EVANSTON PLAN COMMISSION  
Wednesday, March 14, 2012
10 minutes following the adjournment of the Joint Meeting of the Plan Commission and Zoning Board of Appeals (Joint Meeting begins at 7:00 P.M.)

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, COUNCIL CHAMBERS

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF FEBRUARY 08 and FEBRUARY 15, 2012 MEETING MINUTES

3. ZONING TEXT AMENDMENT                11PLND-0081
   Amendment of the Zoning Code Section 6-15-14-6 Table 2, to remove “Drive-through facility” from the list of prohibited uses in Subarea 6 of the Central Street Overlay District.

ZONING MAP AMENDMENT                11PLND-0076
   A petition by Edgemark Development LLC, on behalf of JP Morgan Chase Bank, contract purchaser of the subject property, to amend the Zoning Ordinance by requesting the City Council to remove two parcels from the R2 Single Family Residential Zone and place them within the B1a Business zoning district for the purpose of commercial/retail use.

4. ZONING TEXT AMENDMENT                11PLND-0026
   A consideration to amend portions of 6-4-7 “Bed and Breakfast Establishments” of the Zoning Ordinance of the Municipal Code, as proposed by the Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission.

5. ZONING TEXT AMENDMENT                12PLND-0011
   Consideration of the proposed zoning text amendment to Home Occupations as defined in Section 6-5-1 of the Zoning Ordinance.

6. ZONING TEXT AMENDMENT                12PLND-0010
   Consideration of the proposed zoning text amendment to the Zoning Ordinance defining Payday Loan Establishments and other similar establishments.

7. PLAN COMMISSION WORK PLAN

8. COMMITTEE REPORTS

9. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, APRIL 11, 2012 at 7pm in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to the General Planner, Craig Sklenar, at 847-448-8683 or by e-mail at csklenar@cityofevanston.org. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, February 8, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Richard Shure, Seth Freeman
Members Absent: Kwesi Steele, David Galloway, Lenny Asaro, Barbara Putta
Staff Present: Craig Sklenar

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:04 P.M.

2. APPROVAL OF JANUARY 18, 2012 MEETING MINUTES

Commissioner Ford motioned for approval of the January 18 meeting minutes
Commissioner Shure Seconded the motion.

A voice vote was taken and the minutes were approved as written.

3. ZONING TEXT AMENDMENT 11PLND-0081

Amendment of the Zoning Code Section 6-15-14-6 Table 2, to remove “Drive-through facility” from the list of prohibited uses in Subarea 6 of the Central Street Overlay District.

4. ZONING MAP AMENDMENT 11PLND-0076

A petition by Edgemark Development LLC, on behalf of JP Morgan Chase Bank, contract purchaser of the subject property, to amend the Zoning Ordinance by requesting the City Council to remove two parcels from the R2 Single Family Residential Zone and place them within the B1a Business zoning district for the purpose of commercial/retail use.

Edgemark Development LLC has requested a continuance on Agenda Items 3 and 4 to the March 14, 2012 meeting of the Plan Commission.

Commissioner Ford motioned to continue the matter to the March 14, 2012 meeting of the Plan Commission
Commissioner Shure Seconded the motion.

A voice vote was taken and the motion passes unanimously. Agenda Items 3 and 4 will be heard at the March 14, 2012 meeting of the Plan Commission.
5. PLAN COMMISSION WORK PLAN

City staff presented a draft work plan to the Plan Commission that is to be presented at the Rules Committee on April 2, 2012.

The Commission provided minor feedback concerning items on the work plan. A revised draft will be presented at the March 14, 2012 meeting of the Plan Commission.

6. ADJOURNMENT

Commissioner Ford motioned for adjournment

Commissioner Shure Seconded the motion.

Meeting Adjourned at 7:31 PM

The next meeting of the Plan Commission held on Wednesday, March 14, 2012 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Council Chambers.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
MEETING MINUTES
PLAN COMMISSION
Wednesday, February 15, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Richard Shure, Seth Freeman, Kwesi Steele, Barbara Putta, Stuart Opdycke (Associate)

Members Absent: David Galloway, Lenny Asaro

Staff Present: Craig Sklenar, Ken Cox, Dennis Marino

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:04 P.M.

2. ZONING TEXT AMENDMENT  11PLND-0026
A consideration to amend portions of 6-4-7 “Bed and Breakfast Establishments” of the Zoning Ordinance of the Municipal Code, as proposed by the Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission.

Associate commissioner Opdycke provided a background and report of proposed changes to the zoning ordinance for bed and breakfasts.

Ownership Definition
Commissioners felt the definition of owner/operator-occupied was confusing and requested the Law Department to revise the language.

Commissioners expressed concern of percentage of ownership.

Addition of LLC Corporation - controlling interest in the corporation Not consensus over ownership percentage

Commissioner Freeman recommends 51% ownership if in family. Commissioner Opdycke recommends 30% ownership. Commissioner Shure recommends 51% ownership if family owned. Commissioner Ledesma felt that 1% ownership is ok. Commissioner Steele felt that lower than 50% could open the door for a corporation to come in and operate.

Distance requirement
Commissioners discussed the inclusion of a distance requirement akin to the current requirements for uses such as Group Homes in the Zoning Ordinance. However the Plan Commission determined that the City Council has discretion to determine whether a
special use application before the Council is in fact negative concerning cumulative effect when considered on a case-by-case basis.

Motion: remove distance requirements from ordinance. Rely upon the standards for a special use to determine if the applicant is cumulative in negative effect in the neighborhood.

The Commission determined 6-1 in approval to not require a distance requirement.

Commissioner Steele, the lone dissenter, expressed his desire to include a distance requirement in the ordinance.

**Special Events**
Commissioner Freeman feels three special events in a 12 month period is too little. Would like to see a per month regulation instead.

Motion one a month no more than 12 months in a year
Commissioner Ford Seconded the motion.

Commissioner Putta would like a better definition of what a special event is and to distinguish between commercial event and private event.

Commissioner Putta suggested tying special events (commercial) to a number of allowed guests (any more than X outside guests qualify as a special event)

Commissioner Ledesma felt there should be no regulations of special events.

The proposed language for a special event is:

**Special Events in Bed and Breakfast Establishments:** Events attended by persons other than residents and guests, and for which the owner-occupant-operator(s) receive(s) compensation, shall be allowed in Bed and Breakfast Establishments, provided that no more than one (1) such event shall be held in any calendar month.

**Parking requirements**
A consideration to change the proposed parking requirement which requires 1 parking space per guest room plus one parking space for the owner/operator/occupant to provide a provision for off-site, off-street parking was not accepted. The vote on this was 2-5 in favor of a change.

The current parking requirement proposed is:

1 space per guest room plus 1 space for the owner-operator-occupant(s)

**Bedroom Requirement**
The Commission determined to require one bedroom was to be dedicated to the owner of the Bed and Breakfast. This was a 4-3 vote in favor of this proposed change.

**Additional Kitchen Restrictions**
The Commission determined to restrict additional kitchens to be built, but still allow for an additional kitchen that must be installed for religious reasons.

A Motion to continue hearing to the March 14 of the Plan Commission for further discussion

3. ADJOURNMENT

Commissioner Freeman motioned for adjournment

Commissioner Ledesma Seconded the motion.

Meeting Adjourned at 9:20 PM

The next meeting of the Plan Commission held on Wednesday, March 14, 2012 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Council Chambers.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
2628 Gross Point Text & Map Amendment Continuance Request
To: Plan Commission Chair and Members
From: Craig Sklenar, General Planner
Subject: 2628 Gross Point Request for a Continuance
(Case Numbers 11PLND-0081 & 11PLND-0076)
Date: March 9, 2012

Edgemark, LLC, owner of the property at 2628 Gross Point Road and representative for the proposed Chase Bank, has requested a continuance on the proposed map and text amendments for the April 11, 2012 meeting. Since this case has already been noticed we have left the items on the agenda that was publicized today and request the Chairman grant their continuance request so that staff and the Applicant may have more time to consider the changes to the site.

Attachment:
Edgemark Request Letter
March 5, 2012

Mr. Craig Sklenar  
General Planner  
City of Evanston  
Planning & Zoning Division  
Community & Economic Development Department  
2100 Ridge Avenue  
Evanston, IL 60201

Re: Case ID# 11PLND - 0076 Text & Map Amendment  
2628 Gross Point Road and 2635 - 2637 Crawford Road Evanston, IL

Dear Mr. Sklenar:

We would like to reschedule our Text and Map Amendment Planning Commission Hearing for the proposed JPMorgan Chase Bank branch to Wednesday April 11, 2012. By rescheduling the hearing, it will allow us more time to address the planning issues related to our project.

Please let us know at your earliest opportunity if our hearing can be rescheduled. We appreciate your consideration in this matter.

Sincerely,

Edgemark Development LLC

[Signature]

David Gustavson  
Project Manager

Cc: Richard M. Sapkin  
Brad McNealy  
Mike Metzger  
Scott Borstein
Bed and Breakfast Text Amendment
To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning and Zoning Division
      Craig Sklenar, General Planner

Subject:  11PLND-0026 Zoning Text Amendment
          Bed and Breakfast Establishments

Date: March 9, 2012

The attached proposed revised ordinance is a reflection of the February 15, 2012 Plan Commission meeting that discussed the proposed changes to the current B&B regulations described in section 6-4-7 of the Zoning Ordinance of the Municipal Code. You may find reference material for the B&B Discussion in the packet for the February 15, 2012 meeting of the Plan Commission at the following link:

6-4-7: BED AND BREAKFAST ESTABLISHMENTS:

A Bed and Breakfast Establishment is an owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. The following general requirements shall apply to Bed and Breakfast Establishments:

(A) Location: The Bed and Breakfast Establishments shall be located within and accessory to an owner occupied single-family or two-family residential structure.

(B) Maximum Bedrooms Allowed: Subject to the Special Use provisions in each zoning district, up to a maximum of five (5) bedrooms may be provided for registered guests. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a Bed and Breakfast Establishment. At least one (1) bedroom in the Bed and Breakfast Establishment shall be reserved for the owner-operator-occupant(s).

(C) Maximum Stay: The maximum stay by any one guest shall be four (4) consecutive weeks.

(D) Cooking Limitations: Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guest rooms. No additional cooking facilities may be installed after application for a Special Use Permit for a Bed and Breakfast Establishment, except when such cooking facilities are to be installed for religious reasons.

(E) Room Locations: Rooms used for guests shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

(F) Guest Parking: Guest parking shall be provided either on site, or in the rear off a public alley or along the curb abutting the lot but at no time shall guest parking be permitted in any front or side yard.

(G) Licensing: The resident owner-operator(s) shall obtain a license for the operation of a Bed and Breakfast Establishment from the City of Evanston Department of Health and Human Services. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license may be renewed for a one year period subject to a review by the City Council, through its Health and Human Services Committee.

(H) Revenue Collection: The resident owner-operator(s) shall comply with all the revenue collection ordinances of the City.

(I) Signage and Lighting: All signage and special lighting shall comply with the Sign Ordinance of the City.
Special Events: No special events may be held at any Bed and Breakfast Establishment unless the owner/operator/occupant(s) first obtain(s) a Certificate of Zoning Compliance from the Zoning Administrator pursuant to Section 6-4-8 of this Code, as amended.

Ownership: The owner(s) of any Bed and Breakfast Establishment shall operate said Bed and Breakfast Establishment and reside therein. Said owner-operator-occupant(s) shall:

1. have legal or beneficial title interest in the subject property that exceeds fifty percent (50%); or

2. if said Bed and Breakfast Establishment is owned by a limited liability company or other corporate entity, own more than fifty percent (50%) of said entity.

Special Use Non-transferable: Subsection 6-3-5-15-(C) of the Zoning Ordinance notwithstanding, any Special Use Permit for a Bed and Breakfast Establishment shall be deemed to relate to, and be for the benefit of, the owner-operator-occupant(s), rather than the use and lot in question, except when otherwise provided in the ordinance approving such a Special Use Permit.

6-4-8-3: PERMITTED TEMPORARY USE REGULATIONS:

(A) Residential Districts:

7. Special Events in Bed and Breakfast Establishments: Events attended by persons other than residents and guests, and for which the owner-occupant-operator(s) receive(s) compensation, shall be allowed in Bed and Breakfast Establishments, provided that no more than one (1) such event shall be held in any calendar month.

6-16-3-5: TABLE 16-B: SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:

| Bed and Breakfast Establishments | 1 space per guest room plus 1 space for the owner-operator-occupant(s). For the purpose of satisfying this requirement, on street parking along the curb of the specific property may be counted. |
Changes in the use or intensity of use of a building and/or land area, which do not include construction of a new building, or building addition (i.e., increase in gross floor area), shall be exempt from the parking and loading requirements of this Chapter, except in the following cases:

(A) Changes in a use or intensity of a use regarding medical or dental offices in the Business, Commercial, Office or Transitional Manufacturing districts.

(B) Changes in use to Religious Institution in the Business, Commercial, or Downtown districts.

(C) Changes in use to Bed and Breakfast Establishment in any district.
Home Occupation Text Amendment
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning and Zoning Division
      Craig Sklenar, General Planner
      Melissa Klotz, Zoning Planner

Subject: Zoning Text Amendment – 12PLND-0011
         Home Occupations

Date: March 9, 2012

Staff Recommendation
Staff recommends that the Plan Commission consider the proposed draft ordinance that amends a portion of the Zoning Ordinance expanding the list of prohibited home based businesses in residential districts. These are businesses that have been problematic within residential neighborhoods. Staff also recommends the Committee consider the commentary of the Planning and Development Committee members concerning the proposed draft ordinance. This proposed text amendment has been referred to the Plan Commission from the Planning and Development Committee of City Council. The minutes of that meeting where this item was referred to the Plan Commissioner are also attached to this memo for your consideration when reviewing the history of this proposed change.

Attachments
Memo to P&D Committee with staff recommendations and proposed draft ordinance amending the zoning ordinance to expand the list of prohibited home based businesses

January 23, 2012 P&D Meeting Minutes
February 21, 2012 ZPC Meeting Minutes
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION
Tuesday February 21, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, 2403

Members Present: Scott Peters, Richard Shure (Chair), Patricia Ledesma, Jim Ford, Stuart Opdycke (Assoc.)

Members Absent: Seth Freeman, Lenny Asaro, Kwesi Steele

Staff Present: Craig Sklenar, Ken Cox, Dennis Marino, Melissa Klotz

Presiding Member: Rich Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:07 P.M.

2. OLD BUSINESS

A.) Approval of November 30, 2011 Zoning Committee of the Plan Commission Meeting Minutes

Associate Commissioner Opdycke motioned for approval of the November 30, 2011 meeting minutes

Commissioner Ledesma Seconded the motion.

A voice vote was taken and the minutes were approved as written.

3. NEW BUSINESS

A.) 12PLND-0011 TEXT AMENDMENT TO THE ZONING ORDINANCE

Consideration of the proposed zoning text amendment to Home Occupations as defined in Section 6-5-1 of the Zoning Ordinance.

Planning and Zoning Manager Dennis Marino provided a summary of the progress of this proposed amendment to expand the list of prohibited uses in residential areas. This would include:

1. Landscapers who have storage on site
2. Rug cleaning businesses
3. Swimming pool cleaning
4. Construction

Previous discussions included a registry of all home based businesses. One or two aldermen encouraged that but the majority of aldermen on Planning and Development Committee did not agree with that.
Instead, Aldermen encouraged a volunteer registry that would help promote and inform the community.

Discussion at the Committee level centered around the distinction of storage on a property – indoor versus outdoor. Could one store items in a garage and yet still comply with off-street parking requirements?

The committee determined that garages may be used as Accessory storage for a home occupation. Accessory uses are defined in the zoning ordinance currently.

Commissioner Ford motions that garages shall not be used for home occupation other than for accessory storage of materials and supplies

Commissioner Ford also motions to divide proposed item K to only include swimming pool and cleaning supply

Associate Commissioner Opdycke Seconded the Motion

Motion passes unanimously.

A revised draft of the proposed Text Amendment will be reviewed and considered at the March 14, 2012 Plan Commission Meeting.

B.) 12PLND-0010 TEXT AMENDMENT TO THE ZONING ORDINANCE
   Consideration of the proposed zoning text amendment to the Zoning Ordinance defining Payday Loan Establishments and other similar establishments.

Melissa Klotz, Zoning Planner, provided a summary of the proposed payday loan regulations as outlined in the packet memo provided to the Committee.

Commissioner Ford Motioned to refer the topic of Payday Loans with proposed language to the March 14 Plan Commission. This would include language that establishes payday loans as a special use and a maximum limit based on Planning and Zoning report of current operating payday loans and a mapping excise

Associate Commissioner Opdycke Seconded the Motion.

Motion passes unanimously. This agenda item will be considered for recommendation at the March 14, 2012 meeting of the Plan Commission.
4. **ADJOURNMENT**

Associate Commissioner Opdycke motions to adjourn

Commissioner Ledesma Seconded the Motion.

*Meeting Adjourned at 8:15 PM.*

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, April 18, 2012** at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Room 2403.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
6-5-4: GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA:

...  
(H) No outdoor display or storage of materials, goods, supplies or equipment shall be allowed on the premises, except for lawfully parked vehicles.  
...  
(K) Garages or carports, whether attached or detached, shall not be used for any Home Occupation other than for the storage of an automobile used for such home occupation so long as use thereof, related to the Home Occupation, is subordinate in area, extent, and purpose to the principal, residential use.

6-5-7: PROHIBITED HOME OCCUPATIONS:

Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for Home Occupations, and thereby impair the integrity of the residential district in which they are located or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6, are prohibited as Home Occupations:

(A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.

(B) Animal hospitals, kennels, stables or bird keeping facilities.

(C) Barber shops or beauty parlors.

(D) Clubs, including fraternities and sororities.

(E) Funeral chapels or homes.

(F) Medical or dental clinics.

(G) Restaurants.

(H) Warehousing.

(I) Welding or machine shops.

(J) Commercial rug/carpet cleaning/repair businesses when the rugs and/or carpets are cleaned and/or repaired on the premises.

(K) Swimming pool cleaning-supply businesses if any chemicals for said businesses are stored on the premises.

(L) Other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, “Administrative Interpretations.”
ZPC Home Occupation Memo
To: Zoning Committee of the Plan Commission Members

From: Dennis Marino, Manager, Planning and Zoning Division
       Craig Sklenar, General Planner

Subject: Text Amendment Proposal for Home Occupations, 12PLND-0011

Date: February 21, 2012

Staff Recommendation
Staff recommends that the Zoning Committee of the Plan Commission to consider the proposed draft ordinance that amends a portion of the Zoning Ordinance expanding the list of prohibited home based businesses in residential districts. These are businesses that have been problematic within residential neighborhoods. Staff also recommends the Committee consider the commentary of the Planning and Development Committee members concerning the proposed draft ordinance. This proposed text amendment has been referred to the Plan Commission from the Planning and Development Committee of City Council. The minutes of that meeting where this item was referred to the Plan Commissioner are also attached to this memo for your consideration when reviewing the history of this proposed change.

Attachments
Memo to P&D Committee with staff recommendations and proposed draft ordinance amending the zoning ordinance to expand the list of prohibited home based businesses

January 23, 2012 P&D Meeting Minutes
1.23.12 P&D Mtg. Packet
To: Honorable Mayor and Members of the City Council
    Planning and Development Committee

From: Steve Griffin, Director of Community and Economic Development Dept.
    Dennis Marino, Manager, Planning and Zoning Division
    Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Ordinance XX-O-12, amending various portions of the Zoning Ordinance to expand the list of prohibited home based businesses

Date: January 18, 2012

Recommended Action
Staff recommends that the Planning & Development Committee refer the enclosed draft Ordinance to the Plan Commission for consideration and recommendation back to the Planning & Development Committee as a text amendment to the Zoning Ordinance. The Plan Commission reference should include a deadline for a Plan Commission action that would enable the Planning & Development Committee to consider this Ordinance for its meeting on February 27, 2012. In addition to the referral of the draft Ordinance to the Plan Commission that would increase the number of prohibited home based businesses that are incompatible with residential neighborhoods, staff recommends that the City establish a voluntary registry for all home based businesses at no cost to the home based business. All home based businesses would be encouraged to join the registry thereby providing the City an inventory of home based businesses of all types, not just the major home based businesses requiring a permit. This registry could be published on the City’s website.

Summary
Multiple discussions have occurred in 2011 meetings of the Planning & Development Committee and the Zoning Committee of the Plan Commission concerning the need to address the negative impacts of some home based businesses. These discussions also highlighted the importance of home based businesses as a form of economic development, especially in difficult economic times, provided they are compatible with residential neighborhoods.
The types of businesses identified previously as not being compatible with residential neighborhoods based on specific incidents were: landscaping businesses, swimming pool cleaning and supply businesses and commercial rug cleaning & repairing businesses. The draft ordinance enclosed lists these businesses as prohibited home based businesses in certain circumstances. Commercial rug/carpet cleaning businesses would be prohibited when the rugs and/or carpets are cleaned and repaired on the premises of the home occupation. Swimming pool cleaning/supply and/or landscaping or construction businesses would be prohibited when equipment, supplies and/or other materials are stored on the premises of the home occupation.

The voluntary registry that staff recommended previously in this memorandum for all home based businesses would provide a method of creating an inventory for home based businesses in the City, including those home based businesses that do not require a permit. This can also be a method for communication with home based businesses including making these businesses aware of economic opportunities. It will also help communication about other services as well as informing businesses of the existing City regulations and requirements for home based businesses. Staff research has not identified an existing Illinois municipality that takes this approach on a voluntary basis, but there are a few examples of voluntary registry efforts by government nationally. One example is in Virginia where home based child care services in the home serving five or fewer children can register with the Virginia Department of Social Services even though home based entities of this type are not required to secure a state license.

Staff has also conducted additional research among peer group Big Ten University cities recently to determine their approach to regulation and encouragement of home based businesses. Iowa City’s regulatory approach is similar to Evanston. It requires a permit for certain home businesses that are more likely to impact neighbors, but does not require a permit for smaller home based businesses. Madison, Wisconsin; Lansing, Michigan; Bloomington, Indiana; and Ann Arbor, Michigan do not require licenses or registration of home based businesses. Urbana, Illinois does require licensing.

As stated in previous reports to the Planning and Development Committee, five of the seven nearby Chicago area communities surveyed (Glenview, Park Ridge, Oak Park, Niles and Arlington Heights) require the licensing or registration of home based businesses while two do not require a license or registration (Skokie and Highland Park). Home based businesses licensed by the state preempt the ability of municipalities to also license these businesses, but such businesses are not exempt from local government zoning requirements. Examples of state licensed businesses are realtors, mortgage bankers, doctors and day care centers.

Park Ridge and Arlington Heights list home based businesses on their websites generated through their permit requirements.
Comparison of Other Communities

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<th>License/Registration Required?</th>
<th>Fee</th>
<th>Listed Online?</th>
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<tr>
<td>Park Ridge</td>
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<td>$35</td>
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<td>Skokie</td>
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The packets submitted for the July 11, 2011 and June 13, 2011 P&D Committee meetings have been enclosed as well as the approved minutes of each meeting.

Background
Chapter 5 of the Zoning Ordinance regulates allowable home based businesses in Evanston. Examples of allowed home based businesses are attorneys, therapists, telephone sales and dressmaking, among others. Chapter 5 also lists occupations prohibited from being legal home based businesses. These prohibited occupations include animal hospitals, barbershops, medical or dental clinics, and welding shops, among others. The City further categorizes allowable home based businesses as Major Home Occupations or Minor Home Occupations. A Major Home Occupation (MHO) allows a home based business to use a higher percentage of their home for an allowable business than a Minor Home Occupation, 25% to 15%. A MHO also allows a higher number of on-site employees (2 non-residents compared to none), and a higher number of on-site client visits (12 over a 24 hour period compared to 6), among other differences.

Due to differences in the intensity of Major and Minor Home Occupation uses, the City issues Major Home Occupation businesses a permit. For a Major Home Occupation permit, the City charges an eligible business a one-time $25 fee. For an eligible Minor Home Occupation business, the business may operate without a Certificate of Zoning Compliance and the City does not assess a fee. The lack of a need for a permit corresponds to the historical low impact of minor home occupation to surrounding residents.

Attachments
Draft Ordinance XX-O-12
July 11, 2011 P&D Committee meeting packet and approved minutes
June 13, 2011 P&D Committee meeting packet & approved minutes
AN ORDINANCE

Amending Various Portions of the Zoning Ordinance Related to Home Occupations

WHEREAS, on _____, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0___, to consider amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), to clarify restrictions on home occupations, and

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

WHEREAS, at its meeting of _____, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0___ and recommended City Council approval thereof; and

WHEREAS, at its meeting of _____, 2012, the City Council considered and adopted the records and recommendations of the Plan Commission and 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 found as fact and incorporated herein by reference.
SECTION 2: Section 6-5-1 of the Zoning Ordinance is hereby amended to read as follows:

6-5-2: DEFINITIONS:

A home occupation is an accessory use of a dwelling unit that is:

(A) Used for gainful employment that involves the provision, assembly, processing or sale of goods and/or services; and

(B) Incidental and secondary to the residential use of the structure and does not change the essential residential character of the dwelling unit; but

(C) Excludes uses that provide shelter or lodging to persons who are not members of the family residing in the dwelling unit as defined in Chapter 18, "Definitions", of this Ordinance.

Garages or carports, whether attached or detached, shall not be used for any home occupation other than for the storage of an automobile used for such home occupation.

SECTION 3: Section 6-5-7 of the Zoning Ordinance is hereby amended to read as follows:

6-5-7: PROHIBITED HOME OCCUPATIONS:

Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6, are prohibited as home occupations:

(A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.

(B) Animal hospitals, kennels, stables or bird keeping facilities.

(C) Barber shops or beauty parlors.

(D) Clubs, including fraternities and sororities.

(E) Funeral chapels or homes.

(F) Medical or dental clinics.
(G) Restaurants.

(H) Warehousing.

(I) Welding or machine shops.

(J) Commercial rug/carpet cleaning/repair businesses when the rugs and/or carpets are cleaned and/or repaired on the premises of the home occupation.

(K) Swimming pool cleaning/supply, construction, and/or landscaping businesses when equipment, supplies, and/or other materials are stored on the premises of the home occupation.

(L) Other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations".

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 Title that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

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.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.
Introduced: _____________, 2012

Adopted: _____________, 2012

Approved: 

____________________, 2012

Elizabeth B. Tisdahl, Mayor

Approved as to form:

____________________

W. Grant Farrar, Corporation Counsel

Attest:

Rodney Greene, City Clerk
Memorandum

To: Honorable Mayor and Members of the City Council
Members of the Planning and Development Committee

From: Steve Griffin, Director of Community & Economic Development
Dennis Marino, Manager, Planning & Zoning Division

Subject: Discussion of Potential Amendments to the Zoning Ordinance Regarding
Home Based Business Regulations

Date: June 29, 2011

Background

During the June 13th Planning and Development Committee meeting, the Committee requested that staff generate additional information and discuss the regulation of home based businesses with the Chamber of Commerce and City staff engaged with enforcement issues related to home based businesses. The Committee requested that staff report on its additional work during the July 11th Meeting. Materials from the June 13th packet are again enclosed as attachments.

Many home based businesses operate without creating any problems for the neighborhood in which they are located. Many are self employed individuals who operate from a phone, desk and computer using less than 5% of their dwellings and provide professional consulting services and meet with clients outside the home. They often do not have any special vehicles, materials, supplies, on site employees or clients calling at the residence. However, there are certain types of home based businesses that have caused problems some of which, such as auto mechanics, are not legally allowed to be home based businesses in Evanston. Landscaping businesses and rug cleaning businesses are two of the other types of businesses that have generated complaints and enforcement action.

A recent press release (enclosed) from the U.S. Department of Commerce reported that approximately half (51.6%) of businesses nationwide responding to a recent Commerce Department survey for the 2007 Survey of Business Owners stated that the business was based in the home. This includes 58.2% of women owned businesses and 56% of minority owned businesses responding to the Commerce Department survey. The data do not appear to be isolated for Evanston, but staff continues to check with the Commerce Department to see if this is obtainable.
Staff has met with the Director of the Chamber of Commerce. The Chamber encourages the creation of legal home based businesses, but expressed an understanding of the need for appropriate regulations. Staff will participate in a discussion later this month with the Chamber Committee on home based businesses. We have also reviewed other cities’ home based business regulations and discussed among relevant City staff past experiences with home based businesses (J. Murphy, M. Travis, S. O’Sullivan, D. Argumedo, S. Griffin, N. Radzevich) with an emphasis on the limited number of home based businesses that have been problematic. Staff has also discussed with Alderman Holmes key concerns in her ward.

**Potential Recommendations**

The following possible recommendations could be considered.

1. Establish a registry for home based businesses. This could include businesses that are currently considered minor home occupations (using less than 15% of the dwelling unit), in the existing regulations or it could be restricted to minor home occupations that use more than 5% or 10% of their dwelling unit for business purposes, thereby eliminating the need for self employed consultants who use less space and have no external impact to be included in a registry. This can be done on line or by paper form. There could be no charge for registering nor would a permit be required unless the business was a major home occupation under the existing ordinance.

2. Maintain current standards and requirements within the Zoning Ordinance for minor home occupations and major home occupations with the exceptions listed in #3.

3. Amend the Zoning Ordinance to address existing problems in the following manner:

   a. Amend the Zoning Ordinance to state clearly that home based businesses may not be established or operated in garages. The current ordinance permits home based businesses in dwelling units only and therefore not garages, but there should be a clearer statement of prohibition.

   b. Expand the prohibited list of home based businesses to include the following business types where there have been complaints and neighborhood impact problems: (1) commercial rug cleaning where carpets are brought to a home to be cleaned or repaired and (2) construction and landscaping businesses where equipment, supplies, trucks or other materials are present on site. The Committee may want to consider other additions to this list.

**Recommended Action**

Staff recommends that this discussion be continued until the September 12th P&D Committee Meeting to allow more time for interaction with the Chamber of Commerce's home based business committee.
FOR IMMEDIATE RELEASE: TUESDAY, JUNE 14, 2011

Half of U.S. Respondent Businesses Were Home-Based, Majority Self-Financed, Census Bureau Reports

More than half (51.6 percent) of all businesses that responded to the 2007 Survey of Business Owners (SBO) were operated primarily from someone's home in 2007, according to new data from the U.S. Census Bureau released today. Only 6.9 percent of these home-based businesses had $250,000 or more in receipts, while 57.1 percent of home-based businesses brought in less than $25,000. About 23.8 percent of employer respondent businesses and 62.9 percent of nonemployer respondent businesses were home-based.

"Most businesses are started by people who dig into their own pockets for at least some of their start-up capital," said Census Bureau Deputy Director Thomas Mesenbourg. "This is true for both firms with employees and those without. Furthermore, more than one in five (20.8 percent) of respondent businesses used no start-up capital at all."

The Census Bureau is releasing two data sets from the 2007 Survey of Business Owners: Characteristics of Businesses: 2007 and Characteristics of Business Owners: 2007. The data sets include national-level statistics on owner's age, education level, veteran status and primary function in the business; family-owned and home-based business status; types of customers and workers; and sources of financing for start-up, expansion or capital improvements. All findings are for respondent firms only.

"Roughly three in 10 (30.6 percent) of the respondent firms that required start-up capital launched their business with less than $5,000. Of the firms that needed start-up capital, 17.5 percent of employer firms needed less than $5,000; for nonemployer firms, the figure was 35.8 percent. At the other end of the spectrum, 1.5 percent of the firms needing start-up capital required $1 million or more for this purpose.

Other highlights from the reports include:

Characteristics of Businesses

- In 2007, more than half of women-owned businesses (58.2 percent) and equally men- and women-owned businesses (58.1 percent) were home-based; for businesses owned by men, the figure was 49.1 percent.
- Most nonminority-owned (54.4 percent) and equally minority- and nonminority-owned firms (56.0 percent) were home-based, while 46.5 percent of minority-owned firms were home-based.
- Most veteran-owned (55.4 percent), nonveteran-owned (52.9 percent), and equally veteran- and nonveteran-owned (55.9 percent) businesses were home-based.
- One in 10 businesses (10.4 percent) was started or acquired by owners who used a credit card to finance the start-up or acquisition of their business. A similar percentage (10.7 percent) financed their start-up or acquisition with a business loan from a bank or financial institution.
- Most firms (72.7 percent) reported that sales to individuals accounted for at least 10 percent of their total sales; 1.9 percent of firms reported that sales to the federal government accounted for at least 10 percent of their total sales; and finally 35.3 percent reported that sales to other businesses and organizations accounted for at least 10 percent of their total sales.
- Among firms with payroll any time during 2007, 75.4 percent had full-time paid employees and 58.0 percent had part-time paid employees. In addition, 5.3 percent of employer firms used paid day laborers; 7.3 percent used staff from a temporary help service, 1.3 percent used leased employees; and 36.1 percent used contractors, subcontractors, independent contractors or outside consultants.
- About 21 percent of all firms operated as a franchised business.
- E-commerce sales were reported by only 6.6 percent of firms.
- For 7.9 percent of all firms, exports made up at least some of the sales.
- About 28.2 percent of firms classifiable by gender, ethnicity, race, and veteran status were family-owned. These family-owned firms accounted for 42.0 percent of classifiable firms' receipts.

Characteristics of Business Owners

- About half (50.5 percent) of owners of firms reported that their business was their primary source of income. This was true of 68.8 percent of owners with employees and 42.8 percent of those without them.
• More than three in four owners (77.1 percent) reported that they founded their business, while 15.8 percent of owners reported that they purchased their business. Another 7.3 percent of owners reported they acquired their business through an inheritance, transfer of ownership or as a gift.

• More than six in 10 (60.5 percent) owners reported that their primary function was providing services and/or producing goods; 46.9 percent said their primary role was managing day-to-day operations of their business; and 38.8 percent reported financial control as their primary role.

• About 62.9 percent of owners reported working 40 or more hours per week in their business; the same was true for 34.3 percent of owners of nonemployer firms.

• Business owners were well-educated: 50.8 percent of owners of respondent firms had a college degree.

• About 36.5 percent of owners were 55 or older, with another 29.6 percent between the ages of 45 and 54. On the other hand, 31.7 percent of owners of firms were between the ages of 25 and 44 and only 2.2 percent were younger than 25.

• About 7.9 percent of veteran owners reported they were service-disabled.

• About 13.5 percent of the owners were foreign-born. Among selected ownership groups, 55.9 percent of Hispanic owners (who can be of any race) were foreign-born, as were 82.3 percent of Asian owners, and 74.9 percent of owners reporting some other race, such as Brazilian, Cape Verdean, Sudanese, or multiracial.

The data were collected from more than 2.3 million firms that were asked to report information about the characteristics of up to four individuals with the largest share of ownership (respondent firms); additional owners were not surveyed regarding characteristics. Detail may not add to total because of rounding or because a Hispanic firm may be of any race. Moreover, owners had the option of selecting more than one race and are included in all races they selected.

The Survey of Business Owners is conducted every five years as part of the economic census. The 2007 survey collected data from a sample of more than 2.3 million businesses. Data collected in a sample survey are subject to sampling variability, as well as nonsampling errors. Sources of nonsampling errors include errors of response, nonreporting and coverage. More details concerning the SBO survey design, methodology and data limitations can be found at http://www.census.gov/sbos/methodology.html.

Source: U.S. Census Bureau | Public Information Office | P2O2census.gov | Last Revised: June 23, 2011
Planning & Development Committee Meeting
Minutes of July 11, 2011
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center

ALDERMEN PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne

STAFF PRESENT: G. Farrar, S. Griffin, D. Marino, B. Newman

PRESIDING OFFICIAL: Ald. Wilson

I. DECLARATION OF QUORUM
A quorum being present, Chair Wilson called the meeting to order at 7:15 p.m.

II. APPROVAL OF THE JUNE 27, 2011 MEETING MINUTES
Ald. Rainey moved approval, seconded by Ald. Wynne.

The minutes of the June 27, 2011 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION
There were no items for consideration.

IV. ITEMS FOR DISCUSSION

(PD1) Discussion of Potential Amendments to the Zoning Ordinance Regarding Home Based Business Regulations
Dennis Marino, Manager of the Planning & Zoning Division of the Community and Economic Development Department, reported that staff has met with the new Director of the Chamber of Commerce to discuss home-based businesses. In addition, a meeting will occur between the Chamber’s Home Based Business Committee and City staff to discuss current regulations and potential revised regulations. He asked that the Committee continue the discussion until the August 12th, P&D meeting, after the meeting has taken place.

Mr. Marino reported that staff has researched other communities in the area, but wish to research Big 10 communities similar to Evanston. He reported that the US Dept. of Commerce has data revealing that a high percentage of home businesses use less than 5% of their residence and do not have customers who visit their homes. The discussion will place a greater effort on finding solutions for the problematic businesses which cause disturbance to neighbors, such as auto mechanics in garages off alleys of residential areas and multiple landscaping trucks regularly parked/stored on residential streets.
Chair Wilson thanked Mr. Marino. Ald. Holmes expressed appreciation for his course of action.

Ald. Holmes moved to continue the discussion until the September 12, 2011 meeting, seconded by Ald. Fiske.

The Committee voted unanimously 5-0 to continue the discussion to the September 12, 2011 meeting.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT
The meeting was adjourned at 7:21 p.m.

Respectfully submitted,
Bobbie Newman
Planning & Development Committee Meeting
Minutes of June 13, 2011
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center

ALDERMEN PRESENT:  J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne


PRESIDING OFFICIAL:  Ald. Wilson

I. DECLARATION OF QUORUM
A quorum being present, Chair Wilson called the meeting to order at 7:22 p.m.

II. APPROVAL OF THE MAY 23, 2011 MEETING MINUTES
Ald. Wynne moved approval, seconded by Ald. Fiske.

The minutes of the May 23, 2011 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION
Chair Wilson called the public who wished to speak to the podium:

Ms. Betty Ester of 2031 Church Street, Evanston, regarding Item PD1, a discussion of permits for minor home occupations, requested the subject be discussed publicly before action is taken. She noted that there are several different types of home occupations, and there should be an open meeting at which the specific types of businesses to be addressed are defined.

Ald. Rainey assured Ms. Ester that this item is only in the discussion stage. Chair Wilson added that the discussion would be referred to the Plan Commission for a discussion, at which the public would be invited to share their comments.

Ms. Joyce Childress of 1813 Leland, Evanston, commented that home based businesses are a good thing but she said there are also some in her neighborhood that have caused problems such as the one she believes is an income tax service that has 3-5 additional cars parked on her block from January 1st through June 1st every year. She explained that her block has alternate side parking and it is especially difficult to find parking during snow plow season. Also, she shovels her spot and her walk and the customers park where she has shoveled. She also said the car wash business owners not only block the alley, but ask residents not to use the alley when they are conducting their business.

(P1) Consideration of a Request for a Two Year Time Extension for an Approved Planned Development for 318-20 Dempster that Expires on June 30, 2011
Staff recommends approval of the two year extension request. The project involves the renovation of the former livery stable behind the existing landmark double house located on the property. The planned development was adopted on March 24, 2008.  

For Action  

Ald. Rainey moved approval, seconded by Ald. Wynne.  

Attorney Steve Engleman of Engleman and Smith was present to answer questions.  

The Committee voted unanimously 5-0 to recommend approval of the two year extension.  

(P2) Consideration of a Requested Time Extension of Planned Development Approved by Ordinance 93-O-03 for Property at 1710 Orrington Avenue and 1717-1725 Sherman Avenue  

Staff recommends the approval of a two year extension to the approved site development allowances granted in the planned development for the Orrington Hotel (1710 Orrington Ave.) and the Orrington garage (1717-25 Sherman Ave.). The applicant has requested a five year extension. The previous extension, approved on March 24, 2008, expires on October 11, 2011. The remaining scope of work for the project is the construction of thirty residential units in three floors above the existing parking garage at 1717-25 Sherman, owned and used by the Hotel.  

For Action  

Ald. Fiske moved approval, seconded by Ald. Rainey.  

Attorney Gregg Graines of DLA Piper was present to answer questions.  

Ald. Rainey expressed concern that the developer requested a 5 year extension and that staff was only recommending a two year extension. She suggested granting a 3 year extension. Ald. Holmes noted that they had already been granted extensions and asked for clarification.  

Mr. Graines explained that it is a multi-phase project and the second extension for 3 years was requested in 2008. Ald. Rainey emphasized that the City embraces the developer’s project and their business and should express support for it.  

Ald. Rainey moved to grant the project a three year extension, seconded by Ald. Holmes.  

The Committee voted unanimously 5-0 to recommend approval of a three year extension.  

(P3) Consideration of a Request for a Two Year Extension of a Special Use for the Establishment of a Dormitory Located at 1620 Central Street (National Louis University PACE Program Dormitory)  

Staff recommends approval of the requested two year extension. The project and special use are consistent with the Comprehensive Plan and the Central Street Zoning Overlay. The adopted special use expires on July 11, 2011.  

For Action
Ald. Wynne moved approval, seconded by Ald. Holmes.

Attorney John Lawler was present to answer questions.

The Committee voted unanimously 5-0 to recommend approval of the 2 year extension.

(P4) Ordinance 55-0-11 Amending Subsection 2-9-8-C of the City Code to Require Mailed Notice of Certain Meetings of the Preservation Commission
This proposed Ordinance requires notice to neighbors within 250 feet of certain applications for Certificates of Appropriateness. Staff recommends introduction.

For Introduction

Ald. Wynne moved approval, seconded by Ald. Fiske.

Ald. Wynne explained that she requested the amendment because there had been an addition to a home that was within zoning regulations and notice to neighbors was not required. The city had strongly suggested, as they do, for the owner to notify the neighbors. The addition had a significant impact one of the neighbors. Ald. Wynne said she feels the need to require notice so that in a case such as this the community would have been aware of the impact and not have been surprised and could have perhaps expressed their feelings about it.

Ald. Rainey suggested that with the City's staff stretched as tightly as it is currently, it should be the responsibility of the property owner to notice the neighbors and prove to the City that they have done so. She believes the actual cost including labor to the City is more than the fee of $25-$40 and suggested raising the fee. Chair Wilson agreed that the current fee does not cover the labor.

Steve Griffin, Director of the Community & Economic Development Department agreed to find out the actual cost of doing the mailing/notice and will report back to the Committee. He said even when the owner is responsible for the notice the City usually has to spend time checking up because someone says they did not receive notice.

The Committee discussed the process and the cost.

The Committee voted unanimously 5-0 to introduce the amendment to City Council.

IV. ITEMS FOR DISCUSSION

(PD1) Discussion of Draft Ordinance Amending Various Portions of the Zoning Ordinance to Require Permits for Minor Home Occupations

Ald. Holmes noted that this is the second time the issue of home occupations has been brought to the Committee and that it is a major problem in her ward. She said aside from the businesses mentioned by Ms. Childress earlier, she has seen other businesses such as rug cleaning services in garages that interfere with traffic, make noise, and cause people to complain to the police, which taxes the Police Department. She said it is simply good
stewardship for the City to know what businesses exist within. She is not concerned about a fee as much as a registry. She asked the Committee for their support.

Ald. Fiske thanked Ald. Holmes for making her aware of these types of problems and pointed out that there are many people with other types of home businesses who are trying to survive in this economy, which often expand and become successful Evanston businesses. She asked whether car washes out of garages were legal.

Dennis Marino, Manager of the Planning & Zoning Division cited the regulations that had been included in the meeting packet materials listing the prohibited home based occupations which include businesses which operate out of garages.

Ald. Rainey noted that there are businesses on Howard Street that are operating and have not obtained business licenses, adding that the City does not have sufficient staff to enforce the business license laws and she believes this is the root of the problem. Ald. Holmes suggested a fee for a business license to cover the cost of a staff person to do the job of enforcement. Ald Rainey agreed adding that it could be beneficial to the businesses to be registered with the City. Chair Wilson agreed that the City does not have the resources to enforce the home occupation ordinance or a registration ordinance, adding that he does not believe that businesses operating illegally will register.

The Committee discussed whether there are ways of framing the law that would make it sound positive rather than negative, to whom the law would be addressed, and for what reasons. Ald. Rainey suggested a meeting of the Chamber of Commerce’s division of home based businesses and the Economic Development Committee rather than the Plan Commission, to discuss the issue and perhaps develop some ground rules to prevent problems.

Ald. Rainey requested a report from City staff on the problems reported to the City related to home businesses.

The Committee voted unanimously 5-0 to return to the discussion at the July 11th meeting.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT
The meeting was adjourned at 7:59 p.m.

Respectfully submitted,
Bobbie Newman
Memorandum

To: Honorable Mayor and Members of the City Council
Planning and Development Committee

From: Steve Griffin, Director, Community and Economic Development Department
Dennis Marino, Manager, Planning & Zoning Division
Dominick Argumedo, Zoning Planner

Subject: Discussion of Draft Ordinance xx-O-11 Amending Various Portions of the Zoning Ordinance to Require Permits for Minor Home Occupations for Consideration

Date: June 1, 2011

Recommended Action
Refer draft ordinance to Plan Commission for consideration. If adopted, the draft ordinance would require all home based businesses to obtain a permit from the City.

Background
Chapter 5 of the Zoning Ordinance regulates allowable home based businesses in Evanston. Examples of allowed home based businesses are attorneys, therapists, telephone sales, dressmaking, among others. Chapter 5 also lists occupations prohibited from being legal home based businesses. These prohibited occupations include animal hospitals, barbershops, medical or dental clinics, and welding shops among others. The City further categorizes allowable home based businesses as Major Home Occupations or Minor Home Occupations. A Major Home Occupation (MHO) allows a home based business to use a higher percentage of their home for an allowable business than a Minor Home Occupation, 25% to 15%. A MHO also allows a higher number of on-site employees (2 non-residents compared to none), and higher number of on-site client visits (12 over a 24 hour period compared to 6), among other differences.

Due to differences in the intensity of Major and Minor Home Occupation uses, the City issues Major Home Occupation businesses a permit. For a Major Home Occupation permit, the City charges an eligible business a one-time $25 fee. For an eligible Minor Home Occupation business, the business may operate without a Certificate of Zoning Compliance and the City does not assess a fee. The lack of a need for a permit corresponds to the historical low impact of minor home occupation to surrounding residents. The draft ordinance proposes the elimination of the minor/major home
occupation differentiation and that all eligible home based businesses register with the City and be assessed a fee. This proposal change would benefit the City as follows:

- It would allow the City to have a record of all home based businesses;
- It would assist zoning compliance;
  - Staff would have an exact location of all home based businesses;
  - Staff could document that it conveyed, and the applicant accepted, conditions for operation.
- Many Minor Home Occupation operators desire a record from the City that states they operate legally.
- A one-time $25 fee would not be detrimental to the establishment of a home based business.

Of the eight neighboring communities that staff contacted, five issued a license or register a home based business with four of those communities charging a subsequent fee. Only Glenview charges an annual fee. The proposal would continue to keep Evanston home based business regulations consistent with the neighboring communities. Skokie and Highland Park do not require a license or registration for a home based business.

| Neighboring Communities Home Based Business Registration and Fee Requirements |
|---------------------------|------------|-----------------|---|
| Place                    | Home Occupation Allowed | License/ Registration Required? | Fee   |
| Glenview                 | Y          | Y               | $35 Annual |
| Park Ridge               | Y          | Y               | $20    |
| Oak Park                 | Y          | Y               | $25    |
| Niles                    | Y          | Y               | $35    |
| Arlington Heights        | Y          | Y               | None   |
| Skokie                   | Y          | N               | --     |
| Highland Park            | Y          | N               | --     |
| Winnetka                 | N          | --              | --     |

Legislative History
In December of 2010, staff brought the concern of Home Occupation permits to the Zoning Committee of the Plan Commission. Aside from landscape businesses and pool cleaning businesses, staff has not received substantial complaints pertaining to home based businesses. Staff has received one complaint about excessive parking potentially due to a home based business. As staff felt the main concern pertained to enforcement, staff proposed making all home based businesses apply for Home Occupation Permits.

The Zoning Committee did not provide support for amending the Home Occupation Regulations to require all home based businesses to ascertain a permit. The Committee requested staff do further research if any other adjustments to the regulations would improve enforcement. Staff investigates each complaint received. Staff continues to research potential adjustments to the home occupation section.

Attachments
Draft Ordinance xx-O-11
Chapter 5: Home Occupation
xx-O-11

AN ORDINANCE

Amending Various Portions of the Zoning Ordinance to Require Permits for Minor Home Occupations

WHEREAS, on _____, 2011, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 11PLND-0 _____ to consider amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), to require permits for minor home occupations; 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 amendment met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of _____, 2011, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 11PLND-0 _____ and recommended City Council approval thereof; and

WHEREAS, at its meeting of _____, 2011, the City Council considered and adopted the records and recommendations of the Plan Commission and Planning and Development Committee,

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

SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.
SECTION 2: That Section 6-5-3 of the Zoning Ordinance is hereby amended to read as follows:

6-5-3: CLASSIFICATION OF HOME OCCUPATIONS:

A home occupation established, pursuant to this Chapter, shall be classified as either a minor home occupation or a major home occupation in accordance with Sections 6-5-5 and 6-5-6, by the Zoning Administrator pursuant to Section 6-3-9, "Administrative Interpretations". Home occupations shall be subject to the requirements set forth in Sections 6-5-5 and 6-5-6 as applicable, in addition to the general requirements for home occupations contained in Section 6-5-4. No person shall establish a major home occupation without first obtaining from the Zoning Administrator a major home occupation permit pursuant to Section 6-5-8.

SECTION 3: That Section 6-5-5 of the Zoning Ordinance is hereby amended to read as follows:

6-5-5: MINOR HOME OCCUPATIONS:

A use shall be classified as a minor home occupation and allowed without a home occupation by permit pursuant to Section 6-5-8 provided, in addition to the general conditions set forth in Section 6-5-4, the following specific conditions are met:

(A) The total area used for the home occupation shall not exceed fifteen percent (15%) or four hundred (400) square feet (whichever is less) of the habitable floor area of the dwelling unit.

(B) The direct sale of products off display shelves or racks shall be prohibited.

(C) No one other than a resident of the dwelling unit shall be employed on the premises in connection with the operation of the home occupation.

(D) No more than three (3) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty four (24) hour period.

(E) Deliveries of bulk material other than by mail, local courier, or inter-city courier pertaining to the home occupation shall not occur more than once a week and shall be limited to the hours between eight o’clock (8:00) A.M. and five o’clock (5:00) P.M. Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation.

(F) Permitted minor home occupations shall include but shall not be limited to the following:
(1) Attorney, CPA, salesman, architect/landscape architect, interior designer, graphic artist, word processor and consultant.

(2) Artist studios, provided no retail business is conducted on the premises.

(3) Word processing and typing services.

(4) Therapists, social workers, human service professionals.

(5) Mail order businesses, for receipt of mail order only.

(6) Telephone sales.

(7) Teaching, instructing, tutoring, or counseling.

(8) Other uses similar to those listed in this Section 6-5-5 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, “Administrative Interpretations.”

SECTION 4: That Section 6-5-8 of the Zoning Ordinance is hereby amended to read as follows:

6-5-8: PERMIT PROCEDURES

The following procedures will apply to major home occupations:

(A) Application for a major home occupation permit shall be made to the Zoning Administrator on a form provided by the Administrator and shall be accompanied by a filing fee established by the City Council.

(B) After determining that the major home occupation permit application is complete, the Zoning Administrator shall make a decision and notify the applicant in writing within fifteen (15) calendar days.

(C) All major home occupation permits shall be valid for a period of five (5) years from the initial date of approval.

(D) Violation of the specific requirements set forth in Section 6-5-6 or the general requirements set forth in Section 6-5-4 shall be deemed as a violation of this Ordinance and shall constitute grounds for revocation of the major home occupation permit by the Zoning Administrator pursuant to Section 6-3-10-6, “Revocation of Certificate of Zoning Compliance.”
SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That 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 Title that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 7: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: ______________________, 20___ Approved

Adopted: ______________________, 20___ ______________________, 20___

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest: ______________________

Approved as to form:

_______________________________
Rodney Greene, City Clerk

_______________________________
W. Grant Farrar, City Attorney
CHAPTER 5

HOME OCCUPATIONS

SECTION:

6-5-1: Purpose and Intent
6-5-2: Definition
6-5-3: Classification of Home Occupations
6-5-4: General Requirements and Performance Criteria
6-5-5: Minor Home Occupations
6-5-6: Major Home Occupations
6-5-7: Prohibited Home Occupations
6-5-8: Permit Procedures

6-5-1: PURPOSE AND INTENT: The purpose of this Chapter 5, "Home Occupations", is to permit the establishment of home occupations that are compatible with the residential districts in which they are located.

6-5-2: DEFINITION: A home occupation is an accessory use of a dwelling unit that is:

(A) Used for gainful employment that involves the provision, assembly, processing or sale of goods and/or services; and

(B) Incidental and secondary to the residential use of the structure and does not change the essential residential character of the dwelling unit; but

(C) Excludes uses that provide shelter or lodging to persons who are not members of the family residing in the dwelling unit as defined in Chapter 18, "Definitions", of this Ordinance.
6-5-3: **CLASSIFICATION OF HOME OCCUPATIONS:** A home occupation established, pursuant to this Chapter, shall be classified as either a minor home occupation or a major home occupation in accordance with Sections 6-5-5 and 6-5-6, by the Zoning Administrator pursuant to Section 6-3-9, "Administrative Interpretations". Home occupations shall be subject to the requirements set forth in Sections 6-5-5 and 6-5-6 as applicable, in addition to the general requirements for home occupations contained in Section 6-5-4. No person shall establish a major home occupation without first obtaining from the Zoning Administrator a major home occupation permit pursuant to Section 6-5-8.

6-5-4: **GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA:** All home occupations shall comply with the following standards:

(A) The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates. (For the purposes of this Section 6-5-4, a coach house shall be considered part of a principal dwelling unit.)

(B) The home occupation use shall be conducted entirely within a completely enclosed structure.

(C) The home occupation shall not interfere with the delivery of utilities or other services to the area.

(D) The home occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes.

(E) No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold or stored on the site.

(F) There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or use of signage or other advertising or display to identify the business.

(G) No clients/pupils shall be permitted between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
(H) No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.

(I) The home occupation shall, at all times, comply with all other applicable laws and ordinances.

(J) The home occupation shall not cause a significant increase in the amount of traffic or parking on the particular residential street.

(K) Garages or carports, whether attached or detached, shall not be used for the home occupation other than for the storage of an automobile used for such home occupation.

6-5-5: MINOR HOME OCCUPATIONS: A use shall be classified as a minor home occupation and allowed without a home occupation permit provided, in addition to the general conditions set forth in Section 6-5-4, the following specific conditions are met:

(A) The total area used for the home occupation shall not exceed fifteen percent (15%) or four hundred (400) square feet (whichever is less) of the habitable floor area of the dwelling unit.

(B) The direct sale of products off display shelves or racks shall be prohibited.

(C) No one other than a resident of the dwelling unit shall be employed on the premises in connection with the operation of the home occupation.

(D) No more than three (3) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty four (24) hour period.

(E) Deliveries of bulk material other than by mail, local courier, or inter-city courier pertaining to the home occupation shall not occur more than once a week and shall be limited to the hours between eight o’clock (8:00) A.M. and five o’clock (5:00) P.M. Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation.

(F) Permitted minor home occupations shall include but shall not be limited to the following:
(1) Attorney, CPA, salesman, architect/landscape architect, interior designer, graphic artist, word processor and consultant.

(2) Artist studios, provided no retail business is conducted on the premises.

(3) Word processing and typing services.

(4) Therapists, social workers, human service professionals.

(5) Mail order businesses, for receipt of mail order only.

(6) Telephone sales.

(7) Teaching, instructing, tutoring, or counseling.

(8) Other uses similar to those listed in this Section 6-5-5 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations".

6-5-6: MAJOR HOME OCCUPATIONS: A use shall be classified as a major home occupation, and allowed by permit pursuant to Section 6-5-8 provided, in addition to the general conditions set forth in Section 6-5-4, the following specific conditions are met:

(A) The total area needed for the home occupation shall not exceed twenty five percent (25%) of the habitable floor area of the dwelling.

(B) The number of persons who are employed on the premises in connection with the home occupation, but who are nonresidents of the dwelling, shall not exceed two (2).

(C) No more than six (6) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than twelve (12) clients avail themselves to a product and/or service during a twenty four (24) hour period.

(D) Deliveries of bulk material other than by mail, local courier, or inter-city courier pertaining to the home occupation shall not exceed three (3) per week, and shall be limited to the hours between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation.
(E) A home occupation permit issued to one person shall not be transferable to any other person and, the permit shall not be valid at any address other than the one appearing on the permit.

(F) Permitted major home occupations shall include but are not limited to the following:

(1) Teaching, instructing, tutoring or counseling.

(2) Photo developing.

(3) Upholstering.

(4) Dressmaking and alterations.

(5) Woodworking.

(6) Jewelry making.

(7) Wordprocessing and typing.

(8) Caterers, provided no mechanical or electrical equipment shall be employed other than that customarily used for household purposes.

(9) Repair services, provided no retail business is conducted on the premises.

(10) Mail order businesses and telephone sales.

(11) Other uses similar to those listed in this Section 6-5-6 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations".

6-5-7: PROHIBITED HOME OCCUPATIONS: Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6 are prohibited as home occupations:
(A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.

(B) Animal hospitals, kennels, stables or bird keeping facilities.

(C) Barber shops or beauty parlors.

(D) Clubs, including fraternities and sororities.

(E) Funeral chapels or homes.

(F) Medical or dental clinics.

(G) Restaurants.

(H) Warehousing.

(I) Welding or machine shops.

(J) Other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations".

6-5-8: **PERMIT PROCEDURES**: The following procedures will apply to major home occupations:

(A) Application for a major home occupation permit shall be made to the Zoning Administrator on a form provided by the Administrator and shall be accompanied by a filing fee established by the City Council.

(B) After determining that the major home occupation permit application is complete, the Zoning Administrator shall make a decision and notify the applicant in writing within fifteen (15) calendar days.

(C) All major home occupation permits shall be valid for a period of five (5) years from the initial date of approval.

(D) Violation of the specific requirements set forth in Section 6-5-6 or the general requirements set forth in Section 6-5-4 shall be deemed as a violation of this Ordinance and shall constitute grounds for revocation of the major home occupation permit by the Zoning Administrator pursuant to Section 6-3-10-6, "Revocation of Certificate of Zoning Compliance".
01.23.12 P&D Mtg. Minutes
Planning & Development Committee Meeting  
Minutes of January 23, 2012  
City Council Chambers – 7:15 p.m.  
Lorraine H. Morton Civic Center

STAFF PRESENT:  G. Chen, G. Farrar, S. Griffin, M. Lyons, D. Marino, 
PRESIDING OFFICIAL:  Ald. Holmes

I. DECLARATION OF QUORUM
A quorum being present, Chair Holmes called the meeting to order at 7:17 p.m.

II. APPROVAL OF THE JANUARY 9, 2012 MEETING MINUTES
Ald. Fiske moved approval of the minutes, seconded by Ald. Wynne.

The minutes of the January 9, 2011 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION

(P1) Ordinance 6-O-12, Granting a Special Use for a Child Daycare Center at 1629 Orrington Avenue  
For Action
Staff recommends approval of Ordinance 6-O-12 as proposed to be amended, 
granting a special use permit for the operation of a Child Daycare Center at 1629 
Orrington Avenue. The proposed amended Ordinance 6-O-12 reflects P&D Committee 
direction to address two aspects of the application for special use by Bright Horizons 
Childcare Centers LLC. This ordinance was introduced at the January 9, 2012 City 
Council meeting, and will be considered again at the Planning & Development 
Committee meeting January 23, 2012.

Chair Holmes called the public who wanted to speak to the podium:

Marsha Fincher of 1400 Ashland, owns an in-home daycare center. She said her first 
concern is for safety and she is concerned that so many children could be evacuated 
from such a large space in a serious emergency. She is also concerned with the 
safety of the children when being picked up and dropped off in such a congested area. 
She said she is not only concerned with safety but also best practices regarding the 
rooftop playground, as children need room to run and grass to play and roll around in 
and she believes this play area will not provide such an atmosphere. Ms. Fincher said
best practice would provide the consistency and familiarity that one caregiver a child becomes used to seeing, which provides security and confidence and she does not believe this model will provide that. She estimated that with 13.25 children per each of the 26 rooms proposed, there would need to be 10 teachers in 2 classrooms to provide optimal development for each infant or toddler. She stated that many children in Evanston are behind in their development and education. She asked whether the City is more concerned with filling budget gaps than the development of the children. She asked whether the City really needs another day care center.

Chair Holmes thanked Ms. Fincher.

**Ald. Wilson moved to recommend Ordinance 6-O-12 as amended for action, seconded by Ald. Rainey.**

The Committee voted unanimously 5-0 to recommend Ordinance 6-O-12 as amended for action.

### IV. ITEMS FOR DISCUSSION

**(PD1) Discussion of Draft Ordinance XX-O-12, Amending Various Portions of the Zoning Ordinance to Expand the List of Prohibited Home Based Businesses**

Staff recommends that the Planning & Development Committee refer the enclosed draft Ordinance to the Plan Commission for consideration and recommendation back to the Planning & Development Committee as a text amendment to the Zoning Ordinance.

**Ald. Rainey moved to refer Draft Ordinance XX-O-12 to the Plan Commission for consideration, seconded by Ald. Wynne.**

Ald. Rainey said she has a few landscapers in her ward who have trucks and equipment which they keep in the rear of the homes and she would hate to see them not allowed to run their businesses out of their homes, which are beautifully landscaped, and about which no neighbors have complained. Neighbors, in fact, employ them as their landscapers.

Ald. Wilson agreed that he has a similar concern in that he does not want to harm those whose businesses do not impose on their neighbors. He added, regarding Subsection C, which addresses storage, that there are young people who mow lawns and keep their lawn mowers in their garages. He said the Ordinance needs to be tailored further.

Chair Holmes said the complaints in her ward are about landscapers who keep trucks and supplies and other equipment in their garages and whose trucks take up parking spaces on the block, and that people have a right to peace. She understands that some are not nuisances but wondered how a law can exclude only some. She said a computer repair business is different than having soil and bushes stored in garages.
Ald. Wilson argued that the law should not prevent someone from, for example, fixing bicycles in his or her garage. He said he would hate to take away someone’s livelihood that needs to work out of their home.

Steve Griffin, Director of Community and Economic Development, clarified that the intent of the Ordinance is that the business would not be set up to run completely out of the garage. He reminded the Committee that landscaping was one of the bigger concerns. He suggested that the Ordinance be worded to work around incidental use of the garage as opposed to complete use of the garage.

Ald. Rainey suggested that the Ordinance require landscapers to get a special permit which requires a specified amount, of signatures, for example 100, from neighbors stating that they approve of the business. She said she does have one landscaper who is a nuisance in her ward, but most are not. She agreed with Ald. Wilson about not wanting to put someone out of business and said home based businesses may be a result of the economy, to which Chair Holmes replied that this problem has been going on for 5 years and she does not want to blame the economy.

The Committee voted unanimously 5-0 to refer Draft Ordinance XX-O-12 to the Plan Commission for consideration and referral back to the Planning & Development Committee.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT
The meeting was adjourned at 7:35 p.m.

Respectfully submitted,
Bobbie Newman
Payday Loan Text Amendment
To: Plan Commission Members

From: Melissa Klotz, Zoning Planner

Subject: Text Amendment Proposal for Currency Exchange/Payday Loan Establishment Land Use, 12PLND-0010

Date: March 14, 2012

Proposal Overview
A distinction should be made between currency exchange/payday loan establishments and other financial institutions (such as banks, mortgage companies, ATMs). Along with the addition of a zoning definition specific to currency exchange/payday loan establishments, land use regulations should be enacted to establish proper zoning districts, density, and/or distance limitations for such uses.

Recommendation
City staff and the Zoning Committee of the Plan Commission recommend the addition of a zoning definition for "payday loans & consumer loan establishments" to distinguish them from other financial institutions. City staff recommends a minimum limitation to require all currency exchange/payday loan establishments to obtain special use permits approved by City Council to locate in the zoning districts they are currently allowed in as of right. The Zoning Committee further recommends that such establishments only be allowed by special use in the C2 zoning district, and not allowed at all in any other zoning districts. Both City staff and the Zoning Committee recommend a 1000 foot minimum buffer between such establishments, and a possible limit of 1 new establishment within the City (in addition to the currently existing businesses).

Zoning Committee of the Plan Commission
The Zoning Committee of the Plan Commission agreed with the City staff recommendation, but requested further information to show the exact locations and number of existing currency exchange/payday loan establishments. Of the existing establishments that fit the proposed zoning definition, 3 currently exist within the City, along with 1 pawn shop, and one newly proposed establishment (at the vacant Dairy Queen on Howard Street). The Zoning Committee suggested adding a density limit on the number of establishments that would be based upon the aggregate number of existing establishments. The Zoning Committee was also interested in the cluster effect that these establishments often take on, as well as information regarding what zoning districts such businesses tend to locate in. This information reaffirms the recommended zoning regulations. The requested maps and information are included.
Problems Related to Currency Exchange/Payday Loan Establishments

Currency exchange/payday loan establishments tend to negatively impact neighborhood revitalization efforts. Often times, these establishments do not meet goals and objectives of the Evanston Comprehensive General Plan. Specific objectives stated in the Comprehensive Plan that are not sought by such establishments include:

Goal: Help to enhance the existing assets of neighborhoods while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston.

Objective: Maintain the appealing character of Evanston’s neighborhoods while guiding their change.

Objective: Promote activities that help strengthen communities and improve neighborhood quality of life.

The Comprehensive Plan calls for these goals to be met through supportive public policy, including “zoning, building and housing codes, community policing, recreation programs, and parking and traffic management.” More specifically, the Comprehensive Plan calls to guide growth, change, and quality of life within neighborhoods by replacing uses that are “more sensitive to the needs of adjacent residential neighborhoods.” Specific zoning regulations for currency exchange/payday loan establishments will help neighborhoods achieve the positive goals and objectives sited in the Comprehensive Plan.

One specific area targeted in the Comprehensive Plan is the Dempster Street business district, which is described as having an identity that successfully combines small-town charm with a unique mix of commercial retail. In order to keep this area successful, revitalization efforts are needed that promote redevelopment. The specific area including and surrounding Evanston Plaza, at Dempster Street and Dodge Avenue, is targeted in the Comprehensive Plan for such redevelopment. The current zoning regulation that allows currency exchange/payday loan establishments in this area (and currently has 2 such establishments in the vicinity) may hinder redevelopment efforts that would attract more businesses and enhance economic development.

Possible Zoning Regulations
There are three primary ways of regulating currency exchange/payday loan establishments: zoning district land use, density, and distance regulations.

Zoning districts:
One of the most simplistic ways to regulate these land use locations is by changing the permitted zoning districts to require a special use for such establishments. This way the City is not outright telling a service oriented business that it cannot locate in commercial areas, but instead would approve such establishments on a case by case basis. The City of Chicago allows such establishments by special use only. This would likely be the easiest change to make to the zoning code.
Density:
Some communities limit the maximum number of such establishments that are allowed in the community based on population. For instance, Cleveland, Ohio limits the number of cash stores within the city to no more than one per 10,000 residents. If Evanston chooses to go this route, a tally of the existing currency exchange/payday loan establishments should be made to determine an appropriate density requirement. This type of regulation could, in effect, set a maximum limit that has already been reached so as not to allow additional currency exchange/payday loan establishments unless some existing ones close. This regulation would also allow such establishments to grow at a proportionate rate should the population of Evanston significantly change in time. Other communities, such as Bellville, Illinois, simply limit the maximum number of such stores allowed (which Bellville limits to 3). A density regulation would not necessarily stop multiple stores from opening in a clustered area.

Distance:
Other communities put a minimum distance requirement between currency exchange/payday loan stores and/or other types of uses. Other uses in the City are already regulated this way. For instance, adult entertainment venues may not be within a certain distance of a church or school. This type of regulation could limit clustering of these establishments, which often happens along major thoroughfares and in low-income areas. A distance limitation would also, in effect, limit the maximum number of stores allowed in the City as the City would (or already has) run out of space. A radial distance would have to be determined for this type of regulation. Distance regulations can be differentiated depending on zoning districts or land uses. For instance, Tucson, Arizona prohibits such an establishment from opening within 1,000 feet of an existing similar use, or within 500 feet of any houses. This type of regulation would stop multiple stores from clustering together. Distance regulations can be more problematic to enforce because they require knowledge and location of existing uses.
### Regulation Changes

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<tr>
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<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Financial Institutions</td>
<td>Allowed in B1a, B2, B3, all C districts, All D districts, O1, RP</td>
<td>No change</td>
<td>Define Payday Loan/Consumer Loan Establishments so their regulations may differ from financial institutions such as banks, credit unions, and ATMs. Currently they are all considered the same type of use.</td>
</tr>
<tr>
<td>Payday Loan/Consumer Loan Establishments</td>
<td>Classified as financial institutions: Allowed in B1a, B2, B3, All C districts, All D districts, O1, RP</td>
<td>Define use. Allowed by Special Use in B1a, B2, B3, All C districts, All D districts, O1, RP. (Or allow by Special Use only in the C2 district, prohibit in all other districts – as recommended by the Zoning Committee, and supported by City staff). Allow a maximum number of such establishments in the City. Regulate a minimum distance such establishments must be located from one another.</td>
<td>Regulate with a combination of land use (require special use), density regulation, and distance regulation.</td>
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1) **Proposed definition** that specifically calls out currency exchange/payday loan establishments as separate uses from typical financial institutions (The intent is not to limit establishments that operate only as currency exchanges, so the wording of such has been changed to their true use – consumer loan establishments):
Payday Loan or Consumer Loan Establishment – any business that makes or offers a loan transaction where a cash advance, post-dated check, or other check that the parties agree upon will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan, or by which a loan transaction is made or offered in lieu of a title to personal property in an amount not exceeding $25,000 that is not expressly done through a bank, savings and loan association, or credit union.

2) Allow by special use in B1a, B2, B3, all C districts, all D districts, O1, RP; or allow by special use only in the C2 district and prohibit in all other districts – as recommended by the Zoning Committee, and supported by City staff.

3) Land Use Regulation that limits the maximum number of such establishments (excluding existing “grandfathered” businesses) to 1 within the City.

4) Distance Regulation that limits the minimum distance such establishments may be located from each other (excluding existing “grandfathered” businesses) to 1000 feet.

The addition of zoning regulations specific to payday loan or consumer loan establishments that use a combination of the regulatory techniques discussed – zoning districts and special use requirements, density, and distance regulations should be added to the Zoning Code. Any text amendment will need to include a “grandfather” clause to allow the existing establishments to remain as legally nonconforming under the new regulations.

Current payday loan/consumer loan establishments in Evanston:

1) 606 Dempster Street (Dempster & Chicago) – YF Advance Inc.
2) 1801 Dempster Street (Dempster & Darrow) – Americash Loans
3) 1828 Dempster Street (Dempster & Dodge) – PLS Loan Store
4) 999 Howard Street (vacant Dairy Queen near Howard & Ridge) – Titlemax
   (proposed location not yet approved)

See Zoning Map with 1000' radius surrounding each existing establishment, and details regarding currently allowed zoning districts and proposed zoning district regulations.
6-18-3: DEFINITIONS:

PAYDAY LOAN OR CONSUMER LOAN ESTABLISHMENT: Any business that makes or offers a loan transaction where a cash advance, post-dated check, or other financial instrument, which the parties agree will be held for a period of time before presentment for payment or deposit, is accepted as collateral for the loan, or by which a loan transaction is made or offered in lieu of a title to personal or real property in an amount not exceeding $25,000, that is not expressly done through a bank, savings and loan association, or credit union. No Payday Loan or Consumer Loan Establishment shall be permitted within one thousand feet (1,000'), measured property line to property line, of another such establishment.

6-10-4-3: SPECIAL USES:

The following uses may be allowed in the C2 District, subject to the provisions set forth in Section 6-3-5, "Special Uses", of this Title:

Animal Hospital
Automobile Body Repair Establishment
Car Wash
Commercial Parking Garage
Commercial Parking Lot
Convenience Store
Daycare Center - Domestic Animal
Drive-Through Facility (accessory or principal)
Hotel
Kennel
Media Broadcasting Station
Membership Organization
Micro-Distillery
Open Sales Lot
Payday Loan or Consumer Loan Establishment
Planned Development (subject to the requirements of Section 6-10-1-9, “Planned Developments”, of this Chapter and Section 6-3-6, “Planned Developments”, of this Title)
Resale Establishment
Restaurant - Type 2