the staff suggestion is 90 days, but this is open to modification.

Chairman Blonz asked how many Airbnb type rentals are in the Village. Ms. Heidorn said she was aware of approximately four to six homes offered on websites, and ten rooms or portions of homes.

Commissioner Kintner asked if these could be allowed by Special Use Permit. Ms. Heidorn said they could be based on Plan Commission recommendation and Board approval. are prohibiting,

Chairman Blonz asked for public comment.

Laura and Steve Yates, owners of 7821 Linder Avenue, were invited to speak.

Laura Yates and her husband explained that they have rented their home without incident through Airbnb. She said she had spoken to someone in the Village Hall who said there were no permits required for Airbnbs in July of 2022. Now they were notified to cease the rental by the Village or be fined. She thanked Ms. Heidorn for her time explaining the draft amendment and for the opportunity to speak tonight.

Ms. Yates explained that their rental income has allowed them to make improvements to their house and keep up with the mortgage. She described their control over tenants, the vetting process, the rule imposed by the owners, use of surveillance technologies, and the numerous Village Codes which prohibit noise. The same concerns that neighbors may have are the concerns of the renter.

Ms. Yates provided examples from the Morton Grove Chamber of Commerce and the Village of Morton Grove Strategic Plan promoting economic development efforts and moving the community forward. She described the potential tax benefits to the Village, as the rentals can be taxed the same rate as hotels and motels, which is administered by the rental agency. Skokie, Niles, Evanston and Des Plaines allow short term rentals. This occupancy tax is collected on rentals of 28 days or less.

Ms. Yates opposes the insertion of the definition of short-term rentals with a 90-day time limit and the continued prohibition.

Chairman Blonz and the Commissioners thanked Ms. Yates for her thorough comments. She will provide copies of her presentation to the Commissioners.

Commissioner Gabriel asked for surveys of surrounding communities. Ms. Heidorn responded that she will provide more information on how other communities treat the use.

A motion was made by Commissioner Liston to continue the discussion of short-term rentals to the next meeting to discuss surveys of surrounding communities' policies.

The motion was seconded by Commissioner Gabriel.

Motion passes 5-0.

Plan Commission – September 19, 2023, Proceedings: Four members of the Plan Commission were in attendance at the public hearing for Case PC 23-16 held on September 19, 2023. Commissioners Kintner, Stein, and Liston were absent.

Commissioner Gabriel moved to postpone the agenda item and meeting to the October 17, 2023, meeting due to the lack of Commissioners present.

The motion was seconded by Commissioner Mohr.

Motion passes 4-0.

Plan Commission – October 17, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-16 held on October 17, 2023. Commissioner Gabriel was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated September 12, 2023 (revised October 10, 2023), and attached hereto as "**Attachment C**," was entered into the public record. Ms. Heidorn said that since this was first presented on August 15, 2023, minor amendments were made based on Commissioner comments. At the August meeting, there was compelling public comment regarding short-term rental units and the agenda item was again continued at the September 19, 2023, meeting.

Ms. Heidorn said the draft amendment for short-term rental units includes a definition, which was read into the record. The use is currently prohibited. The Plan Commission may vote on the amendment of the definition and continue prohibition. The Plan Commission may also want to discuss this further and recommend legalization and regulation.

Commissioner Dorgan asked if there were any complaints by neighbors for any of the rentals. He discussed his experience when using short-term rentals on vacations.

Ms. Heidorn said this was brought to the Plan Commission due to complaints received for noise, safety concerns, and code violations.

Commissioner Liston asked if the Village would be able to better regulate the units if they were allowed.

Commissioner Mohr said we should license the units. We can control the nuisances with regulations.

Commissioner Kintner said that specific controls are needed, and he wondered if that was even feasible for the Village. The conditions need to be further studied.

Chairman Blonz said has had favorable experiences with short-term rentals. He would like to continue this discussion and react to possible regulations put together by staff.

Ms. Heidorn said licensing and regulations will be presented as recommendations next month.

Laura Yates provided favorable comment from one of her Airbnb renters, a Morton Grove resident, in support of the short-term rental use. The letter thanks Ms. Yates for her welcoming stays when renting her home in Morton Grove. She notes that Niles allows short-term rentals and defines them as hotels. She said she has had no complaints from her neighbors. Homes that rent rooms or portions of the home and remain owner-occupied have great control over nuisances. Morton Grove has six of these rentals. She said she knows of two homes that are rented by agencies with surveillance. She read the proclamation by Mayor DiMaria protecting Morton Grove's constitutional rights.

Ms. Heidorn read the following public comment provided by email:

*Casimir & Denyse Pashup, 8522 Marmora Avenue, Morton Grove IL 60053*

*I'm very sorry I can't make tonight's meeting. As I explained I am someone who has rented private homes via Air BnB on many occasions while traveling for both personal and business reasons. Airbnbs do not belong in family neighborhoods, they belong in second home/vacation rental markets where they do not become negative externalities on families. The situation next door to me involves renting individual rooms in the home out for \$30-40 per night and I think that invites unsavory individuals to the property for questionable reasons. As a homeowner in Morton Grove where I pay high taxes, I don't feel I should have to be subjected to transients coming and going (sometimes at all hours) to and from the property. The cars almost always have out of state license plates, the people take clothing from their trunks and back seats (not in suitcases) and carry it into the house like they are going to a laundromat. I've gone to let my dog out to find a random person smoking in the yard in the dark scaring me half to death. I don't feel comfortable walking in the neighborhood after dark now either. I live here because it's a quiet, peaceful neighborhood but in the past 6 months its become a constant parade of strangers. They park in front the fire hydrants, park the wrong way on the street, there has been police activity there a time or two. I don't feel safe and further, this particular property owner no longer lives here and the property isn't properly cared for and has become a dumping ground for junk. There is no pride in ownership when you aren't living here.*

There was no further public comment.

Commissioner Kintner made a *motion to continue Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment relating to, short-term dwelling units, (sections 12-4-2:C and 12-17-1) to the next regularly scheduled meeting of the Plan Commission on November 17, 2023.* The motion was seconded by Commissioner Dorgan.

Motion passes 6-0.

Plan Commission – November 21, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-16 held on November 21, 2023. Commissioner Gabriel was absent.

Ms. Heidorn provided a brief introduction to the case. The staff report dated November 14, 2023, and attached hereto as "**Attachment D**," was entered into the public record. Ms. Heidorn noted this is a continuation of a case to legalize short term dwelling units or as originally proposed to provide clarification of existing regulations in Title 12 prohibiting the use.

Ms Heidorn explained that staff has gone back to the drawing board and come up with some modifications to Title 12 that would permit short-term dwelling units in a manner that staff feels is consistent with other communities in the area. A list of standards is presented that mitigates the negative impacts of the use with the understanding that Morton Grove has limited resources for enforcement. She indicated that staff is supportive of a one-time inspection, as recommended by the Fire Department, with other inspection and enforcement done on an as-needed basis.

Ms. Heidorn presented the regulations allowing short-term dwelling units as permitted and special uses in the residential and commercial zoning districts. She presented the new Section 12-5-13:A outlining general requirements, including compliance certificates, use limitations, minimum rental period, on-site parking, notice to neighbors, hosting platforms, code compliance, and insurance.

Commissioner Kintner thanked staff for the work they had done for this application and asked if the notice to neighbors should be done with the application for a compliance certificate. Ms. Heidorn said that this could be done, but that staff would not

have the discretion to deny an application based on resident complaints or comments submitted. This may put staff in a difficult position.

Commissioner Kintner said that is the crux of the discussion. The use may be innocent but one bad egg may spoil it for everyone. We need to effectively manage the use, and that is the biggest risk.

Commissioner Gabriel asked if there is a time period between the issuance of a certificate and the notice to neighbors. The notice is only required prior to the first rental, but theoretically a certificate could be obtained much earlier. Ms. Heidorn reiterated that staff does not want to review a certificate based on the level of response from neighbors.

Chairman Blonz asked if an independent host could be approved. Ms. Heidorn said that this was a general requirement but that they could allow this through a special use permit.

Commissioner Liston asked if the hosting platform should be required to verify guest information if the Village has no ability to monitor this. Ms. Heidorn responded that this could be modified or removed from the proposed language.

Ms. Heidorn then presented Section 12-5-13:B, which listed requirements for the use as a permitted use. Owners will be required to reside on the premises and the size of the Airbnb will be limited. If the requirements of Sections A or B are not met, a special use permit will be required. She also reviewed the proposed amendments to Section 12-17-1, which establishes definitions for "hosting platform" and "short-term dwelling unit."

Commissioner Dorgan asked if payment is required. Ms. Heidorn responded that if payment is not being collected, the residential stay would not be considered to be part of a "short-term dwelling unit." Persons staying on the property would be considered guests of the owner. She clarified that the hosting platform would track any fees to be collected for the Village.

Commissioner Gabriel discussed the fees collected for the Village. Ms. Heidorn said additional fees will be proposed and considered by Administration and the Village Board. If the amendment to legalize the use is to move forward, there will likely be subsequent amendments to Titles 1 and 4 of the Municipal Code to establish standards for business licensing and applicable fees.

Commissioner Gabriel asked how neighbors could have recourse if the unit did not operate in compliance with Village regulations. Discussion ensued regarding occupancy limits and how to control the use as a permitted or special use.

Commissioner Gabriel would like to see more power invested in the Village to may expel occupants if needed. Ms. Heidorn responded that she understood the concern about unruly guests, but that staff would not want to interfere in enforcing a hosting platform's or a private residence's guest rules.

Commissioner Dorgan said the Police Department would be involved for matters disturbing the peace. He thanked staff for their work.

Commissioner Liston thanked staff for the work on the revisions. He asked if language could be added to allow the Village Administrator the power to revoke a certificate for good cause. Commissioner Kintner asked if that clause was already provided. Ms. Heidorn said it would be helpful to allow an immediate revocation.

Chairman Blonz asked if special use would need to come before the Plan Commission. Ms. Heidorn responded that all special use applications would be reviewed by the Plan Commission, with final approval being by the Trustees.

Chairman Blonz asked if guests in addition to the renters be allowed. Staff will consider a modification as recommended by the Plan Commission. Discussion ensued regarding occupancy and guests.

Commissioner Liston asked if by not mentioning children excludes them altogether. Language could be added to exclude dependent children under the age of 18 from the limitations on guests.

Chairman Blonz asked for comments from the audience. Commissioner Kintner asked if the new audience member could speak ahead of Mrs. Yates, who has offered comment at the past months' meetings.

Denise Pashup of 8522 Marmora Avenue has been a resident along with her husband for 16 years and raised their children in Morton Grove. She bought a home in Morton Grove for the friendly neighborhood, low crime rate, and quiet atmosphere. She is an avid user of Airbnb when she travels. Ms. Pashup stated that the use belongs in vacation destinations and not in family neighborhoods. For the last six months, the home next door to has been renting individual rooms in the home out for \$30 to \$60 per night. She has seen people rent for a few hours, days, and weeks. Renters come from all over, with many out of state license plates. Renters take clothing from their trunks and back seats (not in suitcases) and carry it into the house like they are going to a laundromat. She has gone to let my dog out to find a random person smoking in the yard in the dark, scaring her half to death. She has called the Morton Grove police regarding the property many times. She went on to describe parking problems and lack of maintenance of the property. Code enforcement has resolved the maintenance issues, but the home is still being rented. She appreciates the requirements put forth by staff but does not know how this can be enforced. She said her experience has been horrible. She lastly noted that studies show short-term rentals increase crime.

Chairman Blonz asked for further comment from Mrs. Yates and reminded her that she has spoken extensively at 2 previous meetings and asked her to add new comments.

Ms. Yates said she was sorry to hear of Ms. Pashup's negative experience. She provided more community information in binders to the Commission and staff. She noted that staff referred to their work as taken from existing middle of the road regulations in surrounding communities. She did not agree and said that neighboring communities were not included. Ms. Yates said she is concerned with the parking requirement and other requirements proposed by staff. She questioned the notice and neighbor's reactions.

Ms. Yates is specifically concerned with Section B of the proposed use standards. Renters want a whole house to enjoy, not just one bedroom. One bedroom for two adults and any amount of children is very restrictive. Northbrook, Highland Park, Oak Park and surrounding communities allow for more. A whole house without the owner present what renters desire, and security measures like cameras can provide protection. She added that hosting platforms require renters to provide the number and names of renters and guests.

Ms. Yates said that requiring a special use permit is burdensome. A special use application takes several steps and a very long time for review and approval. She said that there is plenty of evidence from other communities indicating that short-term rentals work. They are not just short-term party houses. They provide housing during hospital stays, during house renovations (as her letter of support from last month noted), and for families visiting. She is very upset that the Village's proposed provisions are so restrictive. She provided the positive comment from last month to Commissioner Gabriel and thanked the Commission.

There was no further public comment.

Commissioner Kintner thanked the audience for their comments. He said he is not sure how the Village can successfully regulate this use. There has not been a lot of public comment for or against the use. He is not sure there is a right or wrong answer. He noted that the Village could take no action and continue to monitor.

Commissioner Liston said per our code this use is not allowed and, therefore, those in operation should be shut down. The Village should have mechanisms codified to regulate this use if deemed wanted. He thanked staff for working to address the use.

Commissioner Gabriel seconded Commissioner Liston's comments and asked if the whole house rental of Ms. Yates would be a special use. Ms. Heidorn responded that it would be. Discussion ensued regarding public noticing for special use applications and the one-time notice for a short-term rentals as a permitted use. The Commissioners agreed that the proposed regulations should have enough strength to allow a rental to be shut down by the Village Administrator.

Chairman Blonz said he is struggling with the issue and is not sure that Morton Grove should allow them. A motion is required to move the case to the Trustees. Commissioner Kintner said this may be opening Pandora's Box, but it does need to be presented to the Trustees.

Commissioner Kintner made a motion to recommend the approval of Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment to Chapter 12-5 and Sections 12-4-2, 12-4-3, 12-5-5, and 12-17-1 to modify and establish regulations relating to short-term dwelling units as presented in the staff report and commented on this evening for case PC 23-16 dated November 14, 2023.

Chairman Blonz asked for clarification for voting in favor of prohibition or allowing. The motion stands.

The motion was seconded by Commissioner Liston.

Commissioner	Dorgan voting	aye
Commissioner	Gabriel voting	aye
Commissioner	Kintner voting	no
Commissioner	Liston voting	aye
Commissioner	Stein voting	aye
Chairman	Blonz voting	no

Motion passed 4-2. Chairperson Blonz stated that this case will be presented at the December 12, 2023, meeting of the Village Board of Trustees for a first reading of the approving ordinance.

#### **Final Proposed Text Amendment**

The final text amendment recommended for approval by the Plan Commission is attached hereto as "**Attachment A**".

#### **Attachments**

- **Attachment A** – Final Text Amendment proposed for PC 23-16
- **Attachment B** – Staff Report to the Plan Commission for PC 23-16, prepared by Zoe Heidorn, Community Development Administrator, dated August 8, 2023
- **Attachment C** – Staff Report to the Plan Commission for PC 23-16, prepared by Zoe Heidorn, Community Development Administrator, dated September 12, 2023 (revised October 10, 2023)
- **Attachment D** – Staff report to the Plan Commission for PC 23-16, prepared by Zoe Heidorn, Community Development Administrator, dated November 14, 2023

**Attachment A**  
Final Text Amendment proposed for PC 23-16

**12-4-2: RESIDENTIAL DISTRICTS**

C. Uses:

Categories Of Use	R-1	R-2	R-3
<u>Short-term dwelling units</u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>

<sup>3</sup> See chapter 5, "Special Zoning Provisions", of this title.

**12-4-3: COMMERCIAL DISTRICTS**

D. Uses:

Categories Of Use	C-1	C-2	C/R
<u>Short-term dwelling units</u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>

<sup>3</sup> See chapter 5, "Special Zoning Provisions", of this title.

**12-5-13: SHORT-TERM DWELLING UNITS**

**A. General Requirements:**

- a. Compliance Certificate Required: It shall be unlawful to operate a short-term dwelling unit without a certificate of compliance issued pursuant to Title 4.
- b. Use Limitations: Only residential dwelling units may be used or offered as short-term rentals. No exclusively commercial, office, industrial, or institutional property or portion thereof may be used or offered as a short-term dwelling unit. No accessory building or structure may be used or offered as a short-term dwelling unit.
- c. Minimum Rental Period: A short-term dwelling unit may not be rented for any period of time shorter than twenty-four (24) consecutive hours.
- d. Parking: All overnight parking for persons renting a short-term dwelling unit must be provided on the same zoning lot as the short-term dwelling unit and must be located on an improved hard surface.
- e. Signage: No sign advertising or otherwise promoting a short-term dwelling unit may be installed or erected on the premises.
- f. Notice Required: Prior to the first rental of a short-term dwelling unit, the owner of the short-term dwelling unit must deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term dwelling unit will be located of the owner's intent to offer the short-term dwelling unit for rental. The written notice must include contact information for the owner of the short-term dwelling unit.
- g. Hosting Platform: The owner of a short-term dwelling unit shall use a hosting platform to market and make lease arrangements with any persons renting the short-term dwelling unit unless otherwise authorized by a special use permit.
- h. Code Compliance: All short-term dwelling units shall comply with the applicable life safety, building, and property maintenance codes of the Village. Compliance with applicable code requirements shall be verified by inspection of Village staff prior to issuance of a compliance certificate and on an annual basis thereafter.
- i. Insurance: The owner must provide proof of homeowner's insurance or host protection insurance in the amount of at least five hundred thousand dollars (\$500,000.00) to the Village prior to the issuance of a certificate of compliance.

**B. Permitted Use:** Short-term dwelling units shall be a permitted use for residential dwelling units provided the following conditions are met:

1. The dwelling unit shall be limited to a maximum of one (1) short-term dwelling unit.
2. The dwelling unit shall not be used or offered as a short-term dwelling unit as its principal use.
3. The dwelling unit shall be the primary residence of the owner and operator of the short-term dwelling unit located therein.

4. The owner of the dwelling unit shall reside on the premises for the entire duration of any short-term dwelling unit rental.
  5. No more than one (1) bedroom or similar living area within the dwelling unit shall be used or offered as a short-term dwelling unit at any one time. At no time may all bedrooms within the dwelling unit be offered as a short-term dwelling unit.
  6. The short-term dwelling unit shall not be used or occupied by more than two (2) adult renters simultaneously and two (2) adult guests of the renters simultaneously. Individuals under the age of eighteen (18) who are dependents of the adult renters or adult guests shall be allowed on the premises without limitation.
- C. **Special Use:** Any short-term dwelling unit not meeting the requirements of Section 12-5-13:B shall be considered a special use.
- D. **Suspension and Revocation:** A compliance certificate and business license issued for a short-term dwelling unit may be suspended or revoked pursuant to Section 4-4-9.

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

HOSTING PLATFORM. A marketplace entity, in whatever form or format which facilitates short-term dwelling unit rentals through advertising, matchmaking or other means, using any medium or facilitation, or from which the operator of the hosting platform derives revenue, including booking fees or advertising revenues from providing or maintaining the marketplace information.

SHORT-TERM DWELLING UNIT. All or part of a residential dwelling unit located in any zoning district, being leased, rented, offered for rent, hired out, licensed, or otherwise let to a person or persons other than the owner of the subject property or a family member of the owner thereof for a period shorter than thirty (30) consecutive days. A short-term dwelling unit shall not include a hotel/motel or bed and breakfast as defined herein or a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.

**Attachment B**

Staff Report to the Plan Commission for PC 23-16  
Prepared by Zoe Heidorn, Community Development Administrator  
Dated August 8, 2023



# Village of Morton Grove

## Department of Community & Economic Development

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**To:** Chairperson Blonz and Members of the Plan Commission

**From:** Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

**Date:** August 8, 2023

**Re:** Case PC 23-16: Request for approval of a Text Amendment to Sections 12-2-5, 12-4-2, 12-4-3, 12-4-4, 12-5-5, 12-7-3, 12-12-1, and 12-17-1 to establish and modify regulations relating to accessory uses and structures, off-street parking, massage establishments, truck-related uses, truck parking requirements, automotive and truck repair uses, short term dwelling units, and design standards.  
The applicant is the Village of Morton Grove.

## STAFF REPORT

### Public Notice

The Village of Morton Grove provided public notice for the August 15, 2023, Plan Commission public hearing for Case PC 23-16 in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on July 27, 2023. Mailed letters to property owners and a public notice sign were not required due to the application being for a Text Amendment to the Unified Development Code and not in relation to a particular property.

### Application

On July 11, 2023, the Department of Community and Economic Development submitted a complete application requesting approval of a Text Amendment to various sections of the Unified Development Code (Title 12) to provide better control over certain land uses, detached accessory structures, and commercial building design. The proposed amendment is provided as **Attachment A**.

### Discussion

The proposed amendments to Title 12 are discussed in further detail below.

#### **Section 12-2-5:A: Accessory Temporary Uses**

Staff recommends adding provisions to allow for administrative approval of temporary accessory uses that do not comply with applicable zoning requirements, provided the temporary use does not exceed seventy-two (72) hours in duration. Examples of temporary uses may include outdoor sales and entertainment, mobile food vending, temporary residential storage containers, and blood collection drives sponsored by businesses. The regulation will legalize special events that are already occurring but do not fit with the requirements of Title 12 and are not covered by the requirements of Chapter 8-11, "Special Events."

#### **Section 12-2-5:B: Detached Accessory Buildings in Residential Districts**

Staff recommends reducing the maximum height of a detached accessory building in a residential district from 17 feet to 15 feet, unless otherwise authorized by a Special Use Permit. On certain properties in Morton Grove, the overall height of a detached garage exceeds the height of the one-story principal structure. With a maximum building height of 17 feet, the overall garage height can significantly exceed 17 feet with a gable or hip roof because the building height is measured at the mean level of the underside of the rafters between the eaves and the roof ridge, pursuant to Section 12-17-1. With a minimum setback of 3 feet within a rear yard, a 17-foot-tall garage can seem imposing to an adjacent property. The vast majority of permitted garages comply with a 15-foot height maximum. On larger lots where greater setbacks are possible, a Special Use Permit can be requested to increase the maximum height of a detached accessory building.

A Special Use Permit is more appropriate than a variation because variations are intended for cases where a structure or property cannot meet certain dimensional requirements due to unique characteristics of the property and where strict

application of the Code would deprive the owner of reasonable use of property. Per Section 12-16-4:C.1, the purpose of a Special Use Permit is to address “certain uses because of their unique characteristics cannot be properly classified in any district without consideration of their impact upon adjacent land use and the public need for the specific use in that particular location, and thus require plan commission and Village board evaluation.”

Staff also recommends limiting the maximum floor area of a detached accessory building in a residential district to 750 square feet, which can comfortably accommodate a three-car garage. This maximum floor area could also be modified by a Special Use Permit. Currently, the only control limiting a garage's floor area is overall maximum floor area for a lot. At this time, a detached garage could theoretically be of a similar size to a home.

Staff is proposing modifications to the bulk regulation of detached accessory buildings in residential districts due to many complaints received over the years about new garages that are overly bulky and not fitting with the surrounding neighborhood but do meet current zoning requirements. Staff surveyed other communities in the region on their treatment of detached accessory buildings or garages, the results of which are provided below:

Lincolnwood:	Max. 17 feet height or 1 story. No stairs shall be allowed to access the attic area of a detached garage
Niles:	Max. 15 feet height (to peak), Max. 770 square feet.
Northbrook:	Max. 15 feet height
Park Ridge:	Max. 18 feet height (to peak), Max. 720 square feet
Riverside:	Max. 20 feet height with variable setback (3-5 feet). Max. 800 square feet.
Schaumburg:	Max. 15 feet height. Max. 600 square feet.
Skokie:	Max. 15 feet or 1 story. The distance from grade to the top of eave or to the top of the highest point on a flat roofed building cannot exceed 10' above grade, except that an open roof deck railing cannot exceed 15' above grade. Area. The ground floor area of all accessory buildings must not exceed the ground floor area of the principal grade.

#### **Section 12-4-2:C: Residential District Use Matrix**

Staff recommends modifying the residential district use matrix as follows:

- Staff is simplifying the “community residence” definitions of Section 12-17-1 to include only one definition for “community residence.” Currently, there are two separate uses defined under this category, “community residence - family” and “community residence - group.” The definitions are redundant, with the only difference being the number of residents living on the premises. Listing the difference in the table eliminates the need to reference Section 12-17-1. Staff also seeks removal of the word “family” because it has been ruled in court to discriminate against non-normative families. There is no change to how the use is regulated, only how the regulations are presented in the Code.
- Staff is listing “detached accessory structures exceeding the maximum height and floor area requirements of Section 12-2-5:B” in the residential use matrix pursuant to Section 12-16-4:C.1: “The special uses within each zoning district are identified in chapter 4, “Zoning Districts”, of this title.”
- Staff has enforced a Village-wide prohibition on short-term dwelling units such as Airbnb and VRBO rentals using Section 12-17-1, which explicitly excludes tourist homes from the definition of a “dwelling” and Section 12-4-1:E.4, which states that uses not specified in the list for each district classification are not allowed. Currently, “tourist homes” is not defined by Section 12-17-1 and there is also no codified minimum length of stay that staff can refer to in enforcement. Consistent with other communities, staff recommends adding a new use, “short-term dwelling unit” to better address short-term rental uses. The new definition to be added to Section 12-17-1 establishes a minimum period of stay of 90 days. Listing the use as a prohibited use in the use matrix of Section 12-4-2:C provides staff with a clear and effective reference point for enforcement.

#### **Section 12-4-3:D: Commercial District Use Matrix**

Staff recommends modifying the commercial district use matrix as follows:

- Staff recommends removing “(excluding massage establishment)” from “barbershops, beauty parlor” to reduce ambiguity and confusion.
- Staff recommends modifying the community residence uses to provide all differences between uses in the use matrix and avoid the need to reference Section 12-17-1. See additional notes in the previous section.

- Staff recommends adding “limited-service massage as an accessory service” as a separate use and allowing the use as a Permitted Use. Limited-service massage establishments are being made a Special Use in the commercial districts to avoid future issues of enforcing additional regulation of full-body massage establishments. The limited-massage services use can be administratively approved as an accessory Permitted Use to any other principal use in the district. Staff also recommends modifying the definition for limited-service massage establishments to define the activity rather than the establishment, which allows for broader application of the term.

#### **Section 12-4-4:E: Manufacturing District Use Matrix**

Staff recommends modifying the manufacturing district use matrix as follows:

- Currently, heaving manufacturing uses are listed as a Permitted Use in the M-2 General Manufacturing District. With the vast majority of the Village’s manufacturing district area zoned M-2, this opens many industrial properties that abut single-family residential districts, specifically along Austin Avenue, Elm Street, and McVicker Avenue, to the following land use:

**MANUFACTURING, HEAVY:** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute “Manufacturing, Light”. Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials or products involving flammable or explosive materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. “Manufacturing, Heavy” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

Classifying the use as a Permitted or Special Use (P<sup>7</sup>/S) provides the Village Administrator with the discretion to require a Special Use Permit if he or she expects the use will generate significant exterior impacts.

- Currently, passenger vehicle repair and truck repair are classified under the same land use, “automotive or other motor vehicle repair.” Similarly, Title 12 does not distinguish between passenger vehicle body shops and truck body shops. Staff recommends separating automotive (passenger or similar vehicle) repair, automotive body shops, truck repair, and truck body shops as defined land uses and establishing greater control over the truck-related repair and body work uses, which tend to generate more truck movements and exterior truck parking. Traditional automotive repair facilities and body shops will be allowed as a Permitted Use in the M-2 District, whereas truck repair facilities and body shops will be classified as a Special Use in the M-2 District.
- Staff recommends classifying car washes as a Special Use in the M-2 District rather than a Permitted Use. The use creates significant traffic volumes and is often prone to maintenance issues. New car washes should be subject to review by the Traffic Safety Commission, Appearance Commission, and Plan Commission in all districts. Car washes are generally undesirable in communities due to the low tax generation and significant impacts on infrastructure and traffic. That the M-2 District abuts residentially zoned property was also a consideration in staff’s recommendation.
- Staff recommends prohibiting “cartage facilities” and “freight terminals with or without maintenance facilities.” Cartage facilities are defined by Section 12-17-1 as follows:

**CARTAGE SERVICE:** An establishment which provides the hauling of large quantities of material for commercial or industrial users.

Freight terminals are not defined by Title 12 but are generally accepted to include large-scale trucking terminal operations involving intrastate and interstate motor carriers. Freight may be brought to the facility, assembled, and sorted for routing. The uses both involve the movement of large quantities of goods and materials and heavy truck traffic on large zoning lots. The uses are generally undesirable, especially considering Morton Grove’s limited industrial land area.

- Due to the potential for heavy truck volumes and other exterior impacts, staff recommends classifying “distribution centers,” “warehouses,” “warehouses, public,” and “heavy construction businesses” as Permitted or Special Uses

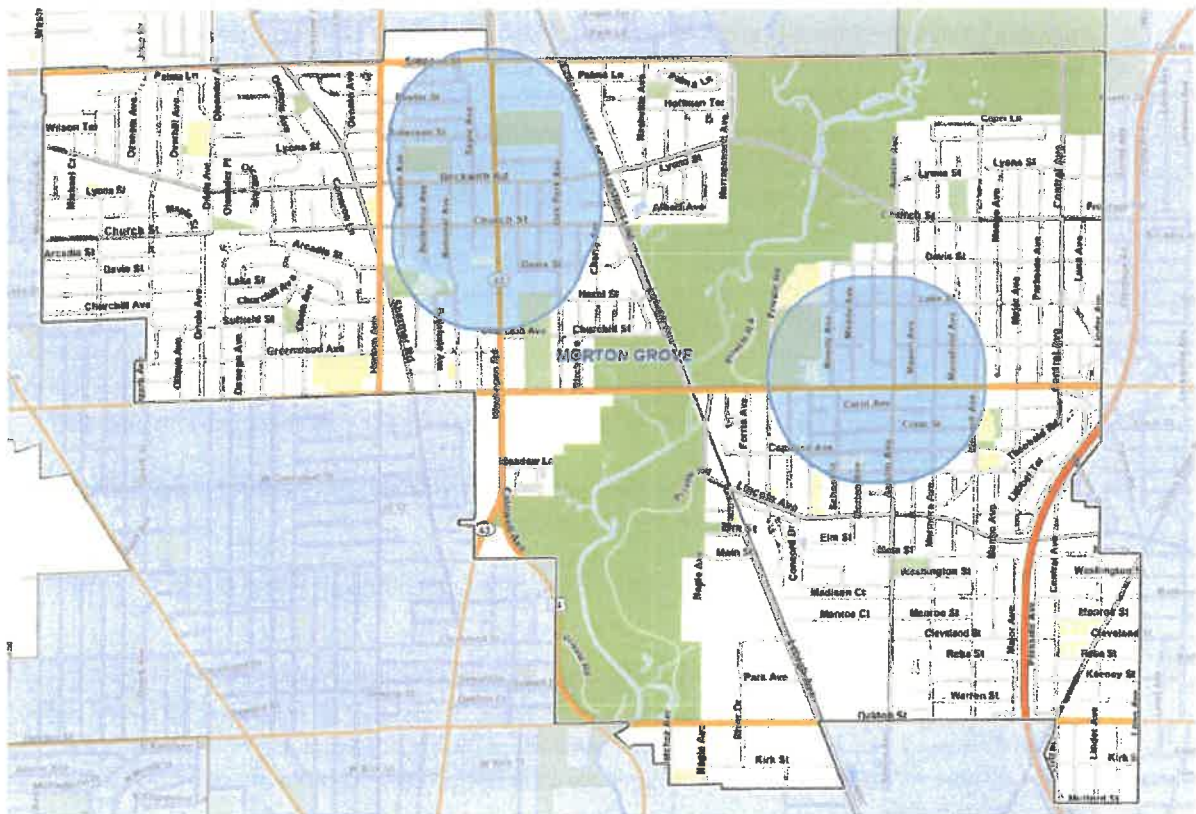
(P7/S) in the M-2 District, which provides the Village Administrator with the discretion to require a Special Use Permit. Considering the M-2 District abuts residential properties in select areas, the reclassification will provide additional protection and ensure land use compatibility.

- Staff recommends classifying “office – contractors, with on-site exterior material storage (excluding heavy construction businesses)” as a Permitted or Special Use (P7/S) in the M-1 and M-2 Districts, which provides the Village Administrator with the discretion to require a Special Use Permit if significant exterior impacts are expected. The land use is too broad to be allowed simply by-right.

### Section 12-5-5: Use Standards

Staff recommends amending the Village use standards as follows:

- A 2023 text amendment application relating only to moving and storage facilities established certain restrictions on truck parking for that particular use. The Code is otherwise silent on truck parking regulation, meaning many Permitted Uses in the manufacturing districts could involve a heavy amount of truck parking. Truck parking that is not appropriately scaled to indoor operations is undesirable because it (a) occupies excessive land area that could otherwise be used for taxable building area or employee parking, (b) generates heavy truck traffic, (c) is unsightly, and (d) damages Village infrastructure. Staff proposes eliminating the truck-related use standards specific to moving and storage facilities and applying the same requirements Village-wide as an amendment to Section 12-7-3, “Off-Street Parking.”
- To avoid a proliferation of massage establishments in any one area along the Village’s commercial corridors, staff recommends adding a use standard for massage establishments (full-body and limited-service) that will prohibit any new massage establishment from locating within 1,500 feet of a preexisting massage establishment. Staff mapped 1,500-foot buffers around existing massage establishments (see map below) and found that the restriction would provide adequate spacing between establishments but still leave considerable available area for future establishments along Waukegan and Dempster.



### **Section 12-7-3: Truck Parking Requirements & Off-Street Parking Requirements**

Staff recommends adopting Village-wide truck parking requirements as follows:

- Staff recommends clarifying that truck parking is permitted only as accessory parking to a principal use. This is an implicit restriction in the Code, but clarification would be helpful in enforcement by staff.
- Based on previous issues with the long-term parking and storage of trucks that are not actively under repair or being used for business activities, staff recommends establishing a time restriction on truck parking. When issues of long-term truck parking arise, indicating that the property is being used for illegal truck parking and not accessory truck parking associated with a permitted use, the time restriction gives staff an effective tool for enforcement.
- Recently adopted for moving and storage facilities only, staff recommends Village-wide regulation of the number of trucks that may be parked on a property and how the trucks are parked on-site. The restriction ensures that the volume of truck parking occurring at a property is appropriately scaled to the activities being conducted within the enclosed building. The ratios were taken from the Village of Franklin Park's zoning code, which has been tailored over the years to specifically control truck parking across a large and diverse industrial base.
- Staff recommends cleaning up the "Required Spaces by Use" table to eliminate freight terminals and "local trucking with or without storage," which is a vague and undefined land use.

### **Section 12-12-1: Exterior Color Changes for Buildings in Commercial Districts**

Currently, the Village has no control over exterior modifications to commercial structures when a building permit is not required. This means that a building can be painted in a manner that is disturbing and inappropriate to surrounding properties and the district. The proposed amendment gives staff the authority to require Appearance Commission review if the proposed color change is found to be incompatible with the surrounding area. Staff plans to notify commercial property and business owners by mail if the amendment is adopted.

### **Section 12-17-1: Terms Defined**

Staff is recommending revisions to or adoption of the following defined terms:

- **AUTOMOTIVE REPAIR:** This modified term will include only automobiles, vans, pick-ups, motorcycles, ATVs, and similar vehicles. Truck repair facilities are now defined as a separate term.
- **COMMUNITY RESIDENCE:** Currently three terms, this term will be simplified to one land use definition. Nuances in regulation will be located in the use matrices, limiting the need to cross-reference.
- **LIMITED-SERVICE MASSAGE:** This modified term addresses the activity rather than a facility, making it more broadly applicable.
- **MOTOR VEHICLE BODY SHOP:** This modified term specifically excludes truck body shops.
- **OFFICE-CONTRACTORS:** This new term complements the existing defined term, "office-contractors, with on-site exterior material storage." Contractor offices are listed as a Permitted Use in the commercial districts, but there is no defined term for office-contractors without on-site material storage. The Village has faced issues with contractor offices moving into commercial spaces by-right and parking large quantities of contractor vehicles on surrounding public rights of way. The new definition specifically prohibits off-site parking of contractor vehicles and on-site storage of equipment and materials, limiting the use to an office use only in the commercial districts.
- **OFFICE - CONTRACTORS, WITH ON-SITE EXTERIOR MATERIAL STORAGE:** This term is modified slightly for clarity and consistency.
- **SHORT-TERM DWELLING UNIT:** This new term specifically addresses short-term rental units, but does not discriminate against rental units (versus owned units), and serves to prohibit any stay in a residential unit less than 90 days. Hotels and motels will continue to be controlled as a separate land use.
- **TRUCK:** This new term defines a truck to include similarly sized vehicles to ensure consistency in the Code and allow simplification of other terms.
- **TRUCK PARKING AREA OR YARD:** This modified term expands the definition of truck parking areas to include cartage facilities and truck dispatch yards, which are similar in land use activity.
- **TRUCK BODY SHOP:** This new term specifically addresses body shops that service trucks and larger vehicles, which have different impacts and activities than a passenger vehicle body shop.
- **TRUCK REPAIR FACILITY:** This new term specifically addresses repair shops that service trucks and larger vehicles,

which have different impacts and activities than a passenger vehicle repair facility.

**Recommendation**

Should the Plan Commission recommend approval of this application, staff suggests the following motion:

*Motion to recommend the approval of Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment to Sections 12-2-5, 12-4-2, 12-4-3, 12-4-4, 12-5-5, 12-7-3, 12-12-1, and 12-17-1 to establish and modify regulations relating to accessory uses and structures, off-street parking, massage establishments, truck-related uses, truck parking requirements, automotive and truck repair uses, short term dwelling units, and design standards.*

## ATTACHMENT A

### 12-2-5: ACCESSORY USES AND STRUCTURES

#### A. Accessory Uses:

1. Accessory uses are permitted in all zoning districts in connection with a principal use which is permitted within such district, provided it is located on the same zoning lot as the principal building or use served. Accessory uses shall not be established prior to the establishment of the principal use, and shall comply with the use limitation applicable in the zoning district in which it is located.
2. Temporary accessory uses:
  - a. Temporary accessory uses that do not comply with applicable use limitations may be authorized in writing by the Village Administrator provided the temporary accessory use does not exceed seventy-two (72) hours in duration.

#### B. Accessory Structures:

2. Residential Districts: In residential districts, detached accessory buildings:
  - a. Shall not be located in the front yard or required side yards;
  - b. Shall not be located closer than three feet (3') to the rear or side lot line, or to another detached accessory building;
  - c. Shall not occupy more than thirty percent (30%) of the rear yard in building area;
  - d. Shall be at least ten feet (10') from the principal structure;
  - e. Shall not have more than one story nor exceed seventeen fifteen feet (~~47~~ 15') in height unless otherwise authorized by special use permit.
  - f. Shall not exceed seven hundred and fifty (750) square feet unless otherwise authorized by special use permit.

### 12-4-2: RESIDENTIAL DISTRICTS

#### C. Uses:

Categories Of Use	R-1	R-2	R-3
Antenna and antenna support structures	P,S <sup>2</sup>	P,S <sup>2</sup>	P,S <sup>2</sup>
Assisted living facilities	X	X	S
Colleges and universities and uses accessory and incidental thereto, not for profit	S	S	S
Community residence - <u>family no more than 8 residents</u>	P <sup>3</sup> ,S	P <sup>3</sup> ,S	P <sup>3</sup> ,S
Community residence - <u>group between 9 and 15 residents</u>	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Daycare centers when conducted on nonresidential properties	S	S	S
Daycare homes	P	P	P
Decks, patios and terraces	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
<u>Detached accessory structures exceeding the maximum height and floor area requirements of Section 12-2-5:B</u>	<u>S</u>	<u>S</u>	<u>S</u>
Dwellings:			
Attached dwellings (townhomes, row houses)	X	X	P,S
Multi-family dwellings	X	X	P,S
Single-family detached dwellings	P	P	P
Two-family dwellings	X	X	P

Small Lot Single-family dwellings	X	X	S <sup>5</sup>
Garages and carports	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Gazebos	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Golf courses, but not commercially operated driving ranges or miniature golf courses	S	X	X
Greenhouses	S	S	S
Halfway houses	X	X	S
Home occupations	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
Hospices	X	X	S
Houses of worship and uses accessory and incidental thereto on lots less than 3.5 acres	S	S	S
Houses of worship and uses accessory and incidental thereto on lots 3.5 acres or more, or where relief beyond authorized variations is requested (excluding megahouses of worship)	S	S	S
Libraries as a principal use	S	S	S
Libraries as an accessory use to a permitted use	P	P	P
Municipal buildings	S	S	S
Nursing homes	X	X	S
Parking lots adjacent to a commercial property, even if separated by a public alley	P	P	P
Parking lots not adjacent to a commercial property, even if separated by a public alley, but located within 300 feet of the premises served	S	S	S
Parks and playgrounds, publicly owned	P	P	P
Planned developments on tracts of land not less than 1 1/2 acres	S <sup>4</sup>	S <sup>4</sup>	S <sup>4</sup>
Playhouses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Public utilities (except those listed in chapter 10 of this title)	S	S	S
Recreation centers	S	S	S
Recreational facilities, not for profit and privately owned for exclusive use of residents and their guests	S	S	S
Schools, nonboarding - elementary, junior high and high on lots of less than 3.5 acres	S	S	S
Schools, nonboarding - elementary, junior high and high on lots of more than 3.5 acres	S	S	S
Senior citizen housing	X	X	S <sup>3</sup>
<u>Short-Term Dwelling Unit</u>	X	X	X
Stables for renting and boarding of horses	S	X	X
Swimming pools and tennis courts for exclusive use of residents and their guests	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Temporary trailers	P,S <sup>2</sup>	P,S <sup>2</sup>	P,S <sup>2</sup>
Toolsheds or similar storage areas	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>

### 12-4-3: COMMERCIAL DISTRICTS

#### D. Uses:

Categories Of Use	C-1	C-2	C/R
Accessory uses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>

Amusement establishment (bowling, game room, etc.)	S	X	X
Animal hospitals	P	X	X
Animal shelters	S	X	S
Appliance sales and service	P	X	X
Art galleries	P	P	P
Assisted living facilities	S	S	S
Audiovisual equipment, accessories and supply	P	X	X
Automobile minimart station	S <sup>3</sup>	S <sup>3</sup>	X
Automobile parking lots within 300 feet of the use served	P	P	P
Automobile service station	S <sup>3</sup>	S <sup>3</sup>	X
Automobile, truck or trailer rental	S	X	X
Automotive accessory stores - retail (installation allowed)	S	X	X
Automotive accessory stores - retail (no service or installation)	P	X	X
Automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)	S	S	X
Barbershops, Beauty Parlor (excluding massage establishment)	P	P	P
Bed and Breakfast	X	X	S
Bicycle sales and repair	P	P	P
Building material sales (no outside storage)	P	P	X/P <sup>7</sup>
Cannabis Dispensing Organizations	S <sup>3</sup>	X	X
Car wash	S	X	X
Catering - including accessory uses such as shared rental kitchen and retail sale of food products	P	X	P <sup>9</sup> /S
Catering (not in conjunction with other food sales or service)	P	X	X
Clothing, Costume & Tuxedo rental	P	P	X
Clubs and lodges	S	S	S <sup>5</sup>
Commercial services	P	P	P
Commercial wireless communication services, as a principal use	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>
Community residence - family no more than 8 residents (minimum spacing distance less than 330 feet)	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Community residence - family no more than 8 residents (minimum spacing distance - 330 feet)	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
Community residence - group between 9 and 15 residents (minimum spacing distance - 330 feet)	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Convenience store	P	P	P
Daycare	S	S	S
Daycare, adult	S	S	S
Department store	P	X	X
Domestic pet service (grooming)	P	X	P
Drive-through facilities	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Drive-thru facilities located within a shopping center that meets the criteria set forth in Section 12-5-5B-3.	P <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>

Drugstores (pharmacies)	P	P	P
Dry cleaning establishment of 5,000 square feet or less, consisting of on site cleaning and/or laundering limited to articles dropped off at the same location	P	X	X
Dry cleaning - retail	P	P	P
Dwellings:			
Attached dwellings	S <sup>3</sup>	S <sup>3</sup>	P/S <sup>3</sup>
Multiple-family dwellings	S <sup>3</sup>	S <sup>3</sup>	P <sup>8</sup> /S <sup>3</sup>
Senior citizen housing	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Small Lot Single-Family Development	X	X	S <sup>10</sup>
Electrical and telephone substations	S	S	S
Electrical fixtures	P	X	S
Employment agencies	P	X	X
Entertainment venue - principal use (live music, vocal entertainment, etc.)	S	X	S
Financial Institution	P	X	P
Financial Institution-Alternative	S	X	X
Furniture stores (including upholstery as an accessory use)	P	P	P
Garden supply stores and greenhouse	S	X	S
General Retail Goods Establishment	P	P	P
Governmental offices and other facilities	S	S	S
Grocery stores (sales area 10,000 square feet or less)	P	P	P
Grocery stores (sales area >10,000 square feet)	P	S	S
Height of structure - in excess of the permitted height	S	X	S
Home Finishes & Treatments- Retail	P	P	X/P <sup>7</sup>
Home improvement center	P	X	X
Houses of worship	P <sup>9</sup> /S	P <sup>9</sup> /S	P <sup>9</sup> /S
Houses of worship, mega	S	S	X
Kennels	S	S	S
Kitchen and bathroom cabinet store (Sales and Showroom only, no production)	P	X	X/P <sup>7</sup>
Laundromats (attendant on premises)	P	P	P
Libraries	P <sup>9</sup> /S	P <sup>9</sup> /S	P <sup>9</sup> /S
<u>Limited-service massage as an accessory service</u>	<u>P</u>	<u>P</u>	<u>P</u>
Liquor stores - retail	P	S	S
Mail order direct pickup	P	X	X
<u>Massage establishments, as a principal use</u>	<u>S</u>	<u>S</u>	<u>S</u>
Massage establishments - full body <u>or limited service</u>	S	S	S
<u>Massage therapy establishments—limited service</u>	<u>P</u>	<u>P</u>	<u>P</u>
Medical and dental offices/clinics -including laboratories as accessory use (first floor)	P <sup>9</sup> /S	P <sup>9</sup> /S	X/P <sup>7,9</sup> /S
Medical and dental offices/clinics -including laboratories as accessory uses (other than first floor)	P <sup>9</sup> /S	P <sup>9</sup> /S	P <sup>9</sup> /S

Medical appliances, laboratories, and supply stores (not manufacturers)	P	X	X
Microbrewery/microdistillery - as accessory use to bar, tavern or cocktail lounge or sit down restaurant	P	X	S
Microbrewery/microdistillery - as principal use, with an accessory tasting room, bar, and/or retail sales area that accounts for at least 15 percent of the gross floor area	S	X	X
Mixed use developments	S <sup>3</sup>	S <sup>3</sup>	P/S <sup>3</sup>
Motel/hotel	S	X	S
Motor vehicle dealer sales and service (automobiles, motorcycles, trucks, etc.)	P	P	X
Multiple structures on zoning lot	S	S	P/S <sup>1</sup>
Nursing homes	P	X	X
Office equipment supply and service	P	X	X
Offices - business, contractor, professional and public (first floor)	P	P	X <sup>1</sup> /P <sup>7</sup>
Offices - business, contractor, professional and public (other than first floor)	P	P	P
Open sales lots	S	X	X
Optician and optometrist offices -including labs as accessory use (First Floor)	P	P	X/P <sup>7</sup>
Optician and optometrist offices -including labs as accessory use (other than first floor)	P	P	P
Outdoor seating areas for restaurants, taverns and specialty food stores	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
Permanent cosmetics services, accessory (less than 20% of customer floor space)	P	P	P
Permanent cosmetics services (greater than or equal to 20% of customer floor space)	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Pet shops	S	S	S
Photographic studios (including develop and print of on premises pictures)	P <sup>9</sup> /S	P <sup>9</sup> /S	P <sup>9</sup> /S
Physical fitness and health services 1,000 square feet or less	P	X	P
Physical fitness and health services greater than 1,000 square feet	P <sup>9</sup> /S	X	X
Planned unit development on 1 acre tracts or larger	S <sup>4</sup>	S <sup>4</sup>	S <sup>4</sup>
Post office	P	X	X
Printing and photocopy shops (less than 2,000 square feet)	P	P	P
Printing and photocopy shops (greater than 2,000 square feet)	P	X	P <sup>9</sup> /S
Public utility and public service use	S	S	S
Radio and television broadcasting studios	S	X	X
Radio and television sales and service	P	P	S
Recording studios	P	X	X
Recreation centers	S	S	X
Rental - household goods and merchandise	P <sup>9</sup> /S	P <sup>9</sup> /S	X/P <sup>7,9</sup> /S
Restaurants - drive-in	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Restaurants - sit down and carryout	P	S	P
Schools - commercial (e.g., driving, martial arts, learning center, etc.) less than 1,000 square feet	P	X	P
Schools - commercial (e.g., driving, martial arts, learning center, etc.) greater than 1,000 square feet	P <sup>9</sup> /S	X	P <sup>9</sup> /S
Sewing machine sales and service	P <sup>9</sup> /S	P <sup>9</sup> /S	X/P <sup>7,9</sup> /S

Sign and lettering shop	P	X	X
Specialty food stores (bakeries, ice cream stores, meat market, coffee/tea shops, etc.)	P	P	P
Tattoo and body art establishment	S <sup>3</sup>	S <sup>3</sup>	S <sup>3</sup>
Taverns and cocktail lounges - music and vocal entertainment only	S	S	S
Taverns, bars, and cocktail lounges	P/S <sup>6</sup>	S	S
Taverns, bars and cocktail lounges with live music and/or vocal entertainment as accessory use	S	S	S
Taxidermists	P	P	X
Temporary buildings - construction site	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
Theaters	P <sup>9</sup> /S	X	P <sup>9</sup> /S
Tobacco and pipe shops (no on-site smoking lounges)	P	P	P
Undertaking establishments	S	X	X
Upholstery shops	P <sup>9</sup> /S	P <sup>9</sup> /S	X/P <sup>7,9</sup> /S

#### 12-4-4: MANUFACTURING DISTRICTS

##### E. Uses:

	M-O/R	M-1	M-2
<b>Manufacturing:</b>			
Low nuisance industrial facilities	P	P	P
Manufacturing, Light	S	P	P
Manufacturing, Heavy	X	S	P <sup>9</sup> /S
Microbrewery/Micro-distillery—as principal use, with accessory tasting room, bar and/or retail sales area that accounts for at least 15 percent of the gross floor area.	S	S	S
Pilot Plants for Research and Development laboratories	P <sup>2</sup> /S	P	P
Research and Development laboratories	P <sup>2</sup> /S	P	P
<b>Retail Trade:</b>			
Home improvement center	X	S	S
Lumber and other building or construction materials dealers	X	X	S
Machinery, sales	S	P	P
Manufacturer outlet sales, selling only products manufactured on the premises	P <sup>3</sup> /S	P	P
Manufacturer outlet sales, selling products not manufactured on the premises	S	S	S
Motor Vehicle Dealer, sales and service	S	S	S
Restaurants	S	S	S
<b>Services:</b>			
Animal hospitals	S	P	P
Artist studios/ Art galleries (may include accessory educational programs)	P	X	X
Automobile minimart station	X	S <sup>4</sup>	S <sup>4</sup>
Automobile service stations	X	S <sup>4</sup>	P <sup>4</sup>

Automobile, truck and trailer rental and leasing services	X	P	P
Automotive <del>or other motor vehicle</del> repair	X	S	P
Building maintenance and cleaning	P	P	P
Car wash	X	S	<del>P</del> S
Catering services facilities	S	P	P
Commercial Services (such as electronics repair, reproduction and mailing services, camera repair, etc.)	P	P	P
Commercial art and photography	P <sup>5</sup> /S	P	P
Commercial tutoring/learning centers	S	X	X
Electrical supply	S	P	P
Equipment rental and leasing services	P	P	P
Exterminators	S	P	P
Industrial launderers	X	X	S
Motion picture production and allied services	P	P	P
Motor vehicle body shop (body work, painting, glass repair, reconstruction, undercoating)	X	S	P
Physical fitness and health services	P	P	P
Schools - college/university	S	S	X
Schools- vocational and trade	S	S	S
<del>Truck body shops</del>	<del>X</del>	<del>X</del>	<del>S</del>
<del>Truck repair facilities</del>	<del>X</del>	<del>X</del>	<del>S</del>

Transportation And Utilities:

Antenna and antenna support structures	P <sup>6</sup> /S	P <sup>6</sup> /S	P <sup>6</sup> /S
Cable television service	P	P	P
<del>Garage service</del>	<del>X</del>	<del>X</del>	<del>S</del>
Commercial wireless communication services, as a principal use (subject to height restrictions)	P <sup>6</sup> /S	P <sup>6</sup> /S	P <sup>6</sup> /S
Electric services	S	P	P
Electric substations	X	P	P
<del>Freight terminals with or without maintenance facilities</del>	<del>X</del>	<del>X</del>	<del>S</del>
Heliport	X	P	P
Natural gas distribution	X	P	P
Parcel and express service	S	X	S
Radio and television broadcasting	P	P	P
Railroad rights of way/facilities	X	P	P
Telephone communication	P	P	P
Transit and public transportation facilities	S	S	S
Water distribution	S	P	P

Wholesale Trade:

Wholesale Trade Establishment	P	P	P
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Lumber and other construction materials	X	X	S
Metal service centers (not including scrap operation)	X	X	S
<b>Warehouse:</b>			
Distribution Center	P <sup>7</sup> /S	P <sup>7</sup> /S	<del>P</del> P <sup>7</sup> /S
Moving and storage facilities – 20,000 square feet gross floor area or less	S <sup>4</sup>	S <sup>4</sup>	P <sup>4</sup>
Moving and storage facilities – more than 20,000 square feet gross floor area	S <sup>4</sup>	S <sup>4</sup>	S <sup>4</sup>
Self-storage facility	X	S	S
Warehouse	P <sup>7</sup> /S	P <sup>7</sup> /S	<del>P</del> P <sup>7</sup> /S
Warehouse, public	P <sup>7</sup> /S	P <sup>7</sup> /S	<del>P</del> P <sup>7</sup> /S
<b>Medical:</b>			
Clinic, Medical or Dental	S	X	X
Medical Cannabis Dispensing Organizations	S <sup>8</sup>	S <sup>8</sup>	S <sup>8</sup>
Cannabis Cultivation Centers	S <sup>8</sup>	S <sup>8</sup>	S <sup>8</sup>
<b>Office:</b>			
Office - Business/professional	P	P	P
Office - Contractors, with on-site exterior material storage (excluding Heavy construction businesses)	X	<del>P</del> P <sup>7</sup> /S	<del>P</del> P <sup>7</sup> /S
Office - Municipal	P	P	P
Office – Technology Incubators, research and development, engineering and testing	P <sup>9</sup> /S	P <sup>9</sup> /S	P
<b>Other:</b>			
Adult entertainment facilities	X	X	S
Entertainment uses	S	S	S
Exterior storage of products and materials, as an accessory use to an adjacent principal use	S	S	S
Height of structures - over 40 feet	S	S	S
Heavy construction business	X	S	<del>P</del> P <sup>7</sup> /S
Indoor recreational Facilities (such as archery, bowling, paint ball, etc.)	S	S	S
Municipal Facilities	X	S	P
Parking lots - tracts of land not more than 1½ acres within 300 feet of use served	S	S	S
Planned unit developments - tracts of land not less than 2 acres	S <sup>10</sup>	S <sup>10</sup>	S <sup>10</sup>
Recycling centers	X	X	S

Key:	P = Permitted	S = Special	X = Not Permitted
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<sup>1</sup> See chapter 2, "General Provisions", of this title.

<sup>2</sup> Use is allowed as a Permitted use if it is a low nuisance production or assembly facility and allowed as a Special Use if it is a light manufacturing facility.

<sup>3</sup> Use is allowed as a Permitted use if manufactured products are via a low nuisance production or assembly facility; allowed as a Special Use if through a light manufacturing facility; and not allowed if manufactured via Heavy manufacturing facilities.

<sup>4</sup> See chapter 5, "Special Zoning Provisions", of this title.

<sup>5</sup> A photography laboratory is allowed as a Permitted use if digital development and reproduction are employed; allowed as a Special use if Use involves traditional photo/film developing such as through a laboratory, dark room, etc.

<sup>6</sup> See chapter 3, "Regulations Of Specific Uses In All Zoning Districts", of this title.

<sup>7</sup> Uses which are low nuisance and do not generate any significant noise, odors, vibrations, or heavy truck traffic volumes may be allowed as a permitted use, subject to review and approval by the Village Administrator; otherwise such uses require a special use permit.

<sup>8</sup> See chapter 5, "Special Zoning Provisions", of this title.

<sup>9</sup> Use is allowed as a Permitted use if accessory laboratories or Pilot Plants are low nuisance; allowed as a Special Use if accessory laboratories or Pilot Plants are light manufacturing.

<sup>10</sup> See chapter 6, "Planned Unit Developments", of this title.

**12-5-5: USE STANDARDS**

~~F. Moving and Storage Facilities: [DELETE ENTIRE SECTION]~~

F. Massage Establishments:

1. No massage establishment shall be located within one thousand, five hundred (1,500) feet of a preexisting massage establishment, as measured from property line to property line.

**12-7-3: OFF-STREET PARKING**

H. Truck Parking Requirements.

1. Truck parking is permitted only as accessory parking to a principal use.
2. Truck parking spaces intended for use by semitrailers, wheeled containers, or truck-trailer combinations means the temporary outdoor stationing of an operable vehicle, semitrailer, or wheeled container (or similar item capable of lawful intrastate or interstate travel without modification) that has been loaded, off loaded, or repaired within the previous seven (7) days or that will be loaded, off loaded, or repaired within the next seven (7) days. Outdoor parking or storage for longer periods of time is prohibited.
3. Unless authorized by a special use permit, the maximum number of truck parking spaces for use by semitrailers, wheeled containers, or truck-trailer combinations (not including trailer positions immediately adjacent to a loading berth) at a facility cannot exceed the greater of either:
  - a. One (1) parking space for every two thousand five hundred (2,500) square feet of GFA under roof for the principal use.
  - b. Two-and-a-half (2½) parking spaces for each loading dock serving the principal use.
4. All truck parking must occur in off-street parking facilities designed to accommodate the size of the trucks parked. Off-street truck parking facilities must delineate parking spaces with paint or other permanent materials which must be maintained in clearly visible condition.

I. Required Spaces by Use: Off street parking spaces accessory to designated uses shall be required as identified below:

Residential:	
Attached dwellings (townhomes)	2.0 spaces per dwelling unit <sup>1</sup>
Housing for senior citizens	0.5 spaces per dwelling unit
Multi-family dwellings	1.75 spaces per dwelling unit <sup>2</sup>
Single-family dwellings	2.0 spaces per dwelling unit <sup>3</sup>
Two-family dwellings	2.0 spaces per dwelling unit <sup>3</sup>
Commercial uses:	
Commercial services	1.0 spaces per 300 square feet of gross floor area

Permitted and special uses in commercial zoning districts except for those uses specified below:	1.0 space per 250 square feet of gross floor area
Animal hospitals	1.5 spaces per examination/treatment room
Appliance sales and service	1.0 space per 500 square feet of gross floor area
Automobile minimart station	1.0 space per employee, not to exceed 5 spaces of which 2 spaces shall be for handicapped individuals
Automobile repair	1.0 space per employee plus 2.0 spaces per service stall
Automobile sales and service	1.0 space per 500 square feet of gross floor area
Automobile service station	1.0 space per employee plus 2.0 spaces per service stall (minimum of 2.0 spaces)
Automobile, truck and trailer rental	1.0 space per employee plus 1.0 space per maximum number of rental vehicles
Barber or beauty shops (hair stylist, manicurist, skin care)	1.0 space per 250 square feet of gross floor area
Bowling alleys	4.0 spaces per lane
Cannabis dispensing organizations	1.0 space per 150 square feet of gross floor area
Home improvement centers	1.0 space per 350 square feet of gross floor area, excluding outdoor storage areas
Hotels and motels	1.0 space per rental lodging room
Houses of worship	1.0 space per 3.0 occupants in the main meeting room or any other room that can be used simultaneously for group assembly purposes. The maximum occupancy load shall be authorized by the fire prevention code and standards adopted by the Village of Morton Grove fire department from time to time and incorporated herein by reference (title 9, chapter 1 of this code)
Clubs and lodges	1.0 space per 3.0 occupants in the main meeting room or any other room that can be used simultaneously for group assembly purposes. The maximum occupancy load shall be authorized by the fire prevention code and standards adopted by the Village of Morton Grove fire department from time to time and incorporated herein by reference (title 9, chapter 1 of this code)
Daycare centers	1.0 space per 300 square feet gross of floor area
Dry cleaning and laundry - self-service	1.0 space per 250 square feet of gross floor area
Furniture and upholstery stores	1.0 space per 700 square feet of gross floor area
Libraries and museums	1.0 space per 1,000 square feet of gross floor area, and for any group assembly meeting space or auditorium, 1.0 space per 3.0 occupants. The maximum occupancy load shall be authorized by the fire prevention code and standards adopted by the Village of Morton Grove fire department from time to time and incorporated herein by reference (title 9, chapter 1 of this code)
Lounges, bars, or taverns	1.0 space per 50 square feet of gross floor area
Nursing homes	1.0 spaces per 670 square feet gross floor area
Pharmacies	1.0 space per 300 square feet of gross floor area
Physical fitness and health service	1.0 space per 150 square feet of gross floor area
Restaurants	1.0 space per 150 square feet of gross floor area
Restaurants - drive-in or carryout	1.0 space per 100 square feet of gross floor area

Theaters	1.0 space per 3.0 seats
Undertaking establishments/funeral parlors	10.0 spaces per chapel or parlor plus 1.0 space per vehicle owned by the business
Manufacturing uses:	
Permitted and special uses in the manufacturing zoning district except for those uses specified below or where requirements have been set in other sections of this chapter	1.0 space per 250 square feet of gross floor area
Building material sales	1.0 space per 500 square feet of gross floor area
Cannabis cultivation centers	1.0 space per employee, plus 1.0 space per vehicle owned and used by the cultivation center only
<del>Freight terminals, with or without maintenance facilities</del>	<del>1.0 space per 1,000 square feet of gross floor area or 1.0 space per employee, whichever is greater</del>
Manufacturing uses	1.0 space for each 2.0 employees plus 1.0 parking space for each vehicle owned and used by the local plant only
Moving and storage facilities	1.0 space per employee plus 1.0 space for each vehicle owned or used in the business
<del>Parcel and express services</del> <del>local trucking with or without storage</del>	1.0 space per 1,000 square feet of gross floor area or 1.0 space per employee whichever is greater
Public utility and public service use	1.0 space per each employee (minimum of 2.0 spaces)
Self-service storage or miniwarehouse facilities	1.0 space per 3,000 square feet of gross square feet of floor area
Warehouse and storage establishments	1.0 space per 1,000 square feet of gross floor area or 1.0 space per employee whichever is greater
Wholesale sales	1.0 space per 500 square feet of gross floor area plus 1.0 space for each vehicle owned or used in the business
Other uses:	
Public administrative offices	1.0 space per 500 square feet of gross floor area
Recreational centers	1.0 space per 250 square feet of gross floor area devoted to office space plus 1.0 space per 150 gross square feet of floor area devoted to recreational use, and for any meeting space or group assembly use, 1.0 space per 3.0 occupants. The maximum occupancy load shall be authorized by the prevention code and standards adopted by the Village of Morton Grove fire department from time to time and incorporated herein by reference (title 9, chapter 1 of this code)
Schools - business, commercial, trade or other	1.0 space per each faculty member and other full or part time employee plus 1.0 space per 4.0 students design seating capacity
Schools - nursery, elementary, or junior high	1.0 space for each faculty member and other full or part time employees
School, high	1.0 space for each faculty member and other full or part time employee plus 1.0 space for each 4.0 students design seating capacity
Miscellaneous uses, not specifically identified in any section of this title	1.0 space per 100 square feet of gross floor area, or otherwise determined by the Morton Grove plan commission

## 12-12-1: GENERAL PROVISIONS

B. Applicability of Regulations: The regulations herein apply to all properties designated below:

1. Multiple dwelling developments in excess of two (2) units.
2. Business and commercial unit developments.
3. Industrial units and developments.
4. All planned unit developments and special uses.
5. All common, single-family subdivision developments, including streets, rights of way, public areas and other general development features and models to be offered for sale.
6. Municipal and other public facilities and lands.
7. One- and two-family residential dwellings, not in a subdivision but which require a building permit for exterior modification, are exempt from the regulations in this chapter, but are required to complete a design workbook which demonstrates how the project is compatible with the existing neighborhood. Any project which is deemed not to be compatible by the building commissioner and/or his/her designee shall be sent to the appearance review commission for review.

C. Review Required:

1. All site, landscape and building plans are to be reviewed by the appearance review commission, and an appearance certificate by the commission granted, prior to the issuance of a building permit.

2. Prior to changing the exterior color of any building located in a commercial district, a design workbook shall be submitted which demonstrates how the project is compatible with the existing neighborhood. Any project which is deemed not to be compatible by the building commissioner and/or his/her designee shall be sent to the appearance review commission for review.

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

**AUTOMOBILE MINIMART STATION:** Any building land area, or other premises or portion thereof, intended to be used for the retail dispensing or sale of petroleum fuel, lubricants, tires, and supplies and offering as an ancillary service the sale of the following categories of merchandise: health and beauty aids; salty snacks; cleaning and paper goods; books, newspapers, and magazines; milk and dairy products; fresh brewed coffee and coffee drinks; soda, water, and similar bottled or canned beverages; and convenience type food in a prepackaged wrapper or container in a ready to consume state. Convenience foods may also include precooked foods such as donuts, bakery items, and limited sandwiches, which may be assembled and/or heated (microwave or toaster oven only) and repackaged for takeout consumption.

**AUTOMOBILE OR OTHER MOTOR VEHICLE RENTAL:** An open area, other than a street, used for the display of automobiles or other motor vehicles offered for rent to the general public, and where no repair work is done other than incidental.

**AUTOMOBILE OR OTHER MOTOR VEHICLE WRECKING YARD:** Any area of land where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such automobiles or parts thereof.

**AUTOMOBILE SERVICE STATION (GAS STATION OR FILLING STATION):** Any building or portion thereof, or premises used for dispensing or offering for sale at retail automotive fuels or oils having pumps and storage tanks thereon; or where battery, tire, and other similar services are rendered, but only if rendered wholly within lot lines. When dispensing, sale, or offering for sale is incidental to the conduct of automobile repair, the premises are classified as automobile repair. Automobile service stations do not include open sales lots as defined herein.

AUTOMOTIVE ACCESSORY STORE: An establishment which retails new or used automotive parts.

AUTOMOTIVE ~~OR OTHER MOTOR VEHICLE~~ REPAIR: Any building or portion thereof or premises where battery, tire, and other similar services are rendered to automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), and similar motorized transportation vehicles, but only if rendered wholly within lot lines. If automotive fuel dispensed, or offered for sale, is incidental to the conduct of automobile repair, the premises are classified as automobile repair. Automotive repair facilities do not include automotive repair beyond mechanical repair and auto glass. Any type of body work shall be considered a motor vehicle body shop. Automobile repair facilities do not include open sales lots or truck repair facilities as defined herein.

CARTAGE SERVICE: An establishment which provides the hauling of large quantities of material for commercial or industrial users.

COMMUNITY RESIDENCE: A single dwelling unit occupied on a relatively permanent basis in a familylike environment by a group of unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a twenty four (24) hour basis or present whenever residents with disabilities are present at the dwelling and which complies with the zoning regulations for the district in which the site is located. A community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, persons with a history of antisocial behavior, or persons whose reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

~~COMMUNITY RESIDENCE, FAMILY: A single dwelling unit occupied on a relatively permanent basis in a familylike environment by a group of no more than eight (8) unrelated persons with disabilities, plus said professional support staff provided by a sponsoring agency, either living with the residents on a twenty four (24) hour basis, or present whenever residents with disabilities are present at the dwelling and which complies with the zoning regulations for the district in which the site is located.~~

~~COMMUNITY RESIDENCE, GROUP: A single dwelling unit occupied on a relatively permanent basis in a familylike environment by a group of nine (9) to fifteen (15) unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a twenty four (24) hour basis, or present whenever residents with disabilities are present at the dwelling and which complies with the zoning regulations for the district in which the site is located.~~

~~MASSAGE ESTABLISHMENT LIMITED SERVICE MASSAGE: An establishment which offers limited m~~ Massage services by a licensed massage therapist, which uses any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, touching or stimulating the external soft body parts of the body with the hands, any body part, or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations. Limited service massage ~~establishments~~ includes hand/foot massage, head/neck massage, etc., and which does not require partial or full disrobement, other than removal of socks, shoes, and/or outerwear (coats, gloves, scarves).

MOTOR VEHICLE BODY SHOP: Any building where automotive vehicles are painted, repaired for body damage including auto glass, rebuilt, or reconstructed. Motor vehicle body shops do not include truck body shops as defined herein.

MOTOR VEHICLE REPAIR: See definition of AUTOMOTIVE OR OTHER MOTOR VEHICLE REPAIR.

OFFICE - CONTRACTORS: A building or structure for a person or company within a building trade or building craft that undertakes a contract to provide materials or labor to perform a service or do a job and but not including any on-site storage of equipment or materials. All contractor's vehicles shall be parked on the same zoning lot.

OFFICE - CONTRACTORS, WITH ON-SITE EXTERIOR MATERIAL STORAGE: A building or structure for a person or company within a building trade or building craft that undertakes a contract to provide materials or labor to perform a service or do a job and includes exterior, on-site storage of equipment, materials, and a limited amount of construction contractor's vehicles (excluding types of material and vehicles associated with heavy construction business).

OUTDOOR STORAGE: The holding of materials, products, goods, and refuse relating to the principal permitted use for more than twenty-four (24) hours in an area open to the sky.

OUTDOOR STORAGE AREA: The location on a lot where outdoor storage exists. Such area shall be completely screened with no visible evidence of the material stored from any exterior view of the storage area.

SHORT-TERM DWELLING UNIT. All or part of a residential building, dwelling unit, or accessory building located in any zoning district, being leased, rented, offered for rent, hired out, licensed, or otherwise let as an accessory use or occupancy to a person or persons other than the owner of the subject property or a family member of the owner thereof for a period or term that is less than ninety (90) days. Short term dwelling unit shall not include a hotel/motel or bed and breakfast as defined herein or a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.

TRUCK. Trucks, tractors, truck-trailers, and industrial and commercial vehicles in excess of one-and-a-half (1½) tons capacity.

TRUCK PARKING AREA OR YARD: Any land used or intended to be used principally for the storage or parking of trucks, tractors, truck trailers and including commercial vehicles, while not loading or unloading or under repair, and which exceed one and one-half (1½) tons in capacity. A truck parking area or yard includes the meaning customarily assigned to cartage facilities and truck dispatch yards.

TRUCK BODY SHOP. Any building where trucks are painted, repaired for body damage including auto glass, rebuilt, or reconstructed.

TRUCK REPAIR FACILITY. A business that provides services in repairs to trucks. Truck repair facilities do not include repair beyond mechanical repair and auto glass. Any type of body work shall be considered a truck body shop. If automotive fuel dispensed, or offered for sale, is incidental to the conduct of truck repair, the premises are classified as truck repair.

**Attachment C**

Staff Report to the Plan Commission for PC 23-16  
Prepared by Zoe Heidorn, Community Development Administrator  
Dated September 12, 2023 (revised October 10, 2023)



# Village of Morton Grove

## Department of Community & Economic Development

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**To:** Chairperson Blonz and Members of the Plan Commission

**From:** Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

**Date:** September 12, 2023, revised October 10, 2023 (additions in red text)

**Re:** **Case PC 23-16: Request for approval of a Text Amendment to Sections 12-2-5, 12-4-2, 12-4-3, 12-4-4, 12-5-5, 12-7-3, 12-12-1, and 12-17-1 to establish and modify regulations relating to accessory uses and structures, off-street parking, massage establishments, truck-related uses, truck parking requirements, automotive and truck repair uses, short term dwelling units, and design standards. The applicant is the Village of Morton Grove.**

## STAFF REPORT

### Public Notice

Case PC 23-16 was continued from the August 15, 2023, and September 19, 2023, Plan Commission meetings. No additional public notice was required.

### Continuation of Application

At the August 15, 2023, Plan Commission meeting, the Commissioners voted to continue Case PC 23-16 to the next regularly scheduled meeting on September 19, 2023, to allow more time for staff to research short-term rental units and how they are regulated in other communities. A member of the public submitted a packet of information related to short-term rental units following the August hearing and requested distribution to the Plan Commissioners. The packet is included in the hearing packet for PC 23-16. Staff has included some information relating to short-term dwelling units in this report but is requesting another continuation of this portion of the amendment application to allow additional time for staff review **if the Plan Commission recommends legalizing short-term dwelling units and adopting use standards.**

**At the September 19, 2023, meeting, the Plan Commission voted to continue the case again due to the lack of Commissioners in attendance at the meeting.**

**If the Plan Commission wishes to continue its consideration of the amendment relating to short-term rental units, staff recommends that the balance of the application relating to accessory uses and structures, off-street parking, massage establishments, truck-related uses, truck parking requirements, automotive and truck repair uses, and design standards is considered separately and hopes to move the amendment forward to the Village Board of Trustees with minor modifications recommended at the August meeting and additional revisions recommended by staff, which are discussed in further detail below.** The proposed amendment with revisions is provided as **Attachment A**. Revisions made following the August Plan Commission meeting are highlighted in yellow. **Revisions made following the September Plan Commission meeting are highlighted in green.**

A request to modify "Office – Contractors" to "Contractors Office" was not incorporated into the current version of the proposed amendment after further review of how other office-related terms are structured. To modify this term would create inconsistency with other office-related terms and necessitate redundancy. Other office-related terms are included in Attachment A to provide reference.

**Following the September Plan Commission meeting, new information has caused staff to recommend revision of the proposed amendment to Section 12-4-3:D relating to massage establishments in the commercial districts. Based on continuing issues with illegal activities associated with businesses authorized for massage uses, staff is recommending a Village-wide prohibition on both limited-service massage establishments and full body massage establishments. Staff recommends that limited-service massage is allowed as an accessory use to other principal Permitted or Special Uses,**

including, but not limited to salons, medical clinics, and fitness facilities.

The proposed prohibition on massage establishments as a principal use would allow the continuation of three existing authorized full body massage businesses: Heavenly Massage (9330 Waukegan), Family Foot Smile Spa (9235 Waukegan), and Massage by Bogdan (9136 Waukegan, Unit B). The newly proposed prohibition means that staff is eliminating previously proposed amendments to Section 12-5-5:F to establish minimum separation between massage establishments.

Since 2022, two limited-service massage establishments in Morton Grove have been shut down by emergency order as the result of sting operations conducted by the Morton Grove Police Department in conjunction with outside agencies.

**Short-Term Rental Units**

The Plan Commission and Village Board may consider legalizing short-term rental units, which are already operated in the Village limits but are not permitted by the Unified Development Code. Short-term rental units, when regulated and taxed, can add to the local economy and Village revenues. Short-term rental units may also come with negative impacts, such as increased noise and parking demand, reduced availability of affordable housing units, conflicts with permanent residents, and safety and enforcement issues. However, the Village’s current ordinances and additional regulations specific to short-term rental units can be used to address issues so that the use can be integrated into the Village’s residential and mixed-use zoning districts in a manner that protects permanent residents and property values.

Staff looked to surrounding communities and reviewed a recent survey on short-term rental units conducted by the Northwest Municipal Conference (NWMC) to provide an overview of how the land use is being handled by other municipalities. The following table outlines the findings. Some communities’ codes do not define the use, but their staff interprets the use to be prohibited as reported by the NWMC survey.

Community	Use	Allowed	Notable Regulations
Barrington	"SHORT-TERM RENTAL" means the accessory use and/or occupancy for a period of less than one (1) month of a dwelling unit or related accessory structure pursuant to a written or oral agreement which permits and/or provides for occupancy of all or part of such structure by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefor.	No	Minimum 30-day rental period
Elk Grove Village	SHORT TERM RESIDENTIAL RENTALS: A Residential Structure, offered for rent for a period which does not exceed thirty (30) consecutive days. The term "Short-Term Residential Rental" shall not include hotels or motels.	No	
Evanston	"VACATION RENTAL UNIT" means a dwelling unit or a habitable unit that is offered for rent, lease or hire that is rented, leased or hired for which an owner or operator receives consideration from a person and that person has the right to use, occupy or possess the dwelling unit or habitable unit for said period.	Yes	Business license required, tax imposed, property maintenance inspections required
Glencoe		No	
Grayslake		Yes	
Hanover Park	SHORT-TERM RENTAL means the use and/or occupancy for a period of 30 or less days of a principal single-family residence, multiple family dwelling unit, single-family detached dwelling, townhome, cluster house, or a unit in a two-family dwelling together with any accessory or any portion of the foregoing, pursuant to a written or oral agreement which permits and/or provides for occupancy by any person other than the owner thereof, or an immediate family member of the owner thereof, and whether or not the permission of such occupancy is in exchange for consideration therefore or not. Except as otherwise provided herein, leasing, renting, offering or inviting the leasing or renting, or otherwise permitting the short-term rental as defined above located within the village for 30 days or less at a time shall be prohibited, with the exception of a hotel or similar establishment duly licensed by the village, and such conduct shall be prohibited, whether engaged in or participated in by the owner(s) of the property, one or more agent(s) of the property owner(s), and/or by any person(s) leasing, or seeking to lease as a lessor(s), or renting or seeking to rent as lessee(s) and/or otherwise occupy a premises as tenant(s) and/or temporary occupant(s) thereof.	No	
Lincolnshire	SHORT-TERM RENTAL: The accessory use of a residential dwelling under a written or oral agreement providing for occupancy of all or part of the dwelling by any person other than the owner thereof in exchange for consideration therefor.	Yes	
Lincolnwood	SHORT-TERM RENTAL PROPERTIES. No property may be used more than once per 365-day period as a short-term rental property.	No	
Niles	Bed and breakfasts and SHORT-TERM RESIDENTIAL RENTALS are considered a hotel/motel.	No	
Northbrook	SHORT-TERM RENTAL: Part or all of a dwelling or dwelling unit that is rented for transient occupancy by guests for a period shorter than 30 consecutive days. The term "short-term rental" does not include either (i) hotels or motels as defined in this Section or (ii) a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.	Yes	No dwelling unit may be offered as a short-term rental as a principal use, owner or long-term tenant must reside on property, overnight parking must be

			provided on the same lot, written notice of abutting properties required
<b>Northfield</b>	SHORT TERM DWELLING RENTAL. A single room, dwelling, or portion of a dwelling offered or advertised for rent or other consideration for a period of less than sixty (60) consecutive days	No	
<b>Palatine</b>	SHORT-TERM RESIDENTIAL RENTALS PROHIBITED. It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the Village of Palatine as a short-term residential rental. Notwithstanding the provisions set forth in above, it shall not be considered a short-term residential rental when the preceding owner of a property maintains possession of a residential structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.	No	Minimum 30-day rental period
<b>Skokie</b>	SHORT-TERM RENTAL UNIT: An owner-occupied dwelling unit or portion thereof offered for rent for a period of 1 night to 29 consecutive nights to any person other than a member of the owner's family that is being advertised to rent or is rented, through the exchange of money, goods, or services.	Yes	Annual license required, use of intermediary to collect fees required, written notice of properties within 250 feet required, inspection required, condo association approval required (no more than 25% of units)
<b>Schaumburg</b>		Yes	
<b>Wheeling</b>		No	
<b>Wilmette</b>		No	

Unless the Plan Commission determines that short-term rental units are not a desirable use, should continue to be prohibited, and that the Unified Development Code should be modified to clarify restrictions as proposed in the original amendment presented on August 15, 2023, staff requests a continuation of this portion of the application to the next regularly scheduled meeting of the Plan Commission to provide time to prepare draft regulations.

**Recommendation**

Should the Plan Commission recommend a continuation of the amendment proposed under Case PC 23-16 relating to short-term dwelling units, staff suggests the following motion:

*Motion to continue Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment relating to, short-term dwelling units, to the next regularly scheduled meeting of the Plan Commission on October 17, 2023.*

Should the Plan Commission recommend approval of the balance of the Text Amendment application, staff suggests the following motions:

*Motion to recommend the approval of Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment to Sections 12-2-5, 12-4-2, 12-4-3, 12-4-4, 12-5-5, 12-7-3, 12-12-1, and 12-17-1 to establish and modify regulations relating to accessory uses and structures, off-street parking, massage establishments, truck-related uses, truck parking requirements, automotive and truck repair uses, and design standards as presented in **Attachment A** [or as otherwise modified by the Plan Commission].*

**Attachment D**

Staff Report to the Plan Commission for PC 23-16  
Prepared by Zoe Heidorn, Community Development Administrator  
Dated November 14, 2023



# Village of Morton Grove

## Department of Community & Economic Development

**To:** Chairperson Blonz and Members of the Plan Commission

**From:** Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

**Date:** November 14, 2023

**Re:** Case PC 23-16: Request for approval of a Text Amendment to Sections 12-4-2, 12-4-3, 12-5-5, and 12-17-1 to modify and establish regulations relating to short-term dwelling units. The applicant is the Village of Morton Grove.

### STAFF REPORT

#### Public Notice

The Village provided public notice in accordance with the Unified Development Code for the initial public hearing of Case PC 23-16 on August 15, 2023. Case PC 23-16 was continued from the August 15, September 19, and October 17, 2023, Plan Commission meetings. No additional public notice was required.

#### Continuation of Application

At the October 17, 2023, Plan commission meeting, the Commissioners voted to recommend approval of the Text Amendment Application submitted under Case PC 23-16, with the exception of all language relating to short-term dwelling units. That portion of the application was continued to the November 21, 2023, meeting of the Plan Commission for further consideration. At the request of the Commissioners, staff drafted proposed amendments to Title 12 that would legalize and regulate short-term dwelling units in the Village. The proposed amendments are presented in the following sections. Additional amendments to Titles 1 and 4 of the Morton Grove Municipal Code to establish fees and other business regulations relating to short-term dwelling units may be considered by the Board of Trustees if the Plan Commission recommends the amendments to Title 12 as proposed herein.

#### Proposed Amendments

If the Plan Commission desires to recommend the legalization of short-term dwelling units, staff recommends the following amendments to Title 12:

#### Section 12-4-2 & 12-4-3: Use Matrices

Staff recommends listing short-term dwelling units as a Permitted/Special Use in all residential and commercial zoning districts, with a footnote providing reference to Chapter 5, "Special Zoning Provisions," for additional applicable regulations. Under a new section in Chapter 5, staff recommends allowing the use as Permitted Use if certain conditions are met and a Special Use if those conditions are not met.

#### **12-4-2: RESIDENTIAL DISTRICTS**

C. Uses:

Categories Of Use	R-1	R-2	R-3
<u>Short-term dwelling units</u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>

<sup>3</sup> See chapter 5, "Special Zoning Provisions", of this title.

#### **12-4-3: COMMERCIAL DISTRICTS**

D. Uses:

Categories Of Use	C-1	C-2	C/R
<u>Short-term dwelling units</u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>	<u>P/S<sup>3</sup></u>

<sup>3</sup> See chapter 5, "Special Zoning Provisions", of this title.

### **Section 12-5-3: Use Standards**

Staff recommends that a new section is added to Chapter 12-5, "Special Zoning Provisions," to establish regulations pertaining specifically to short-term dwelling units. Various general requirements will apply to all short-term dwelling units, including the requirement for an annual compliance certificate. For short-term dwelling units that are the principal use of a residential dwelling unit or property, and the owner does not reside on the premises, the use would be considered a Special Use. The following proposed regulations were drafted based on existing regulations in Highland Park, Northbrook, Oak Park, Roselle, and Schaumburg.

### **12-5-13: SHORT-TERM DWELLING UNITS**

#### **A. General Requirements:**

- a. Compliance Certificate Required: It shall be unlawful to operate a short-term dwelling unit without a certificate of compliance issued pursuant to Title 4.
- b. Use Limitations: Only residential dwelling units may be used or offered as short-term rentals. No exclusively commercial, office, industrial, or institutional property or portion thereof may be used or offered as a short-term dwelling unit. No accessory building or structure may be used or offered as a short-term dwelling unit.
- c. Minimum Rental Period: A short-term dwelling unit may not be rented for any period of time shorter than twenty-four (24) consecutive hours.
- d. Parking: All overnight parking for persons renting a short-term dwelling unit must be provided on the same zoning lot as the short-term dwelling unit and must be located on an improved hard surface.
- e. Signage: No sign advertising or otherwise promoting a short-term dwelling unit may be installed or erected on the premises.
- f. Notice Required: Prior to the first rental of a short-term dwelling unit, the owner of the short-term dwelling unit must deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term dwelling unit will be located of the owner's intent to offer the short-term dwelling unit for rental. The written notice must include contact information for the owner of the short-term dwelling unit.
- g. Hosting Platform: The owner of a short-term dwelling unit shall use a hosting platform to market and make lease arrangements with any persons renting the short-term dwelling unit. The hosting platform shall be responsible for determining the guest's identification information and the accuracy of that information.
- h. Code Compliance: All short-term dwelling units shall comply with the applicable life safety codes of the Village. It will be the obligation of the owner of the short-term dwelling unit to determine whether the property complies with the Village's life safety codes prior to advertising the short-term dwelling unit's availability on a hosting platform.
- i. Insurance: The owner must provide proof of homeowner's insurance or host protection insurance in the amount of at least five hundred thousand dollars (\$500,000.00) to the Village prior to the issuance of a certificate of compliance.

#### **B. Short-term dwelling units shall be a permitted use for residential dwelling units provided the following conditions are met:**

1. The dwelling unit shall be limited to a maximum of one (1) short-term dwelling unit.
2. The dwelling unit shall not be used or offered as a short-term dwelling unit as its principal use.
3. The dwelling unit shall be the primary residence of the owner and operator of the short-term dwelling unit located therein.
4. The owner of the dwelling unit shall reside on the premises for the entire duration of any short-term dwelling unit rental.
5. No more than one (1) bedroom or similar living area within the dwelling unit shall be used or offered as a short-term dwelling unit at any one time. At no time may all bedrooms within the dwelling unit be offered as a short-term dwelling unit.
6. The short-term dwelling unit shall not be used or occupied by more than two (2) adults simultaneously.

#### **C. Any short-term dwelling unit not meeting the requirements of Section 12-5-13:B shall be considered a special use.**

### **Section 12-17-1: Use Standards**

Staff recommends that the following definitions are added to Section 12-17-1, "Terms Defined." The language was developed based on existing regulations of the same communities referenced above.

HOSTING PLATFORM. A marketplace entity, in whatever form or format which facilitates short-term dwelling unit rentals through advertising, matchmaking or other means, using any medium or facilitation, or from which the operator of the hosting platform derives revenue, including booking fees or advertising revenues from providing or maintaining the marketplace information.

SHORT-TERM DWELLING UNIT. All or part of a residential dwelling unit located in any zoning district, being leased, rented, offered for rent, hired out, licensed, or otherwise let to a person or persons other than the owner of the subject property or a family member of the owner thereof for a period shorter than thirty (30) consecutive days. A short-term dwelling unit shall not include a hotel/motel or bed and breakfast as defined herein or a dwelling or dwelling unit rented for a limited period of time prior to transfer of possession pursuant to the terms of a rental agreement executed in conjunction with a contract to sell the dwelling or dwelling unit.

**Recommendation**

Should the Plan Commission recommend the Text Amendment Application submitted under Case PC 23-16, staff suggests the following motion:

*Motion to recommend the approval of Case PC 23-16, a request by the Village of Morton Grove for approval of a Text Amendment to Sections 12-4-2, 12-4-3, 12-5-5, and 12-17-1 to modify and establish regulations relating to short-term dwelling units, as presented in the staff report for Case PC 23-16 dated November 14, 2023 [or as otherwise modified by the Plan Commission].*