MEETING MINUTES
PLAN COMMISSION
Wednesday, December 4, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Stuart Opdycke (Associate), Terri Dubin, Jim Ford, Barbara Putta, Seth Freeman, Richard Shure, Lenny Asaro, Colby Lewis

Members Absent: David Galloway (Associate), Kwesi Steele

Staff Present: Melissa Klotz, Mark Muenzer, Michelle Masoncup

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:06 P.M.

2. APPROVAL OF OCTOBER 9, 2013 MEETING MINUTES

Commissioner Freeman motioned for approval of the October 9, 2013 meeting minutes. Commissioner Shure seconded the motion.

A voice vote was taken and the minutes were approved 6-0.

3. TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0103
Specifically consider text amendments, pursuant to City Code §6-4-7, Bed & Breakfast Establishments, to discuss the zoning regulations of Bed & Breakfast Establishments.

Melissa Klotz, Interim Zoning Administrator, explained the proposed text amendment as recommended by staff and the Zoning Committee of the Plan Commission.

Commissioner Freeman stated that Type 1 Bed and Breakfast Establishments should be permitted because a Special Use Permit is burdensome.

Commissioners Opdycke and Shure noted that people will not go through the Special Use Permit process and would instead operate Type 1 Bed and Breakfasts without a permit.

Commissioner Shure wondered if there should be a parking requirement.

The Commission heard public commentary:
David Reynolds stated the Special Use Permit requirement is supposed to stop too many bed and breakfasts from being established in one area but has not done so. All bed and breakfast establishments should require a Special Use Permit and there should be distance requirements for Type 2 Establishments.

Victor Grimm stated he supports the staff recommendation. Type 1 should have a Special Use Permit or a distance requirement because it’s a residential area. He has concerns about the incremental effect if they are permitted uses.

Ms. Klotz clarified the differences between vacation rentals and rentable rooms with reference to the definition of family.

Mary Sing testified that she likes the original suggestion of a 2 year owner requirement, as was the original intent of the ordinance approved in 1993. A Special Use Permit is needed to address the cumulative effect. She would like to see a reasonable distance requirement, not necessarily 1500’.

Lawrence Weinberg stated the ordinances are to preserve and complement the residential character of the neighborhood. Too many in one area degrades the neighborhood, even if they are Type 1’s. Propose 3 B&B’s per Ward limit and a 2 year license that may be renewed.

Linda Damasatk lived next door to a B&B for 10 years. B&B effect is that it’s a lot of people you don’t know. You lose privacy and peace of mind. It is intrusive and disruptive. She wants a distance requirement for all B&B’s and a Special Use Permit.

Commissioner Asaro wondered how it would impact the downtown if there were a proliferation of B&B’s in the residential neighborhoods.

Anna Roosevelt stated that she likes B&B’s. There are houses standing empty because no one can afford to utilize them as single family residences. Similar to during the Depression and many homes became rooming houses. But it does undermine the hotel industry. Densely clustered B&B’s are not a good idea. They should be resident-occupied, distance requirement, Special Use Permit required.

Alderman Fiske reported that at the 1st Ward meeting on December 3rd, residents shared:

- Concerns about the proliferation of B&B’s
- Concerns about the proliferation of commercial uses
- What would happen to R1 neighborhoods
- They want a Special Use Permit to run with the owner, not the land
- People who want to rent a room out to a student is allowed, that’s not a B&B
- Many people are uncomfortable speaking against a neighbor so they don’t attend ZBA or voice concerns even if they are
The Commission discussed the proposal.

Commissioner Opdycke noted that a Special Use Permit is required for Type 1 and Type 2 B&B’s but that makes it difficult for empty nesters to have a B&B and stay in their homes. Commissioner Putta stated that people already can rent rooms as that’s not a B&B. She wants a Special Use Permit for Type 1 and Type 2. Commissioner Peters said the Special Use Permit process is important because it addresses cumulative impact. Commissioner Freeman said he favors a Special Use Permit for Type 2 but not for Type 1. Commissioner Shure suggested that just because we haven’t had anyone apply in the past for a Type 1 doesn’t mean there aren’t any. Commissioner Asaro said the Special Use Permit cost is just passed on to customers and is a non-issue. He supports a Special Use Permit for Type 1 and Type 2.

The Commission discussed distance requirements:

Commissioner Peters said the Special Use Process can handle cumulative effect but a distance requirement may be necessary. He suggested no more than 660’ and thought none would be OK too. Commissioner Freeman felt a distance requirement was unfair. Commissioner Ford said the Special Use process is a distance requirement but it isn’t always enforced. If there is a distance requirement is should be linear. Commissioner Asaro suggested a radius, not a linear requirement. Commissioner Putta also suggested a radius and noted that she now supported a distance requirement based on testimony that neighbors do not want to oppose each other.

The Commission discussed owner occupancy:

Commissioner Putta asked why staff recommended 33%. Ms. Klotz responded that this percentage met the intent of the Zoning Committee discussion. Commissioner Ford suggested if 100% was not required, Type 2 could be sought with no ownership. Commissioners Opdycke and Asaro agreed with the 33%.

The Commission discussed Type 2 owner occupancy.

Commissioner Asaro suggested a majority, or 51% interest. Commissioner Putta asked why staff recommended no ownership for a Type 2 B&B. Ms. Klotz answered the current regulation is arbitrary, so it is not really a change if there is no requirement.

Alderman Fiske commented her neighborhood feels strongly that owner-occupancy should be required especially for a Type 2 Restaurant. She said Alderman Wynne feels the same way.

The Commission recessed from 9:25 to 9:30.

Upon the return of the Commission, Commissioner Opdycke commented that requiring owner-occupation would restrict Colonel Pritzker from purchasing and opening more B&B’s. Colonel Pritzker’s B&B’s feature exemplary work.
Commissioner Freeman made a motion to adopt a Type 1 B&B defined as no more than 2 bedrooms and requiring a Special Use Permit and 33% owner occupancy but no distance requirement. Commissioner Ford seconded the motion. The Commission approved the motion with a vote of 7 to 1. Commissioner Asaro voted against the motion.

A motion made by Commissioner Ford for a Type 2 B&B defined as up to 5 bedrooms and requiring a Special Use Permit, no owner occupancy and 660’ distance required failed to get a second.

Commissioner Asaro made a motion for a Type 2 B&B defined as up to 5 bedrooms requiring a Special Use Permit and 33% owner occupancy. The motion passed by a vote of 5 to 3.

Regarding distance for a Type 2 B&B, the Commission took several straw polls with required distances including: 1 block on both sides of a street, 660’, 1500’ and no distance requirement. None of the straw polls passed. During discussion, the majority of Commissioners agreed that a distance of not less than 660’ should be required.

Commissioner Ford made a motion to adopt the previous motions that had passed. This motion was seconded by Commissioner Freeman. The motion passed by a vote of 6 to 2.

Ms. Klotz asked if the Commission would like to hold its yearly elections and appointments. Commissioner Asaro deferred elections to the January meeting.

Commissioner Asaro motioned to adjourn the meeting. Commissioner Peters seconded the motion. The meeting adjourned at 10:10 PM.

The Standards were then addressed:

1. Yes
2. Yes
3. Yes
4. Yes

Chairman Peters motioned to approve the proposed text amendment, and Commissioner Shure seconded the motion. The text amendment was recommended to City Council with unanimous approval.

4. ADJOURNMENT

Commissioner Freeman motioned to adjourn, and Commissioner Shure seconded the motion. The meeting adjourned at 7:30pm.

Respectfully Submitted,
Melissa Klotz
Interim Zoning Administrator, Community Development Department
Business or Vocational Schools
Text Amendment

13PLND-0114
Memorandum

To: Chair and Members of the Plan Commission

From: Mark Muenzer, Community Development Director
       Melissa Klotz, Interim Zoning Administrator

Subject: Discussion of Draft Text Amendment Ordinance 3-O-14 for Business or Vocational Schools, 13PLND-0114

Date: December 20, 2013

Proposal Overview
The Zoning Ordinance does not currently feature a use category for Business or Vocational Schools. Such facilities should have an established zoning definition and land use approval as permitted and special uses similar to the land use regulations of Educational Institutions. The Zoning Ordinance should also be amended to clarify the difference between such facilities and College/University Institutions. There is one establishment, the Career Institute at 990 Grove Street, that hopes to launch a large-scale Business or Vocational School.

Recommendation
Following the November 20, 2013 Zoning Committee meeting, City staff and the Zoning Committee of the Plan Commission recommend amending the Zoning Ordinance to establish Business or Vocational Schools as permitted uses in all Commercial, Mixed Use, and University Districts, and special uses in all other zoning districts. Such facilities typically feature similar impacts to that of Educational Institutions. City staff also recommends amending the zoning definition of College/University Institutions to clarify the difference between the uses.

Summary
In the past, Business or Vocational Schools (previously referred to as vocational training facilities) small in scale have been classified as office uses. Such facilities have typically featured 30 clients or less, and have been viewed as being similar in impact to other office uses. Larger facilities that are not similar in intensity and impact to other office uses do not currently have a zoning use category.

Business or Vocational Schools are similar in nature and intensity to Educational Institutions. The land use regulations for Educational Institutions are as follows:
Business or Vocational Schools may feature programs including classroom study for nursing, medical billing, and computer technology, as well as more intense uses such as automobile repair and general trade contractors such as electricians, air conditioning repair, and plumbing.

**Proposed Regulations**

Since Business or Vocational Schools feature many of the same goals and objectives as Educational Institutions, have similar models of operation, and similar land use characteristics and neighborhood impacts as Educational Institutions, it is appropriate to regulate such facilities in a similar fashion. However, Business or Vocational Schools are typically intended for adult or teenage clientele and may feature programs that create minor nuisances such as automobile repair, additional regulation is needed. The Zoning Committee and City staff recommend Business or Vocational Schools utilize the following zoning definition and land use regulations:

**Business or Vocational School** – a privately-owned or publicly-owned post-secondary school, other than a community college or four-year “College/University Institution”, providing occupational or job skills in a variety of technical subjects and trades for specific occupations.

Additionally, clarification should be made to the zoning definition of College/University Institution. The added clarification is underlined below:

**College/University Institution** – A privately-owned or publicly-owned institution providing full-time or part-time education, *other than “Business or Vocational Schools”,* beyond the high school level, including any lodging rooms or housing for students or faculty.

Such change to the College/University Institution definition should not affect Northwestern University since the proposed Business or Vocational School use is permitted in the U Districts.

**Other Communities**

The Village of Skokie defines such use as “School, Technical and Trade,” and includes multiple subcategories. Skokie regulates the use similarly to the other educational uses, except that “School, Technical and Trade” is not allowed in residential districts. The Village of Niles does not specifically define the use, but instead lumps vocational...
schools into the same land use category as colleges, universities, and trade schools, which are special uses in all residential districts and business districts, but not permitted in manufacturing or public land districts. The Village of Oak Park defines such use under the generic “School” definition, which is “a public, parochial or private organization providing educational instruction to children or adults.” The land use regulations further split the definition up as “Post high school educational or instructional institutions or facilities, public & private,” which is a permitted use in all non-residential districts with the exception of special use designation in the B4 district. (See attached supporting documents).

Attachments
Draft Ordinance 3-O-14
Zoning Committee of the Plan Commission Draft Meeting Minutes – November 20, 2013
Zoning Committee of the Plan Commission Packet – November 20, 2013
3-O-14

AN ORDINANCE

Amending Portions of the Zoning Ordinance
to Create the “Business or Vocational” Use and Amend the Definition of “College/University Institution”

WHEREAS, on January 8, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0114 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Vocational Training Facility;” and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of January 27, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0114 and recommended City Council approval thereof; and

WHEREAS, at its meetings of January 27 and February 10, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:
SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Section 6-18-3 of the Zoning Ordinance, “Definitions,” is hereby amended to include the following:

BUSINESS OR VOCATIONAL SCHOOL: a privately-owned or publicly owned post-secondary school, other than a community college or four-year “College/university institution”, providing occupational or job skills in a variety of technical subjects and trades for specific occupations.

COLLEGE/UNIVERSITY INSTITUTION: A privately-owned or publicly-owned institution providing full-time or part-time education, other than “Business or vocational school”, beyond the high school level, including any lodging rooms or housing for students or faculty.

SECTION 3: Subsection 6-8-2-4 of the Zoning Ordinance, “Special Uses” in the R1 District, is hereby amended to include “Business or Vocational School.”

SECTION 4: Subsection 6-8-3-3 of the Zoning Ordinance, “Special Uses” in the R2 District, is hereby amended to include “Business or Vocational School.”

SECTION 5: Subsection 6-8-4-3 of the Zoning Ordinance, “Special Uses” in the R3 District, is hereby amended to include “Business or Vocational School.”

SECTION 6: Subsection 6-8-5-3 of the Zoning Ordinance, “Special Uses” in the R4 District, is hereby amended to include “Business or Vocational School.”

SECTION 7: Subsection 6-8-6-3 of the Zoning Ordinance, “Special Uses” in the R4a District, is hereby amended to include “Business or Vocational School.”

SECTION 8: Subsection 6-8-7-3 of the Zoning Ordinance, “Special Uses” in the R5 District, is hereby amended to include “Business or Vocational School.”

SECTION 9: Subsection 6-8-8-3 of the Zoning Ordinance, “Special Uses” in the R6 District, is hereby amended to include “Business or Vocational School.”
SECTION 10: Subsection 6-9-2-3 of the Zoning Ordinance, “Special Uses” in the B1 District, is hereby amended to include “Business or Vocational School.”

SECTION 11: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Business or Vocational School.”

SECTION 12: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Business or Vocational School.”

SECTION 13: Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby amended to include “Vocational Training Facility.”

SECTION 14: Subsection 6-10-2-2 of the Zoning Ordinance, “Permitted Uses” in the C1 District, is hereby amended to include “Business or Vocational School.”

SECTION 15: Subsection 6-10-3-2 of the Zoning Ordinance, “Permitted Uses” in the C1a District, is hereby amended to include “Business or Vocational School.”

SECTION 16: Subsection 6-10-4-2 of the Zoning Ordinance, “Permitted Uses” in the C2 District, is hereby amended to include “Business or Vocational School.”

SECTION 17: Subsection 6-11-2-3 of the Zoning Ordinance, “Special Uses” in the D1 District, is hereby amended to include “Business or Vocational School.”

SECTION 18: Subsection 6-11-3-4 of the Zoning Ordinance, “Special Uses” in the D2 District, is hereby amended to include “Business or Vocational School.”

SECTION 19: Subsection 6-11-4-3 of the Zoning Ordinance, “Special Uses” in the D3 District, is hereby amended to include “Business or Vocational School.”

SECTION 20: Subsection 6-11-5-3 of the Zoning Ordinance, “Special Uses” in the D4 District, is hereby amended to include “Business or Vocational School.”
SECTION 21: Subsection 6-12-2-3 of the Zoning Ordinance, “Special Uses” in the RP District, is hereby amended to include “Business or Vocational School.”

SECTION 22: Subsection 6-13-2-2 of the Zoning Ordinance, “Permitted Uses” in the MU District, is hereby amended to include “Business or Vocational School.”

SECTION 23: Subsection 6-13-3-2 of the Zoning Ordinance, “Permitted Uses” in the MUE District, is hereby amended to include “Business or Vocational School.”

SECTION 24: Subsection 6-13-4-2 of the Zoning Ordinance, “Permitted Uses” in the MXE District, is hereby amended to include “Business or Vocational School.”

SECTION 25: Subsection 6-14-2-3 of the Zoning Ordinance, “Special Uses” in the I1 District, is hereby amended to include “Business or Vocational School.”

SECTION 26: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I2 District, is hereby amended to include “Business or Vocational School.”

SECTION 27: Subsection 6-14-4-3 of the Zoning Ordinance, “Special Uses” in the I3 District, is hereby amended to include “Business or Vocational School.”

SECTION 28: Subsection 6-15-2-3 of the Zoning Ordinance, “Special Uses” in the O1 District, is hereby amended to include “Business or Vocational School.”

SECTION 29: Subsection 6-15-3-3 of the Zoning Ordinance, “Special Uses” in the T1 District, is hereby amended to include “Business or Vocational School.”

SECTION 30: Subsection 6-15-4-3 of the Zoning Ordinance, “Special Uses” in the T2 District, is hereby amended to include “Business or Vocational School.”
SECTION 31: Subsection 6-15-5-2 of the Zoning Ordinance, “Permitted Uses” in the U1 District, is hereby amended to include “Business or Vocational School.”

SECTION 32: Subsection 6-15-6-2 of the Zoning Ordinance, “Permitted Uses” in the U1a District, is hereby amended to include “Business or Vocational School.”

SECTION 33: Subsection 6-15-7-2 of the Zoning Ordinance, “Permitted Uses” in the U2 District, is hereby amended to include “Business or Vocational School.”

SECTION 34: Subsection 6-15-8-2 of the Zoning Ordinance, “Permitted Uses” in the U3 District, is hereby amended to include “Business or Vocational School.”

SECTION 35: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 36: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 37: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 38: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.
Introduced: ________________, 2014
Adopted: ________________, 2014
Approved: ________________________, 2014

_____________________________
Elizabeth B. Tisdahl, Mayor

Attest: ________________________
Rodney Greene, City Clerk

Approved as to form:

_____________________________
W. Grant Farrar, Corporation Counsel
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, November 20, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Scott Peters, Jim Ford, Patricia Ledesma, Stuart Opdycke

Members Absent: Kwesi Steele, Dave Galloway, Barbara Putta, Lenny Asaro, Seth Freeman

Staff Present: Melissa Klotz, Michelle Masoncup

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of October 16, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Peters motioned for approval of the October 16, 2013 meeting minutes. Commissioner Ledesma seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0114

Specifically consider a text amendment, pursuant to City Code § 6-18-3, Definitions, to discuss the zoning definitions for Educational Institution – Private, and Educational Institution – Public.

Ms. Klotz explained the staff proposal to amend the zoning definition of Educational Institutions to include vocational training facilities.

The committee determined certain vocational training facilities may create nuisances, such as auto mechanic repair classes, so a vocational training should be a separate zoning use with different land use regulation from Educational Institutions. The committee suggested the following districts as permitted and special use:
The committee suggested staff propose a zoning definition as the text amendment moves forward to the Plan Commission.

Commissioner Ledesma noted she likes the Skokie definition, and Commissioner Peters noted the definition of University/College would need to be amended for clarification.

Commissioner Peters motioned to recommend approval of the proposed land use regulations for vocational training facilities, noting staff should create a new zoning definition for the use that is modeled after the first half of the Skokie definition, and with modification to the University/College definition as necessary. Commissioner Ford seconded the motion, which was approved 5-0.

**B) TEXT AMENDMENT TO THE ZONING ORDINANCE  13PLND-0115**

Specifically consider a text amendment, pursuant to City Code § 6-4-6-9, Special Regulations Applicable to Air Conditioning Equipment, to discuss the zoning regulations for Air Conditioning Equipment.

Ms. Klotz explained the staff proposal to amend the zoning setbacks for air conditioning equipment since the regulations are overly restrictive and results in many variance requests.

Commissioner Peters noted the proposed regulation changes would not allow homeowners to place a/c units near the property line on a corner lot since the regulation would require such units to be located within 2’ of the house.

Commissioner Ford motioned to recommend approval of the proposed text amendment as recommended by staff. Commissioner Opdycke seconded the motion, which was approved 5-0.

Commissioner Peters thanked Commissioner Ledesma for her service on the Plan Commission, noting this as her last meeting.

5. **DISCUSSION**

6. **ADJOURNMENT**

   Commissioner Ford motioned for adjournment and Commissioner Peters seconded the motion. The meeting adjourned at 8:00pm.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, December 18, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Memorandum

To: Zoning Committee of the Plan Commission Members
From: Melissa Klotz, Interim Zoning Administrator
Subject: Text Amendment Proposal for Educational Institutions, 13PLND-0114
Date: November 13, 2013

Proposal Overview
The current zoning definition for Educational Institutions should be amended to include vocational training facilities. Such facilities typically feature similar impacts and should follow the same land use regulations as public and private Educational Institutions.

Summary
In the past, vocational training facilities small in scale have been classified as office uses. Such facilities have typically been used for 30 clients or less and have been viewed as similar in impact to other office uses. Larger facilities that are not similar in intensity and impact to other office uses do not currently have a zoning use category.

These larger facilities are similar to Educational Institutions, but do not fit the zoning definitions of such. The Zoning Ordinance currently defines Educational Institutions as:

Educational Institution – Private: A privately owned preschool, elementary school, middle school, or high school.

Educational Institution – Public: A publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families, district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students.
The land use regulations for Educational Institutions are as follows:

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Since vocational training facilities may intend to partner with Educational Institutions, feature many of the same goals and objectives, similar models of operation, and have similar land use characteristics and neighborhood impacts as Educational Institutions, it is appropriate to add vocational training facilities to the existing definitions for Educational Institutions. Proposed changes to the existing definitions are:

Educational Institution – Private: A privately owned preschool, elementary school, middle school, high school, or vocational training facility.

Educational Institution – Public: A publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families, district administrative staff offices, or vocational training space. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students, or vocational training students.

This change would enable larger-scale vocational training facilities to locate in the same zoning districts that private and public schools are located.

City staff recently received an inquiry from an interested party that would like to open a vocational training facility within the downtown area. This facility, the Career Institute, is currently approved as an office use for a maximum of 30 students, as past precedent has dictated. The Career Institute plans to utilize key relationships throughout the community, including ETHS, to achieve a projected growth of up to 500 students by year five. This cannot occur unless a text amendment is made to the Zoning Ordinance to allow such a use. Pending approval of the text amendment, the Career Institute would have to obtain a special use approved by City Council as a Private Educational Institution before it could operate with more than 30 students.

Other Municipalities
The Village of Skokie defines such use as “School, Technical and Trade,” that includes multiple subcategories. Skokie regulations the use similarly to the other school uses, except that “School, Technical and Trade” is not allowed in residential districts. The Village of Niles does not specifically define the use, but instead lumps vocational schools into the same land use category as colleges, universities, and trade schools,
which are special uses in all residential districts and business districts, but not permitted in manufacturing or public land districts. The Village of Oak Park defines such use under the generic “School” definition, which is “a public, parochial or private organization providing educational instruction to children or adults.” The land use regulations further split the definition up as “Post high school educational or instructional institutions or facilities, public & private,” which is a permitted use in all non-residential districts with the exception of special use designation in the B4 district. (See attached supporting documents for use charts).

Attachments
Facility Description for proposed Career Institute
Other Municipalities – Supporting Documents
October 31, 2013

To Whom It May Concern:

As outlined in my presentation to the Economic Development Committee, we appreciate the partnership with the City of Evanston. The Career Institute has been engaging in discussions with the owners of 990 Grove Street, and we are holding the prepared lease agreement prior to signature while waiting to clarify the next steps in the zoning and approval process.

We have engaged consultants, staff and instructors who have been prepared to begin classes in the month of January 2014. Marketing efforts have begun, and our key relationships in the community (including ETHS) inform us that in order to recommend our job training programs to their constituencies for the 2014/15 academic year they would like to see us in action prior. These relationships are key to help us achieve our projected growth.

Most importantly, the employers that have agreed to hire our graduating students are expecting two graduating classes in 2014. With a six month program, we need to begin courses in early 2014.

That said, we are willing to commit to capping our occupancy and enrollment at 30 students until all necessary permits and rezoning is complete by the City of Evanston.

In the event that you have any questions, please do not hesitate to contact me at 773-547-3822 or shalom@gocareerinstitute.com.

Respectfully,

Shalom Klein
on behalf of Career Institute, LLC
October 9, 2013

Paul,

Per our recent discussions, we would like to consider opening The Career Institute, a vocational school and training program, in Evanston. As a part of this initiative, our plan is to partner with the local school districts (we have already begun conversations) and Chambers of Commerce to launch a major workforce initiative.

We have been in discussions with the owners of 990 Grove Street where we have been evaluating space. We believe that we can negotiate with the building for a reasonable cost per square foot, but the challenge for us will be the substantial cost of building out the space for our classroom and academic needs. The cost for this build out is estimated at $55,000.

The Career Institute would like to request that the City of Evanston consider participating in the cost, in exchange for our commitment in a few economic development efforts. Among those discussed have been hiring Evanston residents for this new organization, working with ETHS on accepting students and leading career placement workshops on campus, as well as playing a key role in the Evanston Public Library small business incubator project as a program coordinator. We are asking for a commitment of $25,000 from the City of Evanston to allow us to open our business in this important area of the community.

Our plan is to remain at the location for many years to come, and we have already introduced the idea of potentially expanding into increased building space if our plans succeed and we form the correct partnerships.

Our mission is to provide all of the skills, education and opportunities necessary for each Career Institute student to successfully graduate from their vocational training and immediately begin their new career. The Career Institute will place as much emphasis and effort in securing a new job for our students as we will in educating them.

The Career Institute is the brainchild of our two founding partners, Mr. Barry Teichman and Mr. Shalom Klein. Mr. Teichman has an extensive background in the local healthcare industry where he has spent a number of years working with local healthcare companies in a variety of capacities. During this time he discovered a dearth of qualified and talented pharmacy technicians, medical billers, medical assistants and certified nursing assistants. The other principle Mr. Shalom Klein is heavily involved in local networking and job fulfillment. Mr. Klein is the chairman of Jewish B2B Networking a not for profit organization focused on local job creation and overall economic development. Mr. Klein is deeply involved with several regional public and private institutions on the North Shore of Chicago. He and his organization execute several weekly business oriented events designed to help business owners network as well as job seekers secure new employment opportunities. Mr. Teichman and Mr. Klein have joined forces to create The Career Institute.

The philosophy of The Career Institute is to marry the skills sets and local contacts of both principals and create an institution that will deliver much more than a traditional vocational education. The school’s mission with each student is completely outcome driven. In addition to demanding strong academic performance from our students, the Institute’s success is measured in the student’s ability to secure a job within the field of their study. Beyond vocational training the Career Institute will offer students the ability to acquire many other basic jobs skills they will need to succeed in today’s job force. This includes but is not limited to how to best utilize LinkedIn, How to Network and Basic Job Interview strategies. These skills combined with the founding partners’ broad range of contacts within the local community will insure that each student has the ability and opportunity to secure a position in their field of study.

The goal of The Career Institute is to be known as a place of higher education that excels in providing in depth training to vocational students. The vision for the Institute is that of a nationally accredited college with a high placement rate, great respect from the Chicagoland Healthcare community, and a strong reputation for providing an excellent vocational training. The Institute plans to offer an English as Second Language program that enables students of a diverse background to benefit from the Institute’s training regardless of the language they speak. The Career Institute’s enrollment goals include 39 students for year one, 100 for year two, 200 by year three and 500 by year five. These objectives will be met by successfully recruiting the best instructors available in the area. In addition, the Institute will maintain a strong relationship with local business leaders both inside and out of the healthcare industry.

I look forward to hearing from you soon.

Regards,

Shalom Klein
773-547-3822 (cell)
shalom@gocareerinstitute.com
Sec. 118-32. General definitions. (Village of Skokie)

School, technical and trade, means a school that offers vocational and technical training in a variety of technical subjects and trades, which may lead to job-specific certification other than the associate, baccalaureate, or graduate degree levels. Operation of the school shall not involve increased danger of fire and explosion, noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences (except as provided for by the performance standards in industrial districts).
## APPENDIX A USE TABLE

- **P:** Permitted use
- **S:** Special use
- **A:** Accessory use
- **R:** Restricted in the district regulations or referenced sections

<table>
<thead>
<tr>
<th>USE</th>
<th>Residential</th>
<th>Mixed-Use</th>
<th>Business</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
<td>R4</td>
</tr>
<tr>
<td>RESIDENCE OR ACCOMMODATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Households</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residence, detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residence, townhouse</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residence, 2-unit multifamily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residence, 3- or more unit multifamily</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residence, 3- or more unit multifamily, north of Jarvis Avenue, subject to § 118-144</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residence, funeral home</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residence, upper-story over nonresidential use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Services of the Elderly or Disabled</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted-living facility, subject to § 118-89</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Storm water detention facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Water works</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling, billiards, pool halls, etc.</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>R</td>
</tr>
<tr>
<td>Games arcade establishment</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Golf course</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Health and fitness centers</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td>R</td>
</tr>
<tr>
<td>Museums</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Public recreation facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation facility: dance halls, racquetball, handball, and tennis courts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skating rinks, roller rinks, etc.</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Theater, dance, or music establishment</td>
<td>S</td>
<td>S</td>
<td>R</td>
<td>S</td>
</tr>
<tr>
<td>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, &amp; OTHER INSTITUTIONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grade schools:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle and junior high</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Senior high</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Colleges and universities</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Technical and trade:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driving education</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

library.municonde.com/print.aspx?h=&clientID=13819&HTMRequest=http%3a%2f%2flibrary.municonde.com%2fHTML%2f13819%2flevel2%2fCH118ZO_APX... 12/16
| Fine and performing arts education | | | P | P | P | P | P | P | P | P | P |
| Sports and recreation education | | | P | P | P | P | P | P | P | P |
| Other technical, trade, and specialty school | | | P | P | P | P | P | S | P | P | S |
| **Public Administration** | | | P | P | P | P | P | P | P | P | P |
| Legislative and executive functions | | | P | P | P | P | P | P | P | P | P |
| Courts | | | P | P | P | P | P | P | P | P | P |
| **Public Safety Uses** | | | P | P | P | P | P | P | P | P | P |
| Emergency response | | | P | P | P | P | P | P | P | P | P |
| Fire and rescue | | | S | S | S | S | S | P | P | P | P |
| Police | | | S | S | S | S | S | P | P | P | P |
| **Health and Human Services** | | | P | P | P | P | P | P | P | P | P |
| Ambulatory or outpatient care: | | | P | P | P | P | P | P | P | P | P |
| Clinics and outpatient care centers | | | P | P | P | P | P | P | P | P | P |
| Medical and diagnostic laboratories | | | P | P | P | P | P | P | P | P | P |
| Blood and organ banks | | | P | P | P | P | P | P | P | P | P |
| Home hospice and home health care agencies | | | P | P | P | P | P | P | P | P | P |
| Hospital | | | P | P | P | P | P | P | P | P | P |
| Social assistance, welfare, and charitable services: | | | P | P | P | P | P | P | P | P | P |
| Child and youth services | | | P | P | P | P | P | P | P | P | P |
| Child day care in a residence, subject to § 118-86 | R | R | R | R | R | R | R | R | R | R | R |
| Child day care | R | R | R | R | S | S | S | S | S | S | S |
9.146 Restaurant

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building (unless an attached drive-up facility exists where food is dispensed for off-site consumption), and where food and beverage sales constitute more than 80 percent of the gross sales receipts.

9.147 Retail Business Shops

A commercial establishment that provides goods directly to the consumer. Such stores include but are not limited to antique stores, art galleries, pet shops, video rental stores, dry-goods store and similar establishments.

9.148 Rooming House

A building in which sleeping quarters (but no meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purposes of this Zoning Ordinance, the term "rooming house" shall also mean lodging house, and a rooming house shall not include a Residential-Care Home or Nursing Home.

9.149 Sanitarium

A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

9.150 School

A public, parochial or private organization providing educational instruction to children or adults.

9.151 School, Elementary

An educational facility that serves students from kindergarten through the eighth grade. Includes middle schools.

9.152 School, High School

An educational facility that serves students in the ninth, tenth, eleventh, and twelfth grades.

9.153 School Housing Facility

A multi-unit residential facility designed to be occupied by students and faculty of a nearby educational facility.

9.154 Second-Hand Shop

A retail establishment engaging in the sale of previously used merchandise, such as clothing, household furnishings or appliances, or sports and recreational equipment. (See also Section 9.6 Antique Store defined herein)

9.155 Sheet-Metal Shops

A shop devoted to the fabrication of objects from sheet metal.
## USES ALLOWED BY ZONE DISTRICT

(P = PERMITTED  S = SPECIAL  Blank = NOT PERMITTED)

POD = Perimeter Overlay District  TRRROD = Transit-Related Retail Overlay District
HMO = Lake Street Building Height and Massing Overlay District
MadSOD = Madison Street Overlay District  MarSOD = Marion Street Overlay District  RROD = Roosevelt Road Form-Based Overlay District

<table>
<thead>
<tr>
<th>SPECIFIC USE TYPE</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>NON RESIDENTIAL DISTRICTS</th>
<th>ADDITIONAL REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
</tr>
<tr>
<td>Print Shop</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Restaurant with drive-in or drive-through</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Restaurant without drive-in or drive-through</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail business shops</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Second-hand stores</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Showroom (plumbing, heating, etc.)</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Studio (artist, photography, recording)</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Swimming pool sales and service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Taxidermist</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Upholstery Shop</td>
<td>P</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Vending machine-inside only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Weight-loss &amp; *employment agencies</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Service Station</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto service and fueling station</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash, including hand wash and detailing</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSTITUTIONAL/COMMUNITY SERVICES USES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult day-care facility, duly licensed</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Boarding School</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Nursing School</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*POD § 3.9.2(G)(2)
TRRROD § 3.9.8(M)(3)

Permitted as a use when occupying space above street level. See §§ 4.5.2(Z) & 4.9.2(C)
TRRROD § 3.9.3(F)(2)(l)
TRRROD § 3.9.3(F)(2)(dd)
TRRROD § 3.9.3(F)(2)(ce)

Permitted as an accessory use in schools, libraries and other uses, provided that the machines are located only inside the primary structure.
TRRROD § 3.9.3(F)(2)(j,k)
+POD § 3.9.2(G)(5)

MadSOD § 3.9.6(F)(3)(h)
TRRROD § 3.9.8(M)(3)
TRRROD § 3.9.3(F)(2)(ff)
## USES ALLOWED BY ZONE DISTRICT

(P = PERMITTED, S = SPECIAL, Blank = NOT PERMITTED)

POD = Perimeter Overlay District  TRROD = Transit-Related Retail Overlay District
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<table>
<thead>
<tr>
<th>Use Category</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>NON RESIDENTIAL DISTRICTS</th>
<th>ADDITIONAL REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPECIFIC USE TYPE</td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
</tr>
<tr>
<td>Post high school educational or instructional institutions or facilities, public &amp; private</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Library</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Post office &gt; 2000 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools (high school &amp; elementary), public and private</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NOTE: For Light Standards: See Section 4.5.2(AA)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, except drive-in theaters 80' or less of non-retail frontage</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Theater, except drive-in theaters 80' or more of non-retail frontage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility, major</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility, minor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visitor information center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PUBLIC/SEMI-PUBLIC USES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banquet, exhibition, and meeting halls, public or private</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

TRROD § 3.9.3(F)(2)(n)

*Subject to R-7 Regulations: § 3.8.1(A)(1)(a), (B)(1) & (C)(1); § 3.8.2(A)(1), (B)(1) & (C)(1); and § 3.8.4(A)(1)(a), (B)(1) & (C)(1)

Nursery and day-care centers allowed as accessory use.

*Subject to R-7 Regulations: § 3.8.1(A)(1)(a), (B)(1) & (C)(1); § 3.8.2(A)(1), (B)(1) & (C)(1); and § 3.8.4(A)(1)(a), (B)(1) & (C)(1)

Subject to Special Use Regulations: 4.5.2(AA)

TRROD § 3.9.3(F)(2)(gg)

Theaters with 80 or less lineal feet of non-retail street frontage shall be a permitted use

Theaters with more than 80 lineal feet of non-retail street frontage shall be a special use

See § 4.2.A

See § 4.5.2(S)

TRROD § 3.9.3(F)(2)(p)

RRROD § 3.8.8(M)(3)
Air Conditioning Equipment
Text Amendment

13PLND-0115
To: Chair and Members of the Plan Commission

From: Mark Muenzer, Community Development Director
        Melissa Klotz, Interim Zoning Administrator

Subject: Discussion of Draft Text Amendment Ordinance 15-O-14 for Air Conditioning Equipment, 13PLND-0115

Date: December 26, 2013

Proposal Overview
The Zoning Ordinance currently requires extensive setbacks for air conditioning equipment. The regulations, which typically require 10' setbacks in side yards and street side yards, are not feasible on many properties throughout the city. Many major and minor variances are requested to reduce the setbacks for air conditioning equipment. The City’s adopted Mechanical Code features a maximum noise level measured by decibels that is consistent with a reduced setback for such air conditioning equipment.

Recommendation
Following the November 20, 2013 Zoning Committee meeting, City staff and the Zoning Committee of the Plan Commission recommend amending the Zoning Ordinance to reduce the required setback for air conditioning equipment to 8’ for most property lines, 6’ for interior side yards when the equipment is located within 2’ of the principal structure and appropriately screened, and 4’ for street side yards when the equipment is located within 2’ of the principal structure and appropriately screened.

Summary
The standard side yard setback for air conditioning equipment is currently 10’. This requirement presents a practical difficulty for many homeowners in Evanston since many properties feature narrow lots. In the past year, seven variance requests were reviewed either by staff or the Zoning Board of Appeals to reduce a setback for air conditioning equipment. Of the seven cases, only one was denied (with a requested setback of .02’), and four of the seven cases requested a distance of 8’ or more.

The current regulations for Air Conditioning Equipment state such equipment cannot be located within a front yard or within 10’ of any property line. Exceptions to the 10’ requirement are allowed when such equipment is located within 2’ of the principal structure, is adjacent to an alley of at least 10’ in width or a street side yard, and is obscured by landscaping. In these exception cases, the Zoning Ordinance does not clearly state what the required setback is, so the interpretation is left up to the Zoning Administrator.
Two primary concerns justify required setbacks for air conditioning equipment: appearance and noise.

Sound pressure is measured by decibels (dBA). High efficiency models, which are extremely common in Evanston, range from 73-78 dBA, and most air conditioning equipment operates between 63-83 dBA. Decibel measurement is logarithmic, which means generally the noise is reduced by 6 decibels for every doubling of the distance from the noise source. This is represented in the chart below:

<table>
<thead>
<tr>
<th>Distance from noise source:</th>
<th>1'</th>
<th>2'</th>
<th>4'</th>
<th>8'</th>
</tr>
</thead>
<tbody>
<tr>
<td>dBA level:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>77</td>
<td>71</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>72</td>
<td>66</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>66</td>
<td>60</td>
<td>52</td>
<td></td>
</tr>
</tbody>
</table>

The City recently amended the adopted Mechanical Code to increase the maximum allowed decibel level at a property line from 55 to 65 dBA. This was primarily done because ambient noise is typically over 55 dBA, which made the previous regulation overly strict and extremely difficult to measure and enforce.

The appearance of air conditioning equipment, like other mechanical equipment, is typically considered unattractive. Mechanical equipment should therefore be hidden from view as much as possible. The appearance of air conditioning equipment can be effectively limited with screening such as landscaping, which will also dampen sound.

Based on the above chart, all air conditioning equipment should be within the maximum allowed dBA at the proposed 8’ setback, and would likely be within the maximum allowed dBA at 6’ when screened (since the screening would slightly reduce the noise level).

**Proposed Regulations**

Staff and the Zoning Committee of the Plan Commission recommend the minimum yard requirements for air conditioning equipment as follows:

<table>
<thead>
<tr>
<th>Required Yard</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard:</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Interior Side Yard:</td>
<td>8’ setback required; or 6’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
<tr>
<td>Interior Side Yard Abutting an Alley of at least 8’ in width</td>
<td>8’ setback required; or 4’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Prohibited; or 4’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
</tbody>
</table>
Rear Yard (rearmost 30’ of yard) | 3’ setback from all property lines (the same as other accessory structures in the required rear yard)

There is no change to the existing regulations for front and rear yards. Staff additionally suggests the removal of the 5’ setback requirement for window air conditioners. This regulation is not practical given the typical setbacks of houses in Evanston. City staff has not received any complaints against residents in violation of this regulation, though the vast majority of homes with window units are likely in violation of the 5’ setback requirement.

Other Communities
Staff reviewed air conditioning equipment regulations in Oak Park, Chicago, Wilmette, Skokie, Winnetka, Madison, and Ann Arbor. A wide range of setbacks exist among these communities. The community with the most restrictive regulation is Winnetka, which only permits such equipment in side yards, requires a 6’ setback in the R3-R5 Districts and a 12’ setback in the R1-R2 Districts. Skokie and Wilmette both require 10’ setbacks; however Wilmette allows a Site Plan Review Committee to approve placement between 5’ and 10’ and requires screening for units placed between a principal structure and a street. Chicago, Madison, and Ann Arbor are the most permissive, allowing side and rear yard placement as close as 1’, but prohibits placement in the required street side yard. See attached for further documentation on regulations from the aforementioned communities.

Attachments
Draft Ordinance 15-O-14
Zoning Committee of the Plan Commission Draft Meeting Minutes – November 20, 2013
Zoning Committee of the Plan Commission Packet – November 20, 2013
AN ORDINANCE

Amending the Text of the Zoning Ordinance with Regards to Distance of Air Conditioning Equipment from Lot Lines

WHEREAS, on, January 8, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0115 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to locations of air conditioning equipment; and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of January 27, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0115 and recommended City Council approval thereof; and

WHEREAS, at its meetings of January 27 and February 10, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.
SECTION 2: Section 6-4-6-9 of the Zoning Ordinance is hereby amended to read as follows:

6-4-6-9. SPECIAL REGULATIONS APPLICABLE TO AIR CONDITIONING EQUIPMENT.

Air conditioning equipment requirements are as follows: shall not be permitted to be located in accordance with the following:

<table>
<thead>
<tr>
<th>Required Yard</th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard:</td>
<td>8’ setback required; or 6’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
<tr>
<td>Interior Side Yard:</td>
<td>8’ setback required; or 4’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
<tr>
<td>Interior Side Yard Abutting an Alley of at least 8’ in width</td>
<td>4’ setback required when located within 2’ of the principal structure and obscured from view by screening methods such as landscaping.</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>3’ setback from all property lines (the same as other accessory structures in the required rear yard)</td>
</tr>
<tr>
<td>Rear Yard (rearmost 30’ of yard)</td>
<td>(A) In the front yard.</td>
</tr>
<tr>
<td></td>
<td>(B) Within ten (10) feet of any property line with the following exceptions:</td>
</tr>
<tr>
<td></td>
<td>1. Permitted within the required rear yard and within ten (10) feet of the interior side property line.</td>
</tr>
<tr>
<td></td>
<td>2. Permitted within ten (10) feet of a street side property line if:</td>
</tr>
<tr>
<td></td>
<td>(a) The equipment is located within two (2) feet of the principal structure; and</td>
</tr>
<tr>
<td></td>
<td>(b) Landscaping is planted around the unit to obscure it from view of the public.</td>
</tr>
<tr>
<td></td>
<td>3. Permitted within ten (10) feet of an interior side property line if:</td>
</tr>
<tr>
<td></td>
<td>(a) Said property line abuts a nonresidential district or an alley of at least ten (10) feet in width in its entirety;</td>
</tr>
<tr>
<td></td>
<td>(b) Equipment is located within two (2) feet of the principal structure; and</td>
</tr>
<tr>
<td></td>
<td>(c) Landscaping is planted around the unit to obscure it from view of the public.</td>
</tr>
<tr>
<td></td>
<td>4. Window air conditioner units are permitted within ten (10) feet but not closer than five (5) feet of any side property line.</td>
</tr>
</tbody>
</table>

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.
SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

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

SECTION 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced:_________________, 2014
Adopted:___________________, 2014
Approved:__________________________, 2014

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest:_______________________________
Approved as to form:

_______________________________
Rodney Greene, City Clerk

_______________________________
W. Grant Farrar, Corporation Counsel
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, November 20, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Scott Peters, Jim Ford, Patricia Ledesma, Stuart Opdycke

Members Absent: Kwesi Steele, Dave Galloway, Barbara Putta, Lenny Asaro, Seth Freeman

Staff Present: Melissa Klotz, Michelle Masoncup

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of October 16, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Peters motioned for approval of the October 16, 2013 meeting minutes. Commissioner Ledesma seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) TEXT AMENDMENT TO THE ZONING ORDINANCE  13PLND-0114
Specifically consider a text amendment, pursuant to City Code § 6-18-3, Definitions, to discuss the zoning definitions for Educational Institution – Private, and Educational Institution – Public.

Ms. Klotz explained the staff proposal to amend the zoning definition of Educational Institutions to include vocational training facilities.

The committee determined certain vocational training facilities may create nuisances, such as auto mechanic repair classes, so a vocational training should be a separate zoning use with different land use regulation from Educational Institutions. The committee suggested the following districts as permitted and special use:
The committee suggested staff propose a zoning definition as the text amendment moves forward to the Plan Commission.

Commissioner Ledesma noted she likes the Skokie definition, and Commissioner Peters noted the definition of University/College would need to be amended for clarification.

Commissioner Peters motioned to recommend approval of the proposed land use regulations for vocational training facilities, noting staff should create a new zoning definition for the use that is modeled after the first half of the Skokie definition, and with modification to the University/College definition as necessary. Commissioner Ford seconded the motion, which was approved 5-0.

B) TEXT AMENDMENT TO THE ZONING ORDINANCE  13PLND-0115
Specifically consider a text amendment, pursuant to City Code § 6-4-6-9, Special Regulations Applicable to Air Conditioning Equipment, to discuss the zoning regulations for Air Conditioning Equipment.

Ms. Klotz explained the staff proposal to amend the zoning setbacks for air conditioning equipment since the regulations are overly restrictive and results in many variance requests.

Commissioner Peters noted the proposed regulation changes would not allow homeowners to place a/c units near the property line on a corner lot since the regulation would require such units to be located within 2’ of the house.

Commissioner Ford motioned to recommend approval of the proposed text amendment as recommended by staff. Commissioner Opdycke seconded the motion, which was approved 5-0.

Commissioner Peters thanked Commissioner Ledesma for her service on the Plan Commission, noting this as her last meeting.

5. DISCUSSION
6. ADJOURNMENT

Commissioner Ford motioned for adjournment and Commissioner Peters seconded the motion. The meeting adjourned at 8:00pm.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, December 18, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,

Evanston Zoning Committee of the Plan Commission Minutes
Melissa Klotz
Zoning Planner, Community Development Department
Memorandum

To: Zoning Committee of the Plan Commission Members

From: Mark Muenzer, Community Development Director
       Melissa Klotz, Interim Zoning Administrator
       Jennifer Hackman, Zoning Division

Subject: Text Amendment Proposal to Discuss the Zoning Regulations of Air Conditioning Units, 13PLND-0

Date: November 14, 2013

Proposal Overview
City staff recommends amending the Zoning Ordinance to increase the locations where air conditioning equipment can be placed in residential districts and to create consistency with the mechanical code which will increase permissible dBA’s at lot lines on January 1st, 2014. This change will also reduce the number of major and minor variance cases that come before staff and the ZBA.

Summary
The standard side yard setback for air conditioning units in Evanston is currently 10 feet. This requirement presents a practical difficulty for many homeowners in Evanston, where a large number of homes were built on narrow lots. In the past year, 7 cases were reviewed either by staff or the Zoning Board of Appeals with variance requests to the 10’ setback rule for air conditioner condensing units. Only 1 of the 7 cases was denied. 4 of the cases requested a distance of 8’ from the lot line and each of these cases was approved.

The current regulations on Air Conditioning Equipment are in Section 6-4-6-9 of the Zoning Code:

6-4-6-9. SPECIAL REGULATIONS APPLICABLE TO AIR CONDITIONING EQUIPMENT.

Air conditioning equipment shall not be permitted to be located:

(A) In the front yard.

(B) Within ten (10) feet of any property line with the following exceptions:
   1. Permitted within the required rear yard and within ten (10) feet of the interior side property line.
2. Permitted within ten (10) feet of a street side property line if:
   (a) The equipment is located within two (2) feet of the principal structure; and
   (b) Landscaping is planted around the unit to obscure it from view of the public.
3. Permitted within ten (10) feet of an interior side property line if:
   (a) Said property line abuts a nonresidential district or an alley of at least ten (10)
       feet in width in its entirety; and
   (b) Said equipment is located within two (2) feet of the principal structure; and
   (c) Landscaping is planted around the unit to obscure it from view of the public.
4. Window air conditioner units are permitted within ten (10) feet but not closer than
   five (5) feet of any side property line.

Two primary concerns justify the regulations that air conditioning equipment must be
placed a certain distance from property lines: appearance and noise.

Sound pressure is measured by decibels (dBA). Common high efficiency models
currently manufactured have dBA levels in the range of 73-78 dBA. Traditionally,
residential condensing units have been available in the range of 63 – 83 dBA (Steward,
2005). Decibel measurement is logarithmic. In general, sound pressure level reduces by
6 decibels for every doubling of the distance from a noise source. This is represented in
the chart below:

<table>
<thead>
<tr>
<th>Distance</th>
<th>1 foot</th>
<th>2 feet</th>
<th>4 feet</th>
<th>8 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>dBA</td>
<td>83</td>
<td>77</td>
<td>71</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>78</td>
<td>72</td>
<td>66</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>72</td>
<td>66</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

On January 1st, the allowable decibels at the lot line will increase from 55 to 65 decibels
(dBAs) through an amendment to the mechanical code. To conform to the new
standard, staff recommends changing the allowable distance that an air conditioning
unit can be placed from the lot line to 8 feet.

One of the approved cases includes 13ZMJV-0067. The applicant wished to install an
AC unit in a nonconforming location 3.5' from the lot line, and also requested an
allowance for a decibel noise level of 67 at the lot line. The Building Official wrote a
letter of support, noting not just a practical difficulty but also noting that in his
experience, the natural environment on a windy day exceeds 55 dB.

Air conditioning condenser units are considered, like other mechanical equipment, to be
unattractive and uncharacteristic of a residential district. Mechanical equipment should
therefore be hidden from view, especially public view, as much as possible. The
appearance of air conditioning condenser units can be effectively limited with screening,
which will also dampen sound. The recommended changes include allowing a reduction
to the required distance that an air conditioner can be placed from an interior side yard
lot line provided the unit is completely screened for appearance and sound dampening.
Proposed Zoning Regulations
Staff proposes to make the following changes to the zoning code (underlined):

6-4-6-9. SPECIAL REGULATIONS APPLICABLE TO AIR CONDITIONING EQUIPMENT.

Air conditioning equipment shall not be permitted to be located:

(A) In the front yard.

(B) Within ten (10) (8) feet of any property line with the following exceptions:
   1. Permitted within the required rear yard and within ten (10) (8) feet of the interior side property line.
   2. Permitted within ten (10) (8) feet of a street side property line if:
      (a) The equipment is located within two (2) feet of the principal structure; and
      (b) Landscaping is planted or other appropriate screening is placed around the unit to completely obscure it from view of the public.
   3. Permitted within ten (10) (8) feet of an interior side property line if:
      (a) Said property line abuts a nonresidential district or an alley of at least ten (10) (8) feet in width in its entirety; and
      (b) Said equipment is located within two (2) feet of the principal structure; and
      (c) Landscaping is planted or appropriate screening is placed around the unit to completely obscure it from view of the public.
   4. Permitted within (8) feet but not more than (6) feet of an interior side property line if:
      (a) Landscaping is planted or other appropriate screening is placed around the unit to completely obscure said equipment from view and to dampen noise.
      (b) Said equipment is located within two (2) feet of the principal structure.
   5. Window air conditioner units are permitted within ten (10) feet but not closer than five (5) feet of any side property line.
Other Communities
Regulations in Oak Park, IL; the City of Chicago, IL; Wilmette, IL; Skokie, IL; Winnetka, IL; Madison, WI and Ann Arbor, MI were reviewed. A wide range of yard allowances and setbacks exist. The strictest requirements are in Winnetka, which only permits AC units in side yards, requires a 6’ setback in R3-5 districts and a 12’ setback in R1-2 districts. Both Skokie and Wilmette require placement 10’ from lot lines; however Wilmette allows a Site Plan Review Committee to approve placement between 5’ and 10,’ and requires screening for units placed between a principal structure and a street. Chicago, Ann Arbor and Madison are the most permissive, allowing side and rear yard placement. Ann Arbor permits placement as close as 1’ to an interior side yard, but not in the required street side yard.

Attachments
AIR CONDITIONERS AND NOISE ORDINANCES
by Noral D. Stewart

The most common and prevalent noise source located on residential properties is the air conditioning condenser unit. Guidelines for noise at residential boundaries were developed before air conditioning became common. Recent analysis has shown the most residential condensing units located close to boundaries will exceed common noise ordinance limits. Some newer models are significantly quieter. Thus, communities need to evaluate their ordinances and consider changes especially as the ordinances apply to existing systems. Also, people buying new systems should carefully consider the system noise and location in relation to the community noise limits.

Communities will typically limit sound levels at residential boundaries at night to a level of 45, 50, or 55 dBA. Residential condensing units are available with A-weighted sound power ratings in the range of 67 to 83 dB. Traditional systems have usually been in the range of 78 to 83 dB. Common high efficiency models are usually in the range of 73-78 dBA. Some of the new ultra high efficiency premium models that are rarely used have sound power less than 70 dBA. Assume one of these units on soft ground with its center about 2 feet from the side of a house. The A-weighted sound levels at various distances from the center of the unit for various sound power ratings are as follows:

<table>
<thead>
<tr>
<th>Sound Pwr</th>
<th>11.6 ft</th>
<th>20 ft</th>
<th>22 ft</th>
<th>30 ft</th>
<th>31.5 ft</th>
<th>40 ft</th>
<th>50 ft</th>
<th>54 ft</th>
<th>60 ft</th>
<th>62 ft</th>
<th>78 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>83 dB</td>
<td>63</td>
<td>58.7</td>
<td>55.4</td>
<td><strong>55</strong></td>
<td>53</td>
<td>51.1</td>
<td><strong>50</strong></td>
<td>48.4</td>
<td>45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80 dB</td>
<td>60</td>
<td>55.7</td>
<td><strong>55</strong></td>
<td>52.4</td>
<td><strong>50</strong></td>
<td>48.1</td>
<td>45.4</td>
<td>45.4</td>
<td>45.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78 dB</td>
<td>58</td>
<td>53.7</td>
<td>50.4</td>
<td><strong>50</strong></td>
<td>48</td>
<td>46.1</td>
<td><strong>45</strong></td>
<td>43.4</td>
<td>43.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>75 dB</td>
<td><strong>55</strong></td>
<td>50.7</td>
<td><strong>50</strong></td>
<td>47.4</td>
<td><strong>45</strong></td>
<td>43.1</td>
<td>40.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73 dB</td>
<td>53</td>
<td>48.7</td>
<td>45.4</td>
<td><strong>45</strong></td>
<td>43</td>
<td>41.1</td>
<td>38.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70 dB</td>
<td><strong>50</strong></td>
<td>45.7</td>
<td><strong>45</strong></td>
<td>42.4</td>
<td>40</td>
<td>38.1</td>
<td>35.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In many communities, the condensing units are only 15 to 25 feet from boundaries. It can be seen that high efficiency quieter systems are required to meet a 50 dBA limit and only the quietest rarely used systems can meet the quietest 45 dBA limits at these distances. Fortunately the noisiest units will be phased out as regulations require use of higher efficiency systems.

With the quieter output of the new systems, more stringent limits on A-weighted sound can be met for new construction. However, meeting 45 dBA at the boundary requires the quietest, most expensive systems and careful placement away from the boundary. Some existing systems will exceed 55 dBA at the boundary. Raising the limit above 55 dBA presents problems when sources are not near a boundary and levels are high over a large area. A better solution would be to require the source to be at least 15 feet from the boundary for new construction, and to set a minimum distance from the source for measurements such as 50 feet. Ordinances could then set limits at the boundary but no closer than 50 feet from the source, with 50 dBA limits in general ordinances for existing source and 45 dBA limits in zoning performance standards for new construction. As older systems are phased out and newer ones become quieter, the distance could be reduced to 35 feet in the future.

Some communities have imposed octave-band or third-octave limits. These can be even more difficult to meet at the lowest frequencies as many systems have a strong sound in the 63 Hz octave. This low frequency sound reflects more strongly from the ground. Some of the newer systems do not have this strong 63 Hz octave sound.
## Sample Air Conditioner Ordinances

<table>
<thead>
<tr>
<th>City</th>
<th>Yard Allowances</th>
<th>Setbacks</th>
<th>Special Conditions</th>
</tr>
</thead>
</table>
| Ann Arbor, MI   | Interior Side Yard       | 1' from lot line in required side yard           | All AC units must be located above flood plain or constructed of materials resistant to flood damage | No closer than 4' from rear lot line  
|                 | Rear Yard                | No closer than as required for principal building | Provided unit is not more than 4' in height                                      |
|                 | Street side Yard         |                                                  |                                                                                    |
| Chicago         | Side Yard                | None                                             |                                                                                    |
|                 | Rear Yard                | None                                             |                                                                                    |
| Madison, WI     | Side Yard                | None                                             |                                                                                    |
|                 | Rear Yard                | None                                             |                                                                                    |
| Schaumberg      | Interior side yards      | Not permitted in required side yard, only in the buildable area | Excluding side yard that faces a street                                      |
|                 | Rear yards               | NOT IN yards adjoining streets                    |                                                                                    |
|                 | Interior courts (not in front yards) | NOT IN yards adjoining streets                    |                                                                                    |
| Skokie          | Side Yard                | 10' from a lot line (except for MF with more than 2 units) | Screening for units located between a principal structure and street  
|                 | Rear Yard                |                                                  | SPRC may approve siting between 5 - 10' from side or rear lot line  
|                 |                          |                                                  | Sound Level Limits by District shall not apply to noises emanating from AC equipment provided equipment does not exceed 5 tons |
| Wilmette        | Side Yard                | 10' from lot line                                | Units not to exceed the noise emission standards of the Illinois Pollution Control Board |
|                 | Rear Yard                |                                                  |                                                                                    |
| Winnetka        | Side Yard                | 6' from lot line in R3-5; 12' from lot line in R1-2 |                                                                                    |