PLAN COMMISSION
Wednesday, April 8, 2015
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: March 11, 2015

3. NEW BUSINESS

   A. ZONING ORDINANCE TEXT AMENDMENT

      Personal Service Establishments
      A Zoning Ordinance Text Amendment to City Code Title 6, Zoning, to establish a zoning land
      use definition and land use regulations for a Personal Service Establishment and to modify
      existing zoning land use definition for a Retail Services Establishment.

4. OTHER BUSINESS

   A. MODIFICATIONS TO ADMINISTRATIVE RULES AND PROCEDURES OF THE PLAN
      COMMISSION

5. PUBLIC COMMENT

6. ADJOURNMENT

The next regular meeting of the Plan Commission is scheduled for WEDNESDAY, May 13, 2015 at
7:00 P.M. in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at:
http://www.cityofevanston.org/plancommission. Questions can be directed to Damir Latinovic, Neighborhood and Land Use
Planner, at 847-448-8675 or via e-mail at dlatinovic@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 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).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las
quienes no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a
847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, March 11, 2015
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford (Chair), Scott Peters, Richard Shure, Colby Lewis, Terri Dubin, Carol Goddard, Andrew Pigozzi

Members Absent: Kwesi Steele, Lenny Asaro

Associate Members Present: Stuart Opdycke, David Galloway

Associate Members Absent: Seth Freeman

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:02 P.M. and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Ford concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

2. APPROVAL OF MEETING MINUTES: February 11, 2015

Chairman Ford noted that the Dempster-Main Overlay and the first half of the text amendment for fences were taken by roll call and approved unanimously. The roll call votes should be reflected in the minutes.

Commissioner Goddard made a motion to approve the minutes from February 11, 2015 with the corrections.

Commissioner Lewis seconded the motion.

A voice vote was taken and the minutes were approved unanimously.

Chairman Ford swore in all individuals from the public intending to speak tonight.
3. NEW BUSINESS

A. PLANNED DEVELOPMENT

1620 Central Street

John Myefski, Myefski Architects, has applied for a Special Use for a Planned Development in the O1-Office District and oCSC-Central Street Overlay District (Title 6-Zoning of the Municipal Code, Section 6-15) to construct a four-story (45 feet high) multiple-family building with 47 residential units and 54 underground parking spaces. The applicant seeks site development allowances for: 1) the number of parking spaces, 2) the required step-back for the third and fourth floors from Central Street, 3) a landscape buffer for the loading dock in rear, and 4) the building height over the transitional height plane requirement along the south property line. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development.

Mr. Latinovic presented the staff report. He explained that this proposal requires special use approval due to the lot size and the size of the multi-family residential development. He listed the public benefits and stated that the proposal satisfies the Standards of Approval. Staff recommends approval with the conditions noted in the staff report.

John Myefski, architect, explained the proposal. He elaborated on the proximity to transit systems, such as the CTA, Metra, and future Divvy Bike Stations that would make a development like this desirable. The development team has made a conscious effort to involve the surrounding community in the process of this planned development and have made considerable changes to the project based on community input. The project has stayed under the maximum Floor Area Ratio and has stayed under the maximum number of dwelling units. They are asking for a relief from parking requirements among other things. Mr. Myefski went on to explain the project in further detail and noted the public benefits.

Commissioner Shure asked if parents use the alley for drop-off purposes, to which Mr. Myefski said only on occasion, however there is no perfect solution for the alley. Commissioner Shure also asked about the water table and whether a bike lane was planned for Central Street.

There being no further questions from the Commission, Chairman Ford invited questions from the public.

Jacqui Black, 1626 Central Street, asked if the building would be pet friendly, what kinds of windows would be used on the side of the building facing residential uses, and if critters in the existing building would be addressed. Mr. Myefski answered her questions and elaborated that they have agreed not to add extra exterior lighting.

Jim Hughes, 2518 Hartzell Street, asked questions about the 10-foot easement, where Divvy locations would be, if the Commission would consider additional guest parking requirements, and whether the car sharing and parking negotiations with Northwestern University will be complete before the Certificate of Occupancy is
issued. Mr. Myefski answered his questions and elaborated that the car sharing service providers would not commit to any contracts as of yet, but it is in the works.

Jeff Smith, 2724 Harrison, asked if there would be lease restrictions regarding vehicles and whether any sort of home-based business would be held to those as well. Mr. Myefski stated that parking would be restricted per the lease, and was not sure how they would deal with home occupation businesses yet, but it will have to meet the City Zoning Ordinance.

Amy O’ Keefe, 2535 Ashland Avenue, thanked the developers for considering the needs for the school.

Mr. Myefski touched on some of the construction plans and potential timeline for the project. He hopes to expedite the construction timeline and limit noise.

Amy Rogers, 2535 Ashland Avenue, asked about utilities and green space relative to LEED, restricting parking on Ashland as a condition, and if detached garages could still be built with variances on neighboring properties.

Chris Kahn, citizen, asked if a parking agreement had been arranged with Northwestern University. Mr. Myefski stated that parking has been arranged for the duration of construction; however they cannot provide overnight parking. Other parking alternatives are being investigated.

Pat Fiene, 1606 Central Street, asked questions regarding the proximity of the proposed balconies to the existing properties. Mr. Myefski stated that the balconies project minimally outward, feature shifted windows, and landscape buffering is being provided.

Chairman Ford opened the meeting to public testimony.

Ms. Black asked about the proximity of the windows and balconies on the west side of the proposed structure.

Larry Cline, 1606 Central Street, asked how this proposal addresses low income housing and stated his dissatisfaction with buffering. He also noted that the traffic study did not include the new restaurant nearby. Mr. Myefski explained that low income housing is not required by Ordinance due to proposed rental nature of the property and stated he is willing to work on the landscape buffering.

Ms. O’Keefe wanted to celebrate the collaborative design method that the developers used to involve the surrounding community. She then raised questions regarding the O1 zoning designation and the substandard size of the lot. She also questioned the benefits of this proposal.

Mr. Smith noted that public transit can be difficult at times and car ownership has increased. He proposed making parking a condition of the lease and questioned the embodiment of the Central Street Plan. He noted the developer’s refreshing amount of effort to confer with the community.
Amy Rogers, 2524 Ashland Avenue, agreed with Ms. O'Keefe’s earlier comments, and raised concerns about building height and traffic flow.

Ms. Fiene stated that the impending construction will drive her out of her home office. She raised concerns regarding benefits to the school and neighborhood, and the lack of affordable housing.

Maureen Rosati, citizen, testified to the congestion in the neighborhood due to the tight block, school, stadium, and various Northwestern events.

Mr. Myefski then made his closing comments noting that he was fine with prohibiting street parking as a condition of the lease, and due to various kinds of transportation in the area, a need for this kind of development does exist.

Mr. Latinovic noted that changes to the proposed east elevation as noted in applicant’s presentation will need to be resubmitted prior to project being reviewed by P&D Committee. If approved, the project would again be reviewed at DAPR.

Chairman Ford closed public testimony and suggested a 10 minute break.

The Plan Commission entered into Deliberations.

Commissioner Goddard noted her concerns regarding traffic on Ashland and in the alley.

Chairman Ford asked if the development allowances and loading dock needed to be discussed.

At Commissioner Lewis’ request, Mr. Latinovic clarified that the development complies with setbacks, but not step back conditions along Central Street.

Chairman Ford asked if the reduction in parking spaces creates an on-site parking issue. Commissioner Pigozzi noted that he did not see how any development could be constructed without the parking request. He pointed out that at least the parking was underground.

Commissioner Shure stated his support of the parking reductions as well. There will be conditions in the lease and at least 1 spot will be available for each unit.

Commissioner Peters believes the lease condition will solve parking issues and does not want to add restrictions on top of the Zoning Ordinance.

Associate Opdycke stated that if he had a vote, he would be in favor of the proposal. He was impressed with the developer’s efforts to accommodate the community and noted that 1 parking spot per unit is better than the proposed parking plan of the 1571 Maple development.

Associate Galloway concurred with Commissioners Shure, Peters, and Opdycke. He also expressed admiration of how the developer went about addressing this project with the community.
The Commission discussed the Standards. They noted the purposes and policies of the Comprehensive Plan as noted in the staff memo. Commissioner Peters stated that the proposed development minimized impact. The parking lease and traffic issues were discussed. The Commission considered and concluded all Standards for Approval have been met.

Commissioner Peters made a motion to recommend approval of Planned Development for 1620 Central Street with all conditions outlined in staff report memo.

Commissioner Shure seconded the motion.

A roll call vote was taken and the motion was approved unanimously.

Ayes: Commissioners Peters, Shure, Lewis, Dubin, Goddard, Pigozzi and Chairman Ford.

Nyes: none

4. OTHER BUSINESS

   A. Appointments of Associate Members, Committee Members and Liaisons

Chairman Ford reappointed Associate Commissioners Galloway, Opdycke and Freeman. Commissioners Shure, Peters, and Asaro will soon be eligible for Associate Commissioner Positions. Chairman Ford appointed Commissioners Peters and Asaro to Associate positions. Commissioner Shure explained he is not interested in continuing to serve as an associate member.

Appointments of Liaisons and members of committees:

Chairman Ford proposed he and Commissioner Lewis continue being on the Rules Committee with possible meeting dates in October or November and may add additional members to that committee if necessary.

Commissioner Dubin was appointed liaison to the Economic Development Committee.

Commissioner Lewis was appointed liaison to the Planning and Development Committee.

Commissioner Goddard was appointed liaison to the Housing and Community Development Act Committee.

Chairman Ford was appointed liaison to the Transportation and Parking Committee.

Associate Member Freeman was appointed to remain as liaison to the Public Place Names Committee.

Commissioner Goddard volunteered to serve as liaison to the ADA Advisory Board.
Commissioner Pigozzi was added as a member to the Comprehensive Planning Committee.

Commissioner Dubin made a motion to approve all appointments as discussed.

Commissioner Pigozzi seconded the motion.

A voice call was taken and the motion was approved unanimously.

Mr. Latinovic noted that all members are welcome to attend any of the committee meetings discussed.

B. 2014 Plan Commission Annual Report

Chairman Ford thanked Commissioner Peters and Staff for working on the annual report.

Chairman Ford noted that the Zoning Committee will meet the following Wednesday at 7 p.m. and the next regular meeting of the Plan Commission will be on April 8, 2015.

Mr. Latinovic conveyed an email to the Commission from the City Manager’s Office regarding training opportunities on the 21st and 24th of April.

Mr. Latinovic then informed the Commission that 1571 Maple was introduced to the Planning and Development Committee and recommended for introduction at City Council for consideration and action on March 23, 2015.

5. PUBLIC COMMENT

No public comment was received.

6. ADJOURNMENT

There being no further discussion, Commissioner Peters made a motion to adjourn the meeting. Commissioner Lewis seconded the motion.

A voice vote was taken and the motion was approved by voice call 7-0.
The meeting was adjourned at 10:14 pm.

Respectfully Submitted,
Ellen Cholewa
Zoning Intern
Community Development Department
PLAN COMMISSION

CASE # 15PLND-0008

Zoning Ordinance Text Amendment

Personal Service Establishments
Memorandum

To: Zoning Committee of the Plan Commission

From: Mark Muenzer, Director of Community Development
Damir Latinovic, Interim Planning and Zoning Administrator
Ellen Cholewa, Zoning Intern

Subject: Zoning Ordinance Text Amendment
Establishment of definition and land use regulations for
Personal Service Establishments
15PLND-0008

Date: April 3, 2015

Request
Staff recommends amending the Zoning Ordinance to create a land use definition for a Personal Service Establishment and establish a 500 foot minimum distance separation requirement between them.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements.

Analysis
History
March 18, 2015 - The Zoning Committee of the Plan Commission recommended moving the case to the Plan Commission with neither a positive nor negative recommendation. Minor changes to the proposed definition were suggested by the Committee. Staff was instructed to explore modifications to the proposal that would include different categories (types) of Personal Service Establishments and a distance separation for the same categories (i.e. nail salon from nail salon), but allow different categories to locate by right within 1,000 feet of each other (i.e. nail salon from hair salon).

In general, the Committee felt the proposed text amendment may be beneficial along Howard Street, but overall, they were not in favor of the proposal. The Committee’s concerns included using zoning to address economic issues, disagreement on the presence of negative effects of concentration of personal service establishments, and encumbering potential new businesses.
In wake of the Zoning Committee’s discussion, the proposed definitions were modified to accommodate the Committee’s suggestions. Staff also investigated:

1. The possibility of requiring personal service establishments of similar natures to adhere to a distance separation, but allowing dissimilar personal service establishments to locate within 1,000 feet by right, and
2. Imposing a size restriction that would require a distance separation for establishments smaller than a certain square footage.

Based on our research, staff has modified the original proposal to a 500 foot separation requirement instead of 1,000 feet. Staff believes that a 500-foot separation requirement would be a more appropriate distance for a city of Evanston’s size. Based on the attached maps depicting existing personal service establishments, 500 feet will adequately address the need for separation of personal service establishments throughout the City. Additionally, with the 1000-foot separation requirement in the City of Chicago (south side of Howard Street), the proposal will provide more consistent regulations for Personal Service Establishments on both sides of Howard Street.

Staff believes separating different personal establishments into various categories and requiring only different types of personal service establishment to abide by a distance separation requirement is not consistent with the intent of the proposed text amendment. Attached maps demonstrate a need for a distance separation requirement for all types of personal service establishments. Concerns were also raised that the imposition of a separation requirement based on size, because of the negative effects of concentration and proliferation of similar uses in one area is not related to the size of a particular establishment.

**Background**

Personal Service Establishments are businesses in which a person provides a personal service to or on the body of another individual. Personal Service Establishments can therefore encompass a broad range of businesses which include, but are not limited to, nail salons, hair salons, tanning and beauty salons and beauty parlors. Nail technicians, stylists, cosmetologists, and estheticians are either employed by the business or are self-employed and rent chairs from state licensed salons or businesses. Most types of Personal Service Establishments are required to obtain a license from the State of Illinois.

The location of multiple Personal Service Establishments such as hair and nail salons in close proximity to each other is problematic for multiple reasons. A concentration of similar uses in one area could impair the economic vitality of that area. Too many businesses offering similar services could result in a weak and potentially detrimental economic environment. A mix of businesses provides retail stability, generates revenue and strengthens the economic environment for all businesses.

Furthermore, Personal Service Establishments offer specific services to specific clientele much like medical, dental, or financial offices. A majority of their business is made by appointment. As a result, Personal Service Establishments do not typically promote retail experience in an area as majority of their clients did not come to peruse other retailers and businesses and they tend to leave after their appointment is done.
The Personal Service Establishments can also suffer from similar competing businesses if they are located in close proximity to each other. Too many businesses in a single market will lead to struggling, marginal businesses with little retail variety and potential for success. While Personal Service Establishments can often open up without the need for major renovations to the commercial space, which is an incentive to the landlords, a commercial area must offer a variety of services to remain vital and for the survival of existing businesses.

Proposal Overview
Staff is proposing a new zoning land use definition for Personal Service Establishment separate from other Retail Service Establishments to allow for specific regulations pertinent to this use. Staff is proposing the following new land use definition:

**Personal Service Establishment** – an establishment offering personal non-medical services. Such uses include hair salons, barber shops, beauty shops, and tanning salons. The establishment may include the accessory retail sales of products related to the services provided. Wherever distance separation is used, it shall be measured between the property lines of each establishment.

The implementation of a definition for Personal Service Establishment would require the modification of the existing definition for Retail Services Establishment where such uses are currently classified. Staff is proposing the following modification:

**Retail Services Establishment** - A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barbershops, beauty facilities, laundry and dry cleaning establishments (plant off premises), tailoring shops, shoe repair shops and the like. "Retail services establishment" shall not include: businesses that exchange, loan, rent, manufacture, service, alter, repair, or otherwise transfer for consideration, firearms, handguns, or ammunition; tattoo facilities; or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. (Ord. 126-08)

Staff is also proposing a distance separation requirement between new Personal Service Establishments due to the potential negative cumulative effect. Personal Service Establishments located a minimum of 500 feet from an existing Personal Service Establishment would be permitted by right as a Permitted Use. Establishments located less than 500 feet from an existing Personal Service Establishment would require Special Use approval. The use would be allowed in the same zoning districts where they are currently allowed as a Retail Services Establishment.

As the City’s typical commercial block length is 500-650 feet, the 500 foot separation would ensure that similar types of businesses are not located on the same block, but could be located on the next block if separated by 500 feet. (Example Maps attached)
The proposed land use regulations are summarized in the table below:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Classified as <em>Retail Services Establishment</em></td>
<td><em>Personal Service Establishment</em> – an establishment offering personal non-medical services. Such uses include hair salons, barber shops, beauty shops, and tanning salons. The establishment may include the accessory retail sales of products related to the services provided. Wherever distance separation is used, it shall be measured between the property lines of each establishment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Allowed as Permitted Use (P)</th>
<th>Allowed as Special Use (S)</th>
<th>Allowed as Special Use (S) less than 500 ft. from an existing Personal Service Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Districts</td>
<td>B1, B1a, B2, B3, C1, C1a, C2, D1, D2, D3, D4, O1, MXE, RP</td>
<td>I2, I3, O1</td>
<td>B1, B1a, B2, B3, C1, C1a, C2, D1, D2, D3, D4, O1, MXE, RP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>B1, B1a, B2, B3, C1, C1a, C2, D1, D2, D3, D4, O1, MXE, RP, I1, I2, I3, O1</td>
</tr>
</tbody>
</table>

Personal Service Establishments proposed less than 500 feet from an existing Personal Service Establishment would be required to go through the Special Use approval process. This allows the City to examine site and business specific conditions and conformance with the Standards for Special Use to ensure Personal Service Establishments will not have negative cumulative effect on the area.

**Regulations in Other Municipalities**
Staff has researched zoning regulations for personal service establishments in similar surrounding communities and comparable communities around the country. The comparison between the communities is summarized in the table below.
<table>
<thead>
<tr>
<th>Community</th>
<th>Classification</th>
<th>Regulation</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago, IL</td>
<td>“Personal Services” include hair salons, barber shops, beauty shops, massage establishments, nail salons, etc.</td>
<td>Permitted by-right in C districts. Permitted by-right in B districts if distance separation met, Special Use required when distance separation not met.</td>
<td>1,000 ft</td>
</tr>
<tr>
<td>Cambridge, MA</td>
<td>“Retail Business and Consumer Service Establishments” includes barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry</td>
<td>Permitted by-right in business and industrial districts.</td>
<td>N/A</td>
</tr>
<tr>
<td>Boulder, CO</td>
<td>“Personal Service” includes barber and beauty shops, shoe repair shops, bicycle repair shops, dry cleaners, laundries, bakeries, travel agencies, newsstands, pharmacies, and the healing arts</td>
<td>Allowed by right in commercial and business districts. Special use is required in residential districts.</td>
<td>N/A</td>
</tr>
<tr>
<td>Oak Park, IL</td>
<td>“Commercial Amusement and Personal Service” includes barber or beauty shop, shoe repair, a tailor or dressmaking shop, clothing rental agencies, locksmiths, etc.</td>
<td>Permitted provided that a distance separation is maintained in business and commercial districts.</td>
<td>500 ft</td>
</tr>
<tr>
<td>Pasadena, CA</td>
<td>“Personal Service” establishment providing non-medical services, such as, barber</td>
<td>Permitted in General Commercial and General Industrial districts, but not in Commercial Office district (low intensity)</td>
<td>Conditional (Special) Use permit required for establishments over 25,000 sq. ft.</td>
</tr>
<tr>
<td>shops, beauty salons, dry-cleaning pick-up stores, fortunetellers, hair salons, nail salons, tanning salons</td>
<td>fringe commercial/office district of residential scale</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Nonconforming Uses
If the proposed Text Amendment is approved, Personal Service Establishments that currently exist and are located less than 500 feet from other Personal Care Establishments will be granted legal nonconforming status. The uses will be allowed to continue or be replaced by a business of the same type(s) at the same location so long as each legally nonconforming use is not terminated for a period of more than twelve consecutive months. The aforementioned uses may continue to operate pursuant to the provisions of Chapter 6 of the Zoning Ordinance as limited by Subsection 6-15-17-5-(B).

Standards of Approval
The proposed Zoning Ordinance Text Amendment to establish a definition and zoning regulations for Personal Service Establishments meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the Comprehensive General Plan’s objective to maintain the appealing character of Evanston’s neighborhoods while guiding their change. The proposal is also consistent with the objective to promote activities that help strengthen communities and improve neighborhood quality of life.

The proposed distance separation requirement will encourage diversification of commercial businesses throughout the city. The proposed regulations will not prohibit new businesses from establishing, but will instead provide a way for the City to ensure the economic vitality of existing businesses districts and encourage new development by addressing the issue of negative cumulative effect of Personal Service Establishments. Existing Personal Service Establishments will not need to compete in an oversaturated market while existing businesses will benefit from a potential increase in foot traffic.

A city-wide distance separation requirement would enhance the business market for personal service uses and promote economic stability throughout the city. The proposed text amendment will not have any adverse effects on the values of the properties in the area. Instead, the proposed text amendment would enhance the vitality of existing and future Personal Service Establishments with an attempt to diversify and strengthen commercial areas throughout the city.

Recommendation
Staff believes the proposed text amendment to create a land use definition for Personal Service Establishments separate from other Retail Services Establishments and establish a 500 foot distance separation requirement between such uses meets the standards of approval as outlined above. Staff recommends the Plan Commission make
a positive recommendation to the Plan Commission regarding for the proposed text amendment.

**Attachments**

- Draft Ordinance 21-O-15
- Commercial Block Maps
- Existing Personal Service Establishments Maps
- Zoning Committee Meeting 03/18/2015 Minutes - DRAFT
Block Dimensions
Howard Street - Asbury Ave to Chicago Ave.
Type
- Barber
- Esthetician
- Hair
- Hair and Nail
- Nail
- Spa

Buffers:
- 250' buffer
- 500' buffer
- 1000' buffer

Existing Personal Service Establishments
Central Street
AN ORDINANCE

Amending Portions of the Zoning Ordinance
to Create the “Personal Service Establishment” Use

WHEREAS, on April 8, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 15PLND-0008 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Personal Service Establishment;” and

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

WHEREAS, at its meeting of April 27, 2015, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 15PLND-0008 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 27, 2015 and May 11, 2015, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

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

| PERSONAL SERVICE ESTABLISHMENT: | An establishment offering personal non-medical services. Such uses include hair salons, barber shops, beauty shops, and tanning salons. The establishment may include the accessory retail sales of products related to the services provided. Wherever distance separation is used, it shall be measured between the property lines of each establishment. |

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

| RETAIL SERVICES ESTABLISHMENT: | A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barbershops, beauty facilities, laundry and dry cleaning establishments (plant off premises), tailoring shops, shoe repair shops and the like. "Retail services establishment" shall not include: businesses that exchange, loan, rent, manufacture, service, alter, repair, or otherwise transfer for consideration, firearms, handguns, or ammunition; tattoo facilities; or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. |

SECTION 3: Subsection 6-9-2-3 of the Zoning Ordinance, “Special Uses” in the B1 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”
SECTION 4: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 5: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 6: Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 7: Subsection 6-10-2-3 of the Zoning Ordinance, “Special Uses” in the C1 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 8: Subsection 6-10-3-3 of the Zoning Ordinance, “Special Uses” in the C1a District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 9: Subsection 6-10-4-3 of the Zoning Ordinance, “Special Uses” in the C2 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 10: Subsection 6-11-2-3 of the Zoning Ordinance, “Special Uses” in the D1 District, is hereby amended to include “Personal Service
Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 11: Subsection 6-11-3-4 of the Zoning Ordinance, “Special Uses” in the D2 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 12: Subsection 6-11-4-3 of the Zoning Ordinance, “Special Uses” in the D3 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 13: Subsection 6-11-5-3 of the Zoning Ordinance, “Special Uses” in the D4 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 14: Subsection 6-12-2-3 of the Zoning Ordinance, “Special Uses” in the RP Research Park District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 15: Subsection 6-13-4-3 of the Zoning Ordinance, “Special Uses” in the MXE District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”
SECTION 16: Subsection 6-14-2-3 of the Zoning Ordinance, “Special Uses” in the I1 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 17: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I2 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 18: Subsection 6-14-4-3 of the Zoning Ordinance, “Special Uses” in the I3 District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 19: Subsection 6-15-2-3 of the Zoning Ordinance, “Special Uses” in the O1 Office District, is hereby amended to include “Personal Service Establishment (located less than five hundred feet from another Personal Service Establishment.”

SECTION 20: Subsection 6-9-2-2 of the Zoning Ordinance, “Permitted Uses” in the B1 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 21: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 22: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”
SECTION 23: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 24: Subsection 6-10-2-2 of the Zoning Ordinance, “Permitted Uses” in the C1 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 25: Subsection 6-10-3-2 of the Zoning Ordinance, “Permitted Uses” in the C1a District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 26: Subsection 6-10-4-2 of the Zoning Ordinance, “Permitted Uses” in the C2 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 27: Subsection 6-11-2-2 of the Zoning Ordinance, “Permitted Uses” in the D1 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”
SECTION 28: Subsection 6-11-3-3 of the Zoning Ordinance, “Permitted Uses” in the D2 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 29: Subsection 6-11-4-2 of the Zoning Ordinance, “Permitted Uses” in the D3 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 30: Subsection 6-11-5-2 of the Zoning Ordinance, “Permitted Uses” in the D4 District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 31: Subsection 6-12-2-2 of the Zoning Ordinance, “Permitted Uses” in the RP District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 32: Subsection 6-13-4-2 of the Zoning Ordinance, “Permitted Uses” in the MXE District, is hereby amended to include “Personal Service Establishment (located more than five hundred feet from another Personal Service Establishment.”

SECTION 33: Title 6, Chapter 4 of the Evanston City Code of 2012, as amended, is hereby further amended by adding a new Section 9, which shall read as follows:
6-4-9: Special Regulations Pertaining to Personal Service Establishments:

(A) Purpose and Applicability: The purpose of this Section 6-4-9 is to ensure new Personal Service Establishments are integrated with surrounding uses and are compatible in character with surrounding neighborhood or area of the zoning district in which they are located.

(B) Permitted Uses: Personal Service Establishments allowed as a Permitted Use in any Zoning District must be located a minimum of 500 feet from another existing Personal Service Establishment use.

(C) Special Use: The approval for a Personal Service Establishment allowed as a Special Use in any Zoning District and/or located less than 500 feet from any other existing Personal Service Establishment must be granted as a Special Use.

(D) Distance Requirement: The distance requirement shall be measured from the nearest property lines of each property the Personal Service Establishment is located on.

(E) Certificate of Zoning Compliance: A Certificate of Zoning Compliance is required prior to any Personal Service Establishment use being established.

(F) Nonconforming Uses: Any lawfully established use hereinafter defined as Personal Service Establishment by this Zoning Ordinance that is nonconforming with any provision of this Zoning Ordinance pertaining to Personal Service Establishment uses, may continue to operate per Chapter 6 – Nonconforming Uses and Noncomplying Structures of this Zoning Ordinance.

SECTION 34: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 35: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 36: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.
SECTION 37: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced:_______________, 2015
Adopted:_______________, 2015

Approved:__________________________, 2015

_______________________________
Rodney Greene, City Clerk

_______________________________
Approved as to form:

_______________________________
W. Grant Farrar, Corporation Counsel

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest:
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, March 18, 2015
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2200

Members Present: Richard Shure, Carol Goddard, Colby Lewis, Jim Ford

Members Absent: Terri Dubin, Scott Peters

Other Plan Commission Members Present: None

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Ellen Cholewa, Planning and Zoning Intern

Presiding Member: Colby Lewis, Chairman

1. **CALL TO ORDER / DECLARATION OF QUORUM**

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

2. **MINUTES**

Approval of October 15, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Ford noted a correction on page two to change “Commissioner Colby” to “Commissioner Lewis”.

Commissioner Shure made a motion to approve the minutes as corrected.

Commissioner Goddard seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3-0-1. Commissioner Ford abstained.

3. **NEW BUSINESS**

A. **TEXT AMENDMENT TO THE ZONING ORDINANCE 15PLND-0008**

   **Personal Service Establishments**

   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to establish a zoning land use definition and land use regulations for Personal Service Establishments and to Title 6, Zoning, Chapter 8-Definitions to modify existing zoning land use definition of Retail Services Establishment.

   Mrs. Ellen Cholewa, Planning and Zoning intern presented the staff report memo.
With no public present, Chairman Lewis opened and closed the public participation part of the hearing.

Chairman Lewis invited comments or questions from the committee members.

Commissioner Goddard noted she does not agree with some of the reasoning for the proposed Text Amendment. She stated she believes customers who come to businesses such as Nail Salons do stay in the area and visit other shops and businesses. She does not believe customers always make appointments for such services, as all of those businesses accept walk-in customers.

Chairman Lewis noted the wording: “of a non-professional nature” in the proposed definition for Personal Service Establishment should be eliminated.

Commissioner Shure, noted a similar proposal that would just affect Howard Street area with an Overlay District was approved by the Plan Commission a few years ago, but the City Council did not approve it, likely because it included massage therapy establishments. Commissioner Shure stated he feels this is a needed provision and no one gets hurt by it. Special Use process is there for instances where such businesses want to be closer than 1,000 ft. They are not being prohibited.

Mr. Latinovic stated the request was brought up as an Aldermanic reference and with strong support and need from the Economic Development Division. There is a concern that other commercial districts throughout the City, not just Howard Street, could be negatively affected by proliferation of such uses, especially in areas where City is doing efforts to revitalize neighborhood business districts. The intent of the proposal is to be progressive. In addition it would match the zoning regulations on the south side of Howard Street in the City of Chicago.

A question was raised if these uses locate where there are low rents or if areas decline after such uses move in.

Mr. Latinovic explained that such businesses do not need a lot of capital or improvements to the storefront to be established and profitable. They also encourage landlords not to invest in building improvements. They are also registered by the State of Illinois and thereby do not need to get a business license from the City. This proposal is also an effort for the City to track the uses better.

Commissioner Shure noted commercial areas throughout the City are getting smaller and smaller.

Commissioner Ford asked if such regulation is legally acceptable and if the City has ever done anything similar. Mrs. Pearson replied that the City has been working with the Law Department and the proposal is legally allowed. Additionally, staff inquired with the American Planning Association for examples of other cities throughout the country to see how other cities handle and regulate similar instances. There are many examples of cities utilizing distance separation requirements. The City only must make sure that the use is not completely prohibited within the municipality. Mrs. Pearson also added that the City currently has a similar 1,000 feet separation requirement between payday loan establishments.
Chairman Lewis expressed concern that this is a wrong way of controlling the market.

Commissioner Ford stated that if the proposal is approved, he would like to see this being tracked and in two years see data showing the effects of such regulation.

Commissioner Shure said he likes that the proposal would affect all areas of the City not just Howard Street.

Discussion followed on the distance requirement.

Commissioner Ford inquired how the distance will be measured, to which Mr. Latinovic stated, property line to property line for staff to be able to administer the requirement.

Commissioner Ford stated if this moves forward it should start with 1,000 feet, but he does not feel strongly about it.

Discussion followed on sending a negative recommendation to the Plan Commission or if staff needed more time to come up with alternative approaches. Mr. Latinovic stated, based on the research and practices in other cities, the only other logical solution would be to regulate such uses by size. For example uses over 1,000 sq. ft. (or another predetermined number) in floor area would be allowed as a Permitted Use and uses smaller than that would be allowed as Special Use.

Chairman Lewis expressed concern that the definition is too broad. He may support a separation requirement between similar uses such as a nail salon from a nail salon, but he is not in favor of separation requirement between different types of personal service establishments, such as a nail salon from a hair salon. He stated that the words in the proposed definition: “and similar uses” should be eliminated because it leaves it open to even more uses. He also stated that tattoo facilities should be deleted from the Retail Service Establishment definition.

There being no further discussion Commissioner Ford made a motion to send the text amendment as proposed to the Plan Commission without either a positive or negative recommendation.

No commissioner seconded the motion, and the motion failed.

Commissioner Shure made a motion to send the proposed text amendment to the Plan Commission without either positive or negative recommendation but including the changes in the definitions, as mentioned earlier, and for staff to explore modifying the text amendment so that only the same type of personal service establishments are required to be separated by 1,000 feet.

Commissioner Goddard seconded the motion.

The motion was approved by a roll call: 4-0.

Aye: Commissioners Shure, Goddard, Ford and Chairman Lewis
Nye: none
4. **ADJOURNMENT**

Commissioner Goddard made a motion for adjournment and Commissioner Shure seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:15 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
PLAN COMMISSION

Modifications to Administrative Rules and Procedures of the Plan Commission
ADMINISTRATIVE RULES & PROCEDURES

Adopted 9/15/1993
Revised 6/8/1994
Revised 8/9/1995
Revised 11/8/95
Revised 12/13/1995
Revised 12/8/1999
Revised 12/13/2000
Revised 3/9/2005
Revised 12/14/2005
Revised 11/11/2009
Revised 01/18/2012
Revised 2/6/2015
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THE PLAN COMMISSION
OF THE CITY OF EVANSTON, ILLINOIS

ADMINISTRATIVE PROCEDURES AND REGULATIONS FOR MEETINGS AND PUBLIC HEARINGS

ARTICLE I  NAME OF THE COMMISSION

The name of this organization shall be "The Evanston Plan Commission of the City of Evanston, Illinois", hereafter referred to as the "Commission".

ARTICLE II  AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 8 of the City Code, and Section 3.1-5 of the Zoning Ordinance, Title 6 of the City Code.

These rules are to be read in conjunction with 65 ILCS, Sections 5/11-13-1, et seq. "Zoning" and 5 ILCS, Sections 120/1, et seq. "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

Nothing contained herein shall be construed to give or grant the Plan Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

ARTICLE III  POWERS AND DUTIES

The Plan Commission shall have the following powers and duties:

(A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.

(B) To initiate studies, reports and make recommendations to the City Council, City Manager, or Officials of other local governmental bodies on matters concerning the present or future development of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or development of the City, which will be acted upon by the City Council, shall first be presented to the Plan Commission to provide them a reasonable opportunity for review and comment.

(C) To study, review and prepare recommendations on the annual revision of the capital improvement program and on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.

(D) To review, hold hearings and make recommendations to the City Council on any zoning matters that involve planning considerations, including, but not limited to, an amendment, planned development and unique use.

(E) To review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may
determine are appropriate.

(F) None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.

(G) To carry out the above duties, the Plan Commission shall have the following powers:

1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Plan Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.

2. To conduct such public hearings as provided for in the Municipal Code, as amended, and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan or other matters before the Plan Commission for consideration.

3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.

4. To request from the Planning Division such staff time as may be required to assist the Plan Commission in carrying out its duties.

5. To request from the City Council such funds as may be necessary for the employment of consulting services or temporary employees deemed necessary for carrying out the duties required by this Chapter.

(H) The Chair or his/her designee(s) shall act as the spokesperson or representative of the Commission before all City Council, City Council Committees, and other public meetings.

(I) The Plan Commission has the authority to adopt such other rules of procedure deemed necessary to conduct meetings and public hearings and to carry out its duties, following Roberts' Rules of Order in situations not covered by adopted rules.

ARTICLE IV  MEMBERSHIP

(A) The Mayor shall appoint nine (9) Evanston citizens to serve as regular members of the Commission, subject to confirmation by the City Council. The Mayor and the manager of the Planning and Zoning Division shall be ex-officio members of the Commission but shall have no vote. The manager of the Planning and Zoning Division shall serve as secretary of the Commission.

(B) Each regular member of the Commission shall be entitled to one (1) vote.

(C) All appointed members of the Commission shall serve as such without compensation.

(D) Appointments of regular members shall be for three (3) years, and they may be reappointed for one additional term. When a vacancy is created by the
resignation of a member prior to expiration of that member’s term, the member
appointed to fill this vacancy shall be appointed to a full term unless otherwise
provided by City Ordinance or State Statute.

(E) The Chair shall notify the Mayor when a member of the Commission has failed to
attend meetings during a consecutive four (4) months, or six (6) times during a
consecutive twelve (12) months, unless the Chair shall determine that the failure
to attend was for a good cause.

(F) The Chair shall nominate and the Commission shall elect such associate
members of the Plan Commission as are deemed necessary to carry out the
Commission’s duties and responsibilities.

Such associate members shall:

1. Serve one year terms set from January 1 to December 31 with eligibility
   for re-nomination and re-election for up to a total of five full terms. Those
   associate members who have completed three or more terms at the time
   that this amendment to the Administrative Rules and Procedures is
   adopted shall be eligible for a single additional term. Associate members
   who have been appointed in the middle of a calendar year shall serve
   out the rest of the year. A partial year term shall not be counted toward
   an associate members’ five-term eligibility.

2. Be required to complete and submit an Ethics Disclosure Form.

3. Perform the same duties and assume the same role as regular
   members, but shall have no vote.

ARTICLE V GENERAL PROVISIONS

(A) Commission members shall abide by the City’s Code of Ethics set forth in
   Section 1-10-4 of the Municipal Code, as amended.

(B) Information concerning any pending matter may be obtained from the Secretary
   of the Commission consistent with the Illinois Freedom of Information Act (5 ILCS
   140/1 et seq.), as amended

ARTICLE VI OFFICERS

(A) The officers of the Commission shall consist of the Chair, and one Vice-Chair.

(B) At its December meeting, the Commission shall select a Chair and one
   Vice-Chair from among its members to serve for the following calendar year
   with eligibility for re-election.

(C) The Chair shall nominate and the Commission shall elect such associate
   members of the Plan Commission as are deemed necessary to carry out the
   Commission’s duties and responsibilities.

Such associate members shall:

1. Serve one year terms set from January 1 to December 31 with eligibility
   for re-nomination and re-election for up to a total of five full terms. Those
   associate members who have completed three or more terms at the time
   that this amendment to the Administrative Rules and Procedures is
adopted shall be eligible for a single additional term. Associate members who have been appointed in the middle of a calendar year shall serve out the rest of the year. A partial year term shall not be counted toward an associate members’ five-term eligibility.

2. Be required to complete and submit an Ethics Disclosure Form.

3. Perform the same duties and assume the same role as regular members, but shall have no vote.

(D)(C) The Chair shall supervise the affairs of the Commission, shall preside at all Commission meetings and hearings, shall appoint subcommittees as may be necessary to carry out the purpose of the Commission, shall provide for the oath to be administered when required to all witnesses in matters before the Commission, and shall conduct the hearings and meetings of the Commission in an appropriate and expeditious manner. The Chair shall be an ex-officio member of all subcommittees so appointed.

(E)(D) The Vice-Chair, in the absence or disability of the Chair, shall perform all duties and exercise all powers of the Chair. In the event that the Chair be unable to complete his/her term, the Vice-Chair shall be named Chair for the remainder of the unexpired term. At the beginning of such an interim period, the Commission shall also elect a new Vice-Chair.

(F)(E) The Manager of the Planning and Zoning Division-Community Development Director shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission.

The Secretary shall:

1. Be custodian of the active files of the Commission, and keep all records.

2. Conduct the correspondence of the Commission.

3. In the case of zoning matters, inform petitioners when their petition is to be heard, and notify each petitioner to be present at the hearing.

4. Have public notice of public hearings published in a local newspaper as required by law for zoning matters and amendments to the Comprehensive General Plan, and provide such notice as otherwise required hereby.

5. Promptly deliver copies of said public notice to residents in the vicinity of the property in question as required by ordinance. Failure to do so shall not prejudice the hearing.

6. Furnish a copy of said notice and a copy of each petition and other material information or documents submitted to the Secretary which is to be heard to each Commission member or commissioners.

7. Promptly prepare an agenda, in consultation with the Chair. The agenda shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.

8. Record the names and addresses of all persons appearing before
the Commission who if they have willingly provided their names and/or addresses to the Commission.

9. Keep records of the Commission's official actions and a verbatim transcript, or recording, of minutes of all public hearings on zoning matters relating to zoning or the Comprehensive General Plan. Keep records and minutes of all meetings of Commission committees or subcommittees.

10. Record the vote of the Commission each member upon every question, or if absent or failing to vote, indicate that fact.

11. Promptly prepare a prehearing report setting forth the background, alternatives, expected ramifications and staff recommendations on zoning proposals or proposed changes to the Comprehensive General Plan.

12. Be responsible for interpretations of these Rules of Procedures which may be overruled by the Commission by a majority vote.

13. Maintain a web site making available to the public commission agendas, packets for members and such other information as the Chairman, Secretary or Commission determine should be available on the web site. Because web access is not universal, the Secretary or his designee shall also provide access to the above described material for viewing by members of the public in either paper or electronic form at the office of the Commission.

14. Perform such additional duties as may be requested by the Commission.

(G)(F) Should the Chair and Vice-Chair both be absent from a meeting of the Commission, or be otherwise ineligible to act upon a matter before the Commission, the remaining regular members of the Commission constituting a quorum shall elect from among their number an interim Chair to preside over the Commission for the duration of such absence or ineligibility.

ARTICLE VII MEETINGS

(A) The office of the Commission shall be located in the office of Manager of the Planning and Zoning Division, Community Development Department, Community and Economic Development Department, Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois; and the documents pertaining to any matters may be examined at this location by any interested party.

(B) Except as provided below, regularly scheduled meetings shall be held on the second Wednesday of each month at 7:00 P.M., in the Civic Center, 2100 Ridge Avenue, unless such day shall be a legal holiday observed by the City, in which case the regular meeting shall be held on the following Wednesday, and at such other times as the Commission shall decide. Prior to the first meeting of each calendar year, the Commission shall adopt a meeting schedule for regularly scheduled meetings during the forthcoming year. All meetings must be properly noticed and are subject to change in date and location.

(C) In addition to the regularly scheduled meetings, the Commission shall schedule additional meetings when necessary to comply with the time limitations contained
in Article XI (B) of these Rules to complete hearings and make recommendations. To comply with the time limits, hearings shall be continued to the subsequent special or regular meetings and the time of each subsequent meeting shall be announced at the end of the prior meeting so that hearings are continued to a time certain.

(D) Regular meetings may be canceled by the Chair when there are no matters pending.

(E) Special meetings may be called at the discretion of the Chair, or upon request of two (2) or more members, provided that notice of said meeting is published as required by law. The Commission shall attempt to schedule meetings and hearings whenever urgent matters cannot be heard at the next regular meeting.

(F) A recording shall be prepared for all Commission meetings, public hearings, that include actionable agenda items. Minutes shall be prepared for all Commission, committee, and subcommittee meetings. Each such record shall become a part of the permanent record for each meeting.

(G) All meetings and hearings of the Commission and any committees or subcommittees of the commission shall be open to the public and subject to the applicable public notice requirements of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended.

(H) A quorum of the Commission is required for the transaction of any business. A quorum shall consist of a majority of the regular members of the Commission. The quorum for committee or sub-committees shall consist of one more than a majority of the members of the committee or subcommittee. In the absence of a quorum, the members present may discuss rescheduling matters and available dates and times. They may also act to continue matters previously scheduled for a meeting time at which no quorum is present.

(I) In the event the applicant is not present at a meeting for which notice has been published, his/her matter(s) scheduled for that meeting shall be continued to the next regularly scheduled meeting.

(J) Associate Members of the Plan Commission count towards quorum for committees and subcommittees of the Plan Commission.

(K) No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she has some other direct conflict of interest, shall participate in discussion, questioning or voting as a Commission member in the matter involving such property or person.

All meetings and hearings open to the public shall provide time for material public comment. To allow for all public comments to be voiced, the following time allotments will be followed:

a. The comments of individual citizens shall not exceed three (3) minutes;

b. The comments of a group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals shall not exceed five (5) minutes.
c. All time limits may be modified at the discretion of the Chair. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.

ARTICLE VIII COMMITTEES AND SUBCOMMITTEES

(A) The Commission may establish committees and subcommittees as it deems appropriate.

(B) Each voting member of the Plan Commission and associate member shall, at a minimum, serve on one committee per year.

(C) Committees and subcommittees shall operate in a manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.), as amended, and the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.), as amended. Each committee or sub-committee shall maintain minutes and records of their activities. The Secretary to the Commission shall keep records of the actions taken by each committee or sub-committee and shall arrange for the publication of any notice of meetings or hearings required by law or by Commission rule.

ARTICLE IX ORDER OF BUSINESS – COMMISSION MEETINGS

All meetings of the Commission shall ordinarily proceed as follows, except that when the provisions of this Article conflict with the provisions of Article XI – Public Hearing Procedures – in which the provisions of Article XI shall control.

(A) Declaration of a quorum, introductory statements, consideration of minutes, communications, announcements and review of new business.

(B) Call by the Chair for announcement by members present if they must abstain from consideration of any particular matter on the agenda due to a possible conflict of interest. If such abstention(s) results in the loss of a quorum on any matter, the matter shall be postponed to the next regular meeting date.

(C) Requests for withdrawal or continuances or Change in Order of Matters being considered:

1. Any matter may be withdrawn at any time prior to the Commission reaching a recommendation.

2. A request for a continuance will be considered from any petitioner, his/her representative, the City Council or any interested party, and may be granted by the Commission upon showing that he/she will be unable to proceed with his/her evidence at the hearing for good cause. In determining whether to grant a continuance after the first hearing, the Commission shall consider the time limitations contained in Article XI (B) of these Rules, together with all other relevant information.

3. Request to change the order of matters on the agenda shall be considered, but shall only be granted for good cause.

(D) Hearing of further testimony and/or discussion on continued matters.

(E) Hearing of new matters.

(F) Other unfinished business.
(G) Committee Reports.
(H) Other new business.
(I) Public Comment.
(J) Discussion of next agenda.
(K) Adjournment.

ARTICLE X  FILING PROCEDURES FOR AMENDMENTS, PLANNED DEVELOPMENTS AND UNIQUE USES

(A) The Commission shall consider text or map amendments, unique uses or planned developments when a petition has been properly proposed. Proposed petitions will be initiated by,

1. Written petitions requesting that the Commission and the City Council consider such application on behalf of (a) any governmental agency; or (b) any person, firm, corporation or organization; or


(B) In cases where an Application must be presented to both the Plan Commission and the Zoning Board of Appeals, an Applicant may request a joint meeting pursuant to Municipal Code Section 6-3-4-8, as amended.

(C) A petition shall be in the form set forth in Appendix D of the Zoning Ordinance. If the reclassification of property is proposed, the petition shall be accompanied by a "Disclosure of Ownership Interests" statement as required by Ordinance 15-0-78.

(D) If a specific development proposal is contemplated, a zoning analysis shall be obtained to determine any and all zoning relief necessary. Said zoning analysis shall be completed by City Staff in no more than thirty (30) days from the submission of a perfected application.

Prospective petitioners are encouraged to have a pre-petition conference with Planning and Zoning Division staff prior to submitting the petition for final review and scheduling, in order to improve the likelihood that the petition, if acted upon favorably, would achieve the desired objective, and to become familiar with the procedures that will be followed.

The petitioner shall provide any other information that may be required by the Commission to aid it in making its recommendation.

(E) Secretary shall prepare, within fifteen (15) days, a pre-hearing report and place the matter on the docket for the next available hearing, unless otherwise directed by the Commission. Petitions normally will be assigned for hearing in the order in which they are perfected, unless the Chair of the Commission directs otherwise in order to comply with priorities established by the City Council. Petitions will normally be scheduled for the next available hearing following completion of the pre-hearing report. The agenda shall be established by the Chair, or in consultation with the members, from those matters which have been properly submitted or are pending.
The Secretary shall assign a docket number when the matter is scheduled for hearing. The docket shall be numbered serially from each January March 1, the beginning of the calendar fiscal year of the City, and shall indicate the number and year.

ARTICLE XI  EX PARTE COMMUNICATIONS

Ex parte communications are communications with any party which has petitioned the commission for relief or is opposing a petition before the board when the hearing is not in session. In addition, any communications with interested, or even relatively disinterested, members of the community regarding something that is before the board are also ex parte communications.

Because the actions of the Plan Commission are administrative decisions that are supposed to be based on the record, ex parte communications may violate Constitutional due process requirements, violate statutes governing zoning and administrative decisions and notions of fairness. In addition, ex parte communications often lead to the public's perception that the commission are subject to special influence or are acting unfairly.

For these reasons, ex parte communications between any interested party and a member of the Plan Commission are not permitted. While members of the Commission should visit sites that are the subject of their hearings, they should not have conversations with others about matters that are before the Commission prior to the Commission's decision. This should not be interpreted to prevent a member of the Commission from attending a community meeting. However, because a Plan Commission decision shall be based on all the evidence and comments during deliberation, it is improper for a Commission member to express any opinion expressing a view as to the proper Commission decision prior to the time such a decision or recommendation has been made by the Commission.

ARTICLE XII  NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every meeting to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the City; or if no newspaper is published therein, then in one or more newspapers having a general circulation within the City. Mailed Notices shall be consistent with the requirements in 6-3-6-8 of the Municipal Code, as amended.

The notice shall advise that a copy of the Plan Commission's Rules may be obtained from the Planning and Zoning Division Commission Secretary or his designee. A majority of members of the Commission may determine that a matter to be considered for public hearing is of such City-wide importance as to require extraordinary notice.

In addition to other pertinent information, any notice of a public hearing shall state, “The public hearing may be adjourned (continued) from time to time to dates certain without additional notice.”

Extraordinary notice may consist of one or more of the following items to be determined by the Commission with direction given to staff:
1. A press release to the community affairs editors of all local newspapers.
2. Notice to each alderman with a request to notify community groups in their wards.
3. Notice to local access cable television.

ARTICLE XII  PUBLIC HEARING PROCEDURES

General: Any materials to be presented by the Applicant or other persons planning to address the Commission, parties in opposition, their witnesses, Attorneys, expert witnesses, shall be provided to the Secretary four (4) business days prior to a Plan Commission meeting where such material are discussed or considered. This allows all materials to be distributed to Commission members prior to the meeting during which they might be discussed. This includes all presentations, plans, sketches, pictures, charts and data or compilations and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in an Adobe PDF digital format, however if a PDF cannot be provided, the party submitting materials shall provide no fewer than fifteen (15) copies to City staff. The secretary shall promptly deliver copies of such material to Commission members and cause copies to be posted to the Commission web site.

Any factual material to be presented by the petitioner or objectors prior to the meeting shall be certified or sworn under oath. The makers of any such material shall be made available for questions from the Commission at the appropriate time in the hearing process. Submission of sworn factual or expert testimony prior to the hearing when such material might be discussed allows interested parties to submit more extensive testimony than would otherwise be possible in light of the applicable time limits.

Order of Presentation During Hearings

(A) Introduction by the Chair: The chair shall begin each public hearing by identifying the matter and explaining the procedures for the conduct of the public hearing. An oath shall be administered to all persons intending to testify during the course of the public hearing. In a hearing that was continued from a previous meeting, the chair shall remind those that were previously sworn that they remain under oath. The Chair shall have the list of documents placed on file read into the record.

Proof of lawful notice shall be introduced and made a part of the record. The notice and the petition or reference shall be part of the record. The Chair may waive reading of the published notice.

(B) City Staff’s Summary of the Petition and Relief Sought: Staff shall summarize the proposal, describe all material received from the petitioner, public and other interested entities, explain any recommendations, and speak to the standards.

Persons having an interest (supporting or opposing) in the petition or reference before the Plan Commission will be asked to enter their names and addresses on a sign-in sheet and indicate whether they wish to ask questions of witnesses or cross-examine witnesses. Persons who wish to cross-examine are “interested persons” for purposes of these Rules. Persons who do not want to identify themselves or provide their address may provide testimony without identifying themselves, or their address, but by refusing to identify themselves and provide
their address, they waive any right they might have that arises from the location of their residence or property in relation to the subject property.

Petitioner’s Presentation: The petitioner will present testimony of witnesses and other evidence. In general, the Commission shall allow the petitioner to make this presentation without interruption, except for questions allowed by the chair that may be immediately necessary to aid the Commission or public in understanding the presentation. If the matter is a reference from the City Council or City Staff, the appropriate Staff Member shall explain the proposal. Materials submitted to the Secretary prior to the hearing by the Petitioner shall be part of the record and do not need to be the subject of additional testimony provided the submitters of such material are available to answer questions from the commissioners during or at the close of Petitioner’s case. The time limit for Petitioner’s case, exclusive of questions to witnesses from Commission members is 20 minutes.

At the close of Petitioner’s case, the chair shall inform those present of the following:

1. Persons or groups with an ownership or leasehold interest in property within five hundred feet (500’) in the case of amendments and within one thousand feet (1,000’) in the case of unique uses and planned developments, in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such continuance shall be by public announcement to a date certain. Such request shall be made in writing immediately following presentation of the Applicant’s Petitioner’s case.

If a request for continuance in proper form is received pursuant to the above provisions by a person who has disclosed his or her name and address to the Commission, then the meeting shall be continued to a date certain and the continued hearing will begin with the taking of testimony by those requesting the continuance, followed by public comment.

Public Testimony and Comment:

1. General Provisions: Prior to the start of public testimony or comment, the Chair shall advise the public of time limits and rules governing public comment including the requirement that repetition should be avoided and that all comments or testimony must be relevant to the issues before the Commission. At the conclusion of the chair’s recitation of the rules governing public comment, the Secretary shall describe all material submitted prior to the hearing by organizations or persons other than the petitioner.

2. Members of the public or members of groups wishing to comment or present testimony to the commission may do so after the close of the Petitioner’s case. Comments or testimony from organizations shall be taken by the Commission prior to comments from individuals. The chair will determine how any questions from the public shall be addressed. Following the conclusions of all public participation, the chair will direct the questions from the public to the petitioner in an orderly and consolidated manner for response. The time limit for statements from organizations regarding the proposal under consideration shall be no
Cross-Examination: After the close of public comment and testimony, cross-
examination of all witnesses shall be conducted. Such cross-examination is
limited to questions relevant to the standards and shall be confined to points
raised during the testimony of the person being cross-examined. The chair
should determine the relevance of any question and has the responsibility to limit
questions to matters presented to the Commission during the hearing relevant to
the applicable standards. In making this determination, the chair may ask those
conducting cross-examination to explain the relevance of their question to the
standards and to the testimony of the person being cross examined.

Response by the Petitioner: The chair shall allow the petitioner a reasonable
time to respond to the public testimony and comments presented.

Optional Closing Statement by Staff.

Questions by the Commission: The Commission members may ask questions of
any individual that may clarify material presented or relief requested. Such
questions shall not be argumentative. At the conclusion of the questions from
commissioners, the public hearing will be closed.

Commission Discussion and Deliberation: During the Commission’s discussion,
Commission members may direct additional questions to the petitioner or any
witnesses or members of the public who testified. The Petitioner, witnesses or
members of the public may not address the commission during this part of
the meeting without the chair’s consent.

Commission Action. Based on the discussions, the Commission may: (a) require
the petitioner, the City staff and/or City Attorney to provide new or additional
information and continue the hearing to a date certain; or (b) take action (vote) on
the petition and make its recommendation to the City Council, which
recommendation may include conditions. The Plan Commission shall issue a
recommendation within 120 days of the first presentation by the Applicant to
the Plan Commission. The Commission shall hold additional meetings during
the 120 day period to meet the 120 day requirement. The Commission,
with a 2/3 majority vote may extend the recommendation period up to thirty
(30) additional calendar days to accommodate extraordinary issues that may
arise during the hearing process.

A recording of the Public Hearings shall be prepared. Minutes shall be prepared
for all Public Hearings. Each such record shall become a part of the permanent
record for each meeting.

If the matter is a petition, the petitioner may appear on his/her own behalf or be
represented by his/her own counsel or agent.

If the petitioner fails to appear, the Chair may entertain a motion to dismiss the
matter or to continue it to a date certain.

If the matter is a reference from the City Council or City Staff, the appropriate
Staff Member shall explain the proposal.

Any materials to be presented by the Applicant, parties in opposition, their
witnesses, Attorneys, expert witnesses, must provide all materials to City staff
four (4) business days prior to a Plan Commission meeting so that all materials may be distributed to Commission members. This includes all PowerPoint presentations, plans, sketches, charts and other similar exhibits, letters, and any other materials supplementing oral testimony. All submissions should be in an Adobe PDF digital format, however if not possible, the party submitting materials shall provide no fewer than fifteen (15) copies to City staff.

All persons appearing at the hearing shall be given an opportunity to be heard make statements to the Commission on matters then pending for the meeting. However redundant statements or matters not pertinent to matters pending shall not be permitted.

Prior to being heard, persons addressing the Commission All witnesses shall be sworn by the chairperson and shall testify under oath. Except as provided below, each person addressing the Commission shall state his or her name and address for the record. Witnesses shall testify from the podium. Persons who wish to be heard but who do not wish to provide their name and address shall be permitted to testify under oath. However by refusing to provide their name and address, they waive any rights arising from the location of their property or residence in relation to the subject property. Witnesses shall testify from the podium.

Statements made by an Attorney for any party shall not be considered as evidence unless the facts set forth by the Attorney are verified under oath by another witness or unless the Attorney is testifying as a witness.

Cross-examination of persons giving testimony and citizen comment must be relevant to the matters heard and be confined to the points raised during that person’s testimony. Cross-examination is testimony designed to elicit weaknesses, omissions, and misstatements made in direct examination.

A person may not testify on behalf of another person. However, written statements may be submitted to City staff four (4) business days prior a Plan Commission meeting, and will be made part of the permanent record. Written statements or letters must have the writer’s signature, address and contact phone number. Such statements shall be construed as the writer’s opinion about the proposal but not as factual testimony.

A petitioner or objector or his or her agent or Attorney may submit a petition favoring or opposing the proposal. Such petition shall contain only a brief statement of the position of the persons favoring or opposing the proposal, their printed names, addresses and signatures. No petition will be admitted into evidence unless the submitter certifies that he or she collected all signatures on the petition and that each person signing the petition did so in the presence of the person submitting the petition.

The chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses, taking into consideration:

1. The nature of the case.
2. The complexity of the issues.
3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
4. Whether the witness possesses special expertise.

5. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.

6. The degree to which the witness’ testimony relates to the factors to be considered in approving or denying the proposal.

7. Such other factors appropriate for the hearing.

(N)(P) The Chair shall chair the public hearing and may disallow any testimony in accordance with the Rules. However any ruling disallowing testimony, the Chair may be overruled by a majority of the Commission present and voting.

(Q)(O) The Commission shall allow items to be placed on a consent agenda, upon receipt by the planning office of a written request by the applicant pursuant to the following conditions:

- Staff recommendation of approval;
- Applicant agreement with staff report conditions; and
- There is no one present at the time of the hearing who wants to speak or introduce evidence in opposition to a proposal.
- If any Commissioner wishes to remove an item from consent agenda to speak in more detail about said item.

(P)(R) The Chair shall have the right to cause removal from the hearing of any person who is disorderly or contemptuous.

(Q)(S) The City shall be an interested party in every public hearing, but need not appear. The City staff and city attorney shall not be subject to cross-examination unless they have testified in favor of a proposal originating with the City staff or City Council.

(R) Testimony shall ordinarily be presented in the following order, except that the Commission members may question witnesses at any time. All time limits may be modified at the discretion of the Chairperson. Reasonable adjustments may be made on a case by case basis to accommodate the requirements of extraordinary situations.

1. Staff report summarizing the proposal.

2. The Plan Commission will first hear testimony or evidence from the Applicants or their Attorneys and/or witnesses. Presentation time is limited to 20 minutes.

3. The Plan Commission will then hear testimony, or evidence from persons in support of the Applicants. Time is limited to five minutes (5 minutes) per person in support of the Applicants.

4. After the Applicants, their witnesses, and persons supporting the Applicants have completed their presentation, the Chair will allow cross-examination by Persons or groups with an ownership or leasehold interest of the Applicants, their witnesses, and persons supporting the Applicants. This includes questions from persons opposing the request
of the Applicants. No statements are to be made at this time.

5. Only the Applicant and persons or groups who have an ownership or leasehold interest in property within the five hundred-foot (500') or one thousand-foot (1,000') distance of the subject property, as applicable, shall have the right to cross-examine at the hearing.

The Plan Commission will then hear testimony or evidence from all persons opposing the request of the Applicants. Time is limited to five (5) minutes per person, except as otherwise provided in these Rules.

A group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals that have an ownership or leasehold interest in property within five hundred feet (500') in the case of amendments and within one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, exclusive of public roads, streets, alleys and other public ways, who wish to object. Time is limited to ten (10) minutes per group.

6. All those who provide evidence or comments shall set forth how said evidence applies to the applicable standard(s).

7. Persons or groups with an ownership or leasehold interest in property within five hundred feet (500') in the case of amendments and within one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, exclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such continuance shall be by public announcement to a date certain. Such request shall be made following presentation of the Applicant's evidence.

8. After opposing testimony has concluded, Applicants may cross-examine all persons who have testified in opposition to the Applicants.

9. The Applicants may rebut evidence of persons opposing the request of the Applicants.

10. Re-examination by Persons or groups with an ownership or leasehold interest of the Applicants' rebuttal witnesses and questions from persons opposing the request of the Applicants may be allowed.

11. Testimony or evidence may be allowed for rebuttal testimony consistent with the Rules.

12. Any testimony, evidence, or comment which is cumulative, repetitious, harassing, argumentative or irrelevant to the case being heard shall not be permitted.

13. Staff report, if any.

14. Cross-examination by Applicant and Interested Persons and persons opposing the request of the Applicant may ask questions of staff presenter(s).

15. Summary closing by Petitioner, limited to ten (10) minutes.
16. Summary closing by Interested Persons, limited to five (5) minutes per person.

17. Rebuttal / closing by Petitioner, limited to three (3) minutes.

18. Closing arguments which are repetitious, harassing or irrelevant to the case being heard will be disallowed.

19. Only speakers recognized by the Chairperson may speak. All persons in attendance shall refrain from making remarks, unless recognized by the Chairperson. All groups or individuals in the audience shall refrain from creating an atmosphere detrimental, or disturbing, to the conduct of the meeting at the risk of being asked to leave by the Chairperson.

20. Questions shall be addressed to the Chairperson; answers and follow-up questions by the Commission shall be reserved until the end of the presentation to avoid interrupting the speaker and duplicating ground the speaker may cover.

21A. A person may not testify both as a member of a group and as an individual.

22. The Plan Commission’s decision shall be made by roll call vote. The decision shall be in writing and contain its recommendation based upon the record. The decision shall be accompanied with a finding of fact relating to relevant standards.

23. At the conclusion of evidentiary portion of the hearing, no further testimony or evidence will be taken, unless the Chair continues the hearing to a date certain for the purpose of taking further testimony or evidence. The Plan Commission may, after all evidence and testimony have concluded, among other actions, deliberate upon the evidence presented or continue the hearing to a date certain.

24. Any member absent from all or a portion of a public hearing who certifies that he or she has read the transcript and/or watched recordings of the hearing for any given matter may vote upon any question before the Plan Commission with respect to such matter.

If there is not a majority of the commission present in agreement, then the case passes from the Plan Commission to the Planning and Development Committee without a recommendation. A case shall not be continued to allow absent members to vote.

Plan Commission Members may ask questions of witnesses during their deliberations to clarify their testimony.

Whenever a hearing is continued to a date certain, no additional notice or publication of notice shall be required providing that the notice of the initial hearing met all legal requirements.

Full Members shall be entitled to one (1) vote. Associate Members shall have no (0) vote.

ARTICLE XIII  DISMISSELS OF ZONING PETITIONS
If a petition is dismissed, the applicant shall be furnished written notice by the Secretary of such dismissal.

The petitioner shall have seven (7) working days from the date of notice of dismissal to apply for reinstatement of the matter. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon payment of the fee designated by Ordinance.

In all matters reinstated in the above described manner, the matter will be docketed and republished.

ARTICLE XIV  RECOMMENDATIONS ON AMENDMENTS, UNIQUE USES, AND PLANNED DEVELOPMENTS

(A) All deliberations of the Commission shall be conducted, and all motions, votes, actions, decisions or recommendations shall be made, at a meeting open to the public.

(B) All decisions or recommendations shall be by a motion, made and seconded, and recorded with a roll call vote. If conditions are imposed such conditions shall be included in the motion. A recommendation to grant or deny any petition shall be supported by findings of fact specifying the reasons therefor.

(C) A concurring majority vote of a majority of commissioners present shall be necessary to make a recommendation in any matter before the Commission. As provided in Rule VI (G), at least five (5) members must be present for a quorum.

(D) Only members who have a conflict of interest or those who were not present for part or all of the testimony may abstain from voting.

(E) Minority reports may be prepared by Plan Commission regular members not in agreement with a majority vote on matters decided by the Plan Commission with the following guidelines:

1. The regular member(s) voting in the minority shall notify the Chair and the Vice-Chair of their intent to submit a minority report within five (5) calendar days following the close of the hearing.

2. The minority report shall be completed and submitted to the Chair and the Vice-Chair within fifteen (15) calendar days after the close of the hearing. The minority report shall be submitted to the City Council along with the full report of the Plan Commission’s action regarding the case in question.

(F) The Commission’s report of the recommendation shall be provided to petitioner, members of the Plan Commission, and the City Council promptly.

ARTICLE XV  COMPREHENSIVE GENERAL PLAN

Provisions regarding the Comprehensive General Plan are contained in Title 2, Chapter 8, Section 2-8-8 of the Municipal Code, as amended.
Petitions for amending the Comprehensive General Plan may be initiated by the Commission, by reference from the City Council, by staff or by members of the public.

ARTICLE XVI AMENDMENTS OF RULES

(A) These rules may be amended by an affirmative vote of six (6) five (5) members of the Commission, or a vote by a majority of commissioners present if the proposed amendment has been provided to all commissioners at least two weeks prior to the meeting at which the amendment will be considered. These rules may be temporarily waived, suspended, or adjusted by an affirmative vote of two-thirds of commissioners present to meet the particular needs of the public hearing process consistent with Constitutional and statutory requirements for due process.