



**MINUTES
VILLAGE OF GLENCOE
ZONING COMMISSION
REGULAR MEETING**

Village Hall Council Chamber and Videoconference
Monday, October 3, 2022 – 7:00 PM

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Commission of the Village of Glencoe was called to order by the Chair, at 7:47 p.m. on the 3rd day of October 2022, held at Glencoe Village Hall.

| Attendee Name | Title | Status |
|--------------------------|------------------------------|---------|
| Zoning Commission | | |
| Scott Novack | ZC Chairman | Present |
| Sara Elsasser | Commissioner | Present |
| Alex Kaplan | Commissioner | Present |
| Debbie Ruderman | Commissioner | Present |
| Michael Koppersmith | Commissioner | Present |
| Jake Holzman | Commissioner | Present |
| Dena Fox | Commissioner | Present |
| Village Staff | | |
| Braeden Lord | Village Attorney | Present |
| Taylor Baxter | Development Services Manager | Present |
| Richard McGowan | Planner | Present |

2. CONSIDERATION OF MINUTES OF THE AUGUST 1, 2022 ZONING COMMISSION MEETING

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| RESULT: | ACCEPTED |
| AYES: | Novack, Elsasser, Kaplan, Ruderman, Koppersmith, Holzman, Fox |
| NAYS: | None |
| ABSENT: | None |

3. CONSIDERATION OF A REFERRAL FROM THE VILLAGE BOARD FOR A PROPOSED AMENDMENT TO THE ZONING CODE RELATED TO UNCOVERED FRONT ENTRYWAYS WITHIN THE REQUIRED FRONT SETBACK

Richard McGowan gave a brief overview of the referral, stating that at the August 1st, 2022, Zoning Board of Appeals (ZBA) meeting, an applicant and resident appealed staff’s determination from Section 3-111(G)(21) does not grant a front yard setback exclusion to uncovered entryways. Mr. McGowan explained that Section 3-111(G)(21) only allows for

front yard setback exclusions for covered front entryways if certain conditions are met. Mr. McGowan noted that the Village Board referred this to the Zoning Commission for consideration, and the Zoning Commission will then make a recommendation back to the Village Board, who will then make a final decision. Mr. McGowan then briefly explained Section 3-111(G)(5), which grants setback exclusions for structures such as stoops and steps if certain conditions are met, in order to draw a comparison with Section 3-111(G)(21), which is the Section proposed to be amended. Before Zoning Commission discussion, the proposed amendments to Section 3-111(G)(21) were to just remove “covered” in order to allow for the front setback exclusion to apply to uncovered entryways as well:

21. Special Front Yard Setback for Certain ~~Covered~~ Entryways.

*Notwithstanding the setback requirements otherwise applicable to **structures** accessory to a **single family dwelling**, not more than one ~~covered~~ entryway may be erected and maintained in the required **front yard** on a **zoning lot**, but only in accordance with the terms and conditions of this Paragraph.*

(a) The ~~covered~~ entryway shall be open on three sides, except for column supports.

(b) The ~~covered~~ entryway shall be one-story; shall not exceed 13 feet in height, nor 12 feet in width, nor 6 feet in depth; and shall consist of no more than 72 square feet in area.

*No variation shall be permitted from any of the foregoing conditions. Any ~~covered~~ entryway constructed in accordance with the reduced front yard setback authorized pursuant to this Paragraph shall not subsequently be eligible for a variation with respect to such **front yard** setback. (New Section 21, 18 November 2004)*

Commissioner Elsasser then asked if “13 feet in height” was still an appropriate condition if a front entryway is hypothetically not covered and around 13 feet in height. Taylor Baxter noted that “13 feet in height” is currently proposed to remain and would apply to roofed/covered front entryways. Commissioner Elsasser noted that she does not think we would want an uncovered front entryway to be 13 feet in height, such as stairs leading up to a front entrance. Mr. Baxter noted that the Zoning Commission (ZC) could recommend additional changes to the proposed amendments, and Commissioner Dena Fox asked if they could insert the word “covered” next to “height” to read as “...shall not exceed 13 feet in **covered** height...”.

Chairman Novack noted that Commissioner Elsasser brings up a good point, and then asked staff if there’s a definition for “entryway”, and staff confirmed that there is not. Commissioner Debbie Ruderman then asked how the height would be determined and or measured if this change was made. Chairman Novack added that it would likely be consistent with grade. Mr. Baxter noted that Section 3-111(G)(5) also notes certain conditions for areas such as outside stairways and ramps to first floors, and Commissioner Michael Kuppersmith asked if Section 3-111(G)(5) was the reason why these amendments are taking place, and Mr. McGowan clarified that Section 3-111(G)(5) appears to allow for setback exclusions for outside stairways and ramps to first floors in any yard, whereas Section 3-111(G)(21), the subject of tonight’s proposed amendments, appears to allow for setback exclusions for covered front entryways for only front yards.

Commissioner Elsasser asked if the proposed amendments to Section 3-111(G)(21) noted above (to only remove the word “covered”) would allow for the applicant/resident at 391 Adams Avenue who appealed staff’s determination to build the front steps they were originally proposing. Mr. Baxter confirmed that is correct.

Commissioner Ruderman then suggested that it may be useful to have Section 3-111(G)(21)(b) specify and differentiate the height conditions for uncovered and covered entryways to read as:

(b) The ~~covered~~ entryway shall be one-story; shall not exceed 13 feet in covered height, or 6 feet in uncovered height, nor 12 feet in width, nor 6 feet in depth; and shall consist of no more than 72 square feet in area.

The ZC then discussed scenarios where someone may propose an uncovered front entryway that exceeds 13 feet in height. Commissioner Alex Kaplan and Commissioner Jake Holzman both agreed that a scenario where an uncovered front entryway exceeded 13 feet in height seemed unlikely. Chairman Novack asked the Commissioners if they felt that six (6) feet in height for uncovered front entryways was appropriate.

PUBLIC COMMENT

Chairman Novack asked the audience if there are any public comments. No public comments were made.

A motion was made and seconded to accept the proposed amendments to remove the word “covered” from Section 3-111(G)(21), with the addition of the word “covered” in “shall not exceed 13 feet in covered height, or 6 feet in uncovered height...”, so that the proposed amendments in Section 3-111(G)(21) read as follows:

21. Special Front Yard Setback for Certain ~~Covered~~ Entryways.

*Notwithstanding the setback requirements otherwise applicable to **structures** accessory to a **single family dwelling**, not more than one ~~covered~~ entryway may be erected and maintained in the required **front yard** on a **zoning lot**, but only in accordance with the terms and conditions of this Paragraph.*

(b) The ~~covered~~ entryway shall be open on three sides, except for column supports.

(b) The ~~covered~~ entryway shall be one-story; shall not exceed 13 feet in covered height or 6 feet in uncovered height, nor 12 feet in width, nor 6 feet in depth; and shall consist of no more than 72 square feet in area.

*No variation shall be permitted from any of the foregoing conditions. Any ~~covered~~ entryway constructed in accordance with the reduced front yard setback authorized pursuant to this Paragraph shall not subsequently be eligible for a variation with respect to such **front yard** setback. (New Section 21, 18 November 2004).*

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| RESULT: | ACCEPTED |
| AYES: | Novack, Elsasser, Kaplan, Ruderman, Kuppersmith, Holzman, Fox |
| NAYS: | None |
| ABSENT: | None |

4. CONSIDERATION OF A REFERRAL FROM THE VILLAGE BOARD FOR A PROPOSED AMENDMENT TO THE SIGN CODE SECTION OF THE ZONING CODE

Mr. Baxter gave an overview and background the sign code update. Mr. Baxter explained that after an initial conversation with staff in the summer of 2021, the Village Board instructed staff in late 2021 to begin the process of updating the sign code to address two issues, which are the usability/clarity of the code, and the legal issues with restricting sign content in the code.

Mr. Baxter explained that the current sign code is not easy for contractors, businesses, and other parties to read and interpret. Mr. Baxter also noted a nationally significant court case *Reed v. Town of Gilbert (2015)*, and an outcome of that court case was that signs could not be regulated based on the content of the signage, and the Village's sign code currently has multiple areas that have content-based regulations, so the proposed changes would need to make the sign code content-neutral. Mr. Baxter noted that some problematic sign types that are fundamentally content-based, such as a "Real Estate Sign" or "Political Sign", and the code itself also has content-based restrictions for other sign types, so these need to be removed from the code to the extent possible.

Mr. Baxter noted that staff has proposed the introduction of a new sign type, "Standard Informational Sign", which would potentially be a small, temporary sign without content restrictions, but would accommodate the problematic sign types that are currently content-based. Mr. Baxter continued, noting that the Village could potentially increase the amount of "Standard Informational Signs" on a property under certain conditions, such as when a property is for sale, when there is an active building permit, or during election season, and that the ZC may want to consider proposed political sign regulations, which currently allow for an unlimited number of signs during election season. Chairman Novack then asked if "election season" is defined, and asked if that is something the ZC will want to define. The discussion then proceeded to "next steps" to review the proposed changes, provide feedback, and make a recommendation to the Village Board, which Mr. Baxter noted that the recommendation may be in the form of a motion, or the ZC may direct staff to prepare a resolution for approval at a later meeting. Chairman Novack noted that he does not think it is realistic that the ZC will be able to provide a recommendation to the Village Board by tonight. Commissioner Kaplan asked for clarification on what the ZC is considering and discussing because nothing is crystallized for him to address.

Chairman Novack stated that he does not think the ZC is ready to make a recommendation tonight. Commissioner Elsasser asked if there are other examples of nearby communities that have addressed the content-based regulations. Village Attorney Braeden Lord noted there is at least one community who intends on removing content-based regulations, but

more notably, most communities in the area have not addressed content-based regulations yet. Commissioner Holzman asked if the Commissioners have questions should they compile them into a document or ask as they go along. Chairman Novack said that he thinks questions should be asked as they come up. Commissioner Holzman asked if obscenity is defined and if that gets into content-based regulations and Attorney Lord noted that a court can determine what is and what is not obscene, so defining it in the sign code may be irrelevant. Commissioner KupperSmith asked if the sign code addresses hate speech, and if not can it be added, and Attorney Lord said that he does not believe the sign code does, where the courts may treat it similarly to obscenity, though there could be a benefit to codifying a restriction on hate speech. Chairman Novack asked if the ZC is getting more into policy, and Commissioner KupperSmith noted that there are prohibited sign types. Commissioner Kaplan noted that trying to fix that problem could potentially be nebulous or irrelevant with the first amendment. Commissioner KupperSmith noted that he thinks the ZC could address hate speech in a way that does not violate the first amendment. Commissioner Holzman then noted potential issues with the conditions of real estate signage, such as requirements depending on a percentage of a unit being sold or leased. Mr. Baxter explained that there are no proposed changes to this area since the direction from the Village Board was to focus more on the readability and legality of the sign code, rather than focusing on proposing changes to the existing regulations, though he encouraged the ZC to get into the details if necessary.

Mr. Baxter noted that staff did propose one policy change for window signage. Mr. Baxter explained that the window signage regulations are currently difficult to administer, can limit flexibility for businesses, and that most downtown businesses are not fully in compliance.

Mr. Baxter then shared window signage regulations from neighboring communities, per the chart included in the staff memo. Mr. Baxter noted that in short, the recommendation is to help streamline the administration, review, and compliance of window signage, while simultaneously maintaining the look and feel of the current makeup. Mr. Baxter then provided visual examples of existing window signage, and what would technically be considered as signage. Chairman Novack asked staff if Winnetka requires an appearance review for new window signage, and staff was uncertain as to whether they do or not. Chairman Novack added that he does not think that would be necessary for window signage in Glencoe. Commissioner Kaplan asked if the Village would have someone enforce the signage regulations, and if there will be a specified amount of time to grandfather in existing window signage, which could be a burden on the Village and businesses. Mr. Baxter noted that staff dropped off flyers at every business that included details on proposed sign code changes and the Village did not receive any feedback from business owners. Mr. Baxter then briefly explained how the Village could potentially notify business owners on proposed sign changes and compliance, and even the possibility of introducing a sunset on current window signage requirements. Commissioner Kaplan then noted that the ZC needs to consider if they are potentially creating a problem where there is not one.

Chairman Novack added that window signage in the sign code is often ignored or businesses are not aware of it, so this is a way to legitimize it, but also not be a burden on businesses. Commissioner Fox asked if it would be beneficial for the Village to also notify the landlords of the commercial buildings in addition to the business owners. Mr. Baxter also noted that staff is looking for feedback on the 15% limitation for window signage coverage, meaning that window signage would be able to occupy no more than 15% of the businesses' windows. Commissioner Elsasser and Ruderman asked if there is an example of an existing business in the Village that has around 15% of their window covered with signage. Commissioner Ruderman noted that it would be helpful to see visual examples of different coverage percentages. Mr. Baxter noted that the sign provisions from the Design Guidelines is something that he encourages the ZC to read because it is an adopted plan and it should be considered with any proposed amendments. Commissioner Ruderman then asked if the ZC could review nearby communities and best practices to compare areas such as political signs.

Commissioner Fox suggested a special meeting for the ZC to review and consider the proposed sign code amendments since the ZC agenda comes after the ZBA agenda and the discussion has already been delayed for multiple meetings. The ZC then discussed next month's agenda in order to determine if a special meeting is needed.

PUBLIC COMMENT

Chairman Novack asked the audience if there are any public comments. No public comments were made.

A motion was made and seconded to continue the public hearing to Monday, October 24th, 2022, at 7:00 p.m., to be held in the Council Chambers at Glencoe Village Hall.

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| RESULT: | ACCEPTED |
| AYES: | Novack, Elsasser, Kaplan, Ruderman, Koppersmith, Holzman, Fox |
| NAYS: | None |
| ABSENT: | None |

5. MOTION TO ADJOURN

There being no further business to come before the Zoning Commission, the meeting was adjourned at 9:07 p.m.

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| RESULT: | ACCEPTED |
| AYES: | Novack, Elsasser, Kaplan, Ruderman, Koppersmith, Holzman, Fox |
| NAYS: | None |
| ABSENT: | None |