PLAN COMMISSION
Wednesday, June 11, 2014
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: May 14, 2014

3. NEW BUSINESS

   A. MAP AMENDMENT TO THE ZONING ORDINANCE  14PLND-0043
       1409 Dodge Avenue and 1825 Greenwood Street
       Specifically consider a map amendment to the Zoning Ordinance pursuant to City Code Title 6, Zoning, to rezone the following properties:
       1409 Dodge Avenue, PIN 10-13-419-041, and
       1825 Greenwood Street, PIN 10-13-419-040
       from I2, General Industrial to R4, General Residential district.

   B. TEXT AMENDMENT TO THE ZONING ORDINANCE  14PLND-0044
       Notice Requirements
       Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, for the notice requirements for all zoning applications requiring approvals per the Title 6, Zoning, of the City Code.

   C. TEXT AMENDMENT TO THE ZONING ORDINANCE  14PLND-0045
       B Districts - Office and Financial Institutions
       Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

   D. TEXT AMENDMENT TO THE ZONING ORDINANCE  14PLND-0059
       Neighborhood Gardens, Urban Farms and Rooftop Urban Farms
       A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, regarding zoning regulations for Urban Farms, Rooftop Urban Farms and Neighborhood Gardens.

4. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for **WEDNESDAY, July 9, 2014**
at **7:00 P.M.** in **COUNCIL CHAMBERS** of the Lorraine H. Morton Civic Center.

*Order of agenda items are subject to change.* Information about the Plan Commission is available online at: [http://www.cityofevanston.org/plancommission](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 (TTY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, May 14, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Lenny Asaro, Andrew Pigozzi, Kwesi Steele, Carol Goddard,
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: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:00 P.M and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Peters 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: April 9, 2014
Commissioner Ford made a motion to approve the minutes as prepared. Commissioner Lewis seconded the motion.

A voice vote was taken and the minutes were approved by voice call 5-0.

3. OLD BUSINESS
   A. MAIN STREET STATION 14PLND-0021
   TRANSIT ORIENTED DEVELOPMENT (TOD) PLAN AND STUDY

Mr. Damir Latinovic, Neighborhood and Land Use Planner for the City, provided an overview of the CTA and Metra Main Street Stations Transit Oriented Development (TOD) Plan. The objectives of the Study included: planning for the future redesign and improvements to the CTA Purple Line Main Street Station and Purple and Red Line modernization plan; strengthening the Metra/CTA customer transfer opportunity; enhancing the multimodal connectivity of the Main Street area, including bicycle,
pedestrian, and bus service to the rail stations; identifying public open space opportunities in the study area that can further enhance the desirability and livability of the neighborhood and studying the feasibility of providing for an elevated multi-purpose bicycle and pedestrian path between the Metra and CTA corridors. Mr. Latinovic noted the last objective is less detailed in the study, as it was determined to be too costly.

The study area is bound by Greenleaf Street on the North, Keeney Street to the South, Michigan Avenue on the East, and Ridge Avenue on the West. Approximately 64% of the study area is residential, with 5,700 residents per the 2012 Census. Public involvement has included three public meetings; one at the beginning, one part way through to share the findings and one at the end to summarize the Study recommendations. Stakeholders were identified (Regional Transportation Authority, CTA, Metra, Union Pacific Railroad, and City Staff), who also made up the Project Advisory Group and Technical Advisory Group to review and analyze drafts and provide comments to consultants. Drafts, updates and reports were shared on a public website created for the project.

Mr. Latinovic continued by showing the existing conditions of the study area and the proposed changes to the stations. Recommended improvements include: a plaza on the north side of service drive between the two stations with landscaping and bike parking; terraced seating on the Northeast corner of Custer and Washington Streets to view the Custer Street fair and a new sidewalk between Main Street and Washington Street, on the east side of Custer Street which requires narrowing of Custer Street. Additional improvements include: St. Paul Park improvements; access through the embankment of the CTA to improve the connection between the CTA and Metra stations; new auxiliary stairs for access to the CTA platform; moving the northbound bus stop from north of Main Street to south of Main Street; a new staircase at the southwest corner of Main and Custer for better commuter access; constructing a new CTA station entrance similar to the Morgan Street West Loop station; and expanding the CTA platform to accommodate eight cars.

Mr. Latinovic identified several potential short term projects for the City of Evanston related to the TOD study. These include: installing new way-finding signage through the station area and street intersections to direct the public and clarify the location of station entrances, bicycle parking, bus stops, short-term (kiss-and-ride) parking and Metra parking; installing curb bump-outs for bus stops in front of the CTA stations on Chicago Avenue; adding crosswalks to Chicago Avenue at the intersection with Washington Street with “yield to pedestrian” signage; relocating the northbound bus stop at Chicago Avenue and Main Street from north of the intersection (far side) to the south side of the intersection (near side); increasing pedestrian signal timing from five to seven seconds at the intersection of Chicago Avenue and Main Street; installing a total of 15 to 22 new bike racks near the station entrances; installing a stop sign and crosswalk at the intersection of Main Street and Custer Avenue (where currently there is not one); implementing TOD parking requirements within the study area; and implementing zoning regulations to encourage retail use on ground floors within the study area. This last recommendation is already in works and is being presented at the Zoning Committee meeting on May 21, 2014.

Long term projects that the City could do include: installing unified streetscape improvements (landscaping, street lighting, banners on light poles) to create a unique identity for the area; constructing St. Paul Park improvements; constructing a new
landscape plaza with bicycle parking on the north side of the service drive between the CTA and Metra Stations—both of which would require coordination with CTA and Metra. Other potential long term City projects are: constructing the sidewalk along the east side of Custer Avenue between Main Street and Chicago Avenue, requiring coordination with Metra’s reconstruction of the retaining wall embankment on the east side of Custer Street; and implementing a parking management plan in the area through public/private partnership, as there is significant parking shortages in the neighborhood.

Implementation techniques outlined in the study include federal grants and bonds. The RTA would apply for these with local matches. Locally, some implementation options include establishment of a special service area (SSA), tax increment financing, naming rights, private sector contributions (such as public benefits from planned developments), and planning and zoning changes. The planning work may include a new Comprehensive Plan, while changes to the zoning regulations could include new TOD area parking requirements and revising the list of permitted uses within the study area to encourage retail establishments along Main Street and Chicago Avenue corridors.

Mr. Latinovic concluded by stating that staff recommends the Plan Commission make a positive recommendation to the City Council regarding the Main Street Station TOD Study.

Questions for the consultant, Tom Coleman, followed the summary. Commissioner Shure asked about the moving of the north side bus stop of Chicago Avenue and Main Street to the south side, wondering if it was originally moved to facilitate right hand turns onto Main Street. Mr. Coleman responded that CTA generally prefers the far side bus stop arrangement, which could be in part to alleviate traffic congestion. Commissioner Shure followed up with a question about Purple Line station washrooms. Mr. Coleman noted that CTA has been phasing out public washrooms due to the large amount of maintenance required. At the moment, the proposed design within the Study only includes the provision for staff restroom facilities. However, the City of Evanston could partner with CTA to provide public restrooms, as there is sufficient space to do so.

Commissioner Ford expressed doubt about the proposed underpass under the CTA embankment and asked for clarification since one has to go to Main Street or Washington Street in order to access the Metra platform after de-boarding from CTA. Furthermore, he asked if this design saves any steps or time when transferring. Mr. Coleman responded that with the new CTA standards, a platform of this size requires exits at both ends of the platform with fare control in the middle. The proposal with the underpass was created to be compliant with ADA requirements as well as to allow for more open space and transparency to Main Street. Mr. Latinovic noted that all three of the initial design proposals were taken to the public and stakeholders (including CTA and Metra) and that this option was preferred.

Chairman Peters brought up comments from the previous meeting about transfers between the two lines at Davis Street. He expressed concern about the cost of the underpass to the City not being worthwhile. Furthermore, he approves the study, public outreach, and several of the recommended improvements. However, he thinks that the underpass tunnel, TOD parking requirements, transfers between the two lines, a new Comprehensive Plan, and changes in retail uses recommendations require more study. These changes perhaps are better suited for a separate study rather than part of this
project. Commissioner Ford followed with a question regarding the list of recommendations requiring further study as being part of the new Comprehensive Plan discussion or a second phase of the TOD study. Chairman Peters responded that some could be a part of the new Comprehensive Plan, some may be part of a second phase of the TOD study, and some could be done by staff. Mr. Latinovic clarified that the Study was done as a vision, and as previously discussed, the Study calls for further more detailed studies for some recommendations. Furthermore, any large-scale improvements to the stations will require separate studies in order to apply for federal funding.

The public in attendance was invited to partake in the discussion with no comments.

Commissioner Opdycke commended features of the plan, but he also expressed concern about the tunnel and elevators and agreed that the study should be recommended to Council noting that several recommendations require more studies. Mr. Coleman reiterated that of the concepts developed by CTA and reviewed by CTA’s architect, this vision was preferred. As the Purple and Red Line modernization project progresses, further studies will have to take place regarding the reconstruction of the Main Street Station. Chairman Peters also noted that there is a debate about doing reconstruction in a way to avoid ADA requirements, to which Mr. Coleman confirmed.

There being no further discussion, Chairman Peters invited a motion.

Commissioner Ford stated he is prepared to make a positive recommendation about would prefer if the Chairman Peters could summarize the comments previously made into a motion format.

Chairman Peters noted that the Study was well done and moves in a good direction and recommended that the study be forwarded to City Council with the following suggestions. The provisions related to way-finding signage, curb bump outs, crosswalks, the relocated bus stop, changes to pedestrian signal timing, and bike racks are warranted and consistent with recommendations in the Study. However, further studies are required by either staff or the consultants for the parking requirements in the study area, TOD aspects of the study area, easy access of transfer between Metra and CTA stations, changes in permitted retail uses, and updates to the Comprehensive Plan.

Chairman Ford made a motion to approve the Study with comments from Chairman Peters.

Commissioner Dubin seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0.

4. NEW BUSINESS

   A. NONE

5. ADJOURNMENT
There being no further discussion, Commissioner Lewis motioned to adjourn the meeting, and Chairman Peters seconded the motion. The meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
Zoning Ordinance Map Amendment

1409 Dodge Avenue and 1825 Greenwood Street
I2 to R4

13PLND-0043
To: Chair and Members of the Plan Commission

From: Mark Muenzer, Director of Community Development
Lorrie Pearson, Planning and Zoning Administrator
Damir Latinovic, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Map Amendment
1409 Dodge Avenue and 1825 Greenwood Street -14PLND-0043

Date: June 2, 2014

Summary
The property owner is requesting a zoning ordinance map amendment to rezone the property commonly known as 1409 Dodge Avenue and 1825 Greenwood Street from I2, General Industrial to R4, General Residential. The rezoning would accommodate construction of a two-unit dwelling and a single family home on the property. Staff recommends approval of the proposed rezoning.

Background
Zoning Committee of the Plan Commission Review
The Zoning Committee of the Plan Commission reviewed the proposed rezoning request at its May 21, 2014 meeting. Several residents spoke at the hearing in support of the proposed rezoning and construction of the two-family dwelling in place of the vacant automobile repair service establishment. In response to the residents’ inquiries on the type of residential units, the applicant stated all proposed units would be market-rate units.

The Committee unanimously forwarded a positive recommendation to the Plan Commission to rezone the property from I2-General Industrial to R4-General Residential.

Proposal Overview
The subject property, commonly known as 1409 Dodge Avenue (north lot) and 1825 Greenwood Street (south lot) is located at the northeast corner of Dodge Avenue and Greenwood Street. The 7,542-square foot property is currently zoned I2, General Industrial district. The north lot (1409 Dodge Avenue) is improved with a vacant one-story commercial building previously occupied by an automobile repair service establishment. The south lot (1825 Greenwood Street) is improved with a vacant single family home building.
The properties immediately to the north and east are zoned R3, Two-Family Residential district and are improved with single family homes. The property immediately to the south is zoned I2, General Industrial and is improved with a multi-tenant two-story office building. The property to the west is zoned R4, General Residential and is part of the West Evanston Overlay District. That property is improved with a single family structure that was previously home to a roofing contractor business and is currently vacant.

The applicant is proposing to rezone the subject property from I2 to R4 zoning district to accommodate a total of 3 residential units on the property. The applicant is proposing to construct a second floor addition to the existing vacant commercial building on the north lot that previously housed an automobile repair service establishment and convert the building into a two-family dwelling structure. The applicant is also proposing to construct a two-car attached garage to the existing single family home on the south lot and maintain the single-family home on the lot.

Because the applicant is proposing to keep and modify the existing structures on the property and because the existing structures do not meet setback requirements of the Zoning Ordinance, the applicant must receive approval for several zoning variations prior to the start of construction. The Zoning Board of Appeals will review the proposed zoning variations at its July 1, 2014 meeting. Staff anticipates the City Council will review the proposed rezoning and zoning variations at its meeting on July 14, 2014.

Proposed Rezoning
The applicant is proposing to rezone the property from I2 to R4 to accommodate the construction of three dwelling units on the property. The multiple-family use on the property is an appropriate use that will provide a transitional density buffer between the more intense industrial uses to the west and southwest of the subject site and the surrounding single and two-family residential uses to the north and east. The existing and proposed area zoning maps as well as the list of permitted and special uses in the I2 and R-4 zoning districts are attached.

The I2 zoning classification is not suited for the subject property. The single-family home on the south lot has in the past been used as a dwelling unit and a commercial property. The one-story commercial building on the north lot has always been used as an automobile repair service establishment. The 7,542-square foot property is too small to accommodate a light-manufacturing or light-industrial use typically found in the Industrial districts.

Historically, more intense industrial and manufacturing uses and zoning districts were established along the old railroad right-of-way in west Evanston that entered the City near Oakton Street and North Shore Channel and terminated at the Metra railroad right-of-way near Simpson Street and Green Bay Road. Over the years, as industrial uses moved out, less intense commercial and residential uses and zoning classifications were established along the same corridor.

The proposed R4 zoning classification and the three dwelling units on the subject property are consistent with other R4 zoning districts and higher density residential uses in the area. Similar developments and R4 zoning classifications such as 1815 Lake
Street property at northeast corner of Dodge Avenue and Lake Street and the multi-
family buildings at the northeast corner of Dodge Avenue and Crain Street were 
established as transitional uses between the single family residential neighborhood and 
the industrial and commercial uses along the old railroad right-of-way.

Per the Zoning Ordinance, the intent of the R4 zoning district is to provide a mix of 
residential use types at a moderate density including multiple-family dwellings, two-
family dwellings, townhouses, and single family attached and detached dwellings. The 
surrounding R3, Two Family Residential district to the north and east allows primarily 
construction of single family and two-family dwelling units but does not allow for 
multiple-family uses. As such the R4 zoning classification is more appropriate than the 
R3 zoning classification for the proposed development on the property.

Standards for Approval of Rezoning 
Staff believes the proposed rezoning classification of the property from I2 to R4 meets 
the standards of approval outlined below:

6-3-4-5 Standards for Amendments 
The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a 
matter committed to the sound legislative discretion of the City Council and is not 
controlled by any one standard. In making their determination, however, the City 
Council should, in determining whether to adopt or deny, or to adopt some modification 
of the Plan Commission's recommendation consider, among other factors, the following:

(A) Whether the proposed amendment is consistent with the goals, objectives, and 
policies of the Comprehensive General Plan, as adopted and amended from time to 
time by the City Council.
(B) Whether the proposed amendment is compatible with the overall character of 
existing development in the immediate vicinity of the subject property.
(C) Whether the proposed amendment will have an adverse effect on the value of 
adjacent properties.
(D) The adequacy of public facilities and services.

Staff believes the proposed rezoning is consistent with the Comprehensive General 
Plan. The proposed rezoning will meet the Plan's goal to preserve and enhance the 
neighborhood assets by creating an appropriate multiple-family use buffer between the 
low-density residential neighborhood to the north and east and a light-industrial and 
office area to the west and south. The proposal also meets the goal of the 
Comprehensive Plan to enhance Evanston's housing stock providing residents with a 
range of choices in terms of housing style and price.

The proposed multiple-family residential use consisting of one two-family dwelling and 
one single family home is compatible with the overall character of existing development 
in the immediate vicinity. The properties to the north and west are improved with single 
family dwellings. The property to the south is a multi-tenant office building with 
additional light-industrial uses to the southwest. The property to the west is a vacant 
single family home that is zoned R4, General Residential and could likely be 
redeveloped with a higher density residential use. The proposal is also consistent with
other R4 zoning districts and multiple-family residential uses on the east side of Dodge Avenue.

The proposed rezoning will not have any adverse effect on the value of adjacent properties. The proposal will instead improve the value of adjacent properties through the construction of a two-family dwelling on the site that previously housed an automobile repair service establishment which was a detriment to the surrounding neighborhood. The property will continue to be adequately served by public facilities and services. The applicant is proposing to maintain a vehicular access on Dodge Avenue for both the two-family home on the north lot and for the new attached garage of the single family home on the south lot.

Recommendation
Staff believes the proposed Zoning Ordinance Map Amendment to rezone the property commonly known as 1409 Dodge Ave and 1825 Greenwood Street from I2-General Industrial to R4-General Residential meets the standards of approval. The proposal is consistent with surrounding uses and land use classifications and is consistent with the General Comprehensive Plan of the City.

Staff recommends the Plan Commission make a positive recommendation to the Planning and Development Committee of the City Council for the proposed Zoning Ordinance Map Amendment of the property commonly known as 1409 Dodge Ave and 1825 Greenwood Street from I2 to R4 zoning classification.

Attachments
Ordinance 83-O-14
Zoning Committee of the Plan Commission Draft Meeting Minutes 05.21.2014
Aerial Map of the Property
Existing Zoning Map of the Property
 Proposed Zoning Map of the Property
List of Permitted Uses in I2 and R4 districts
Rezoning Application for 1409 Dodge Avenue and 1825 Greenwood Street
Plat of Survey for 1409 Dodge Avenue and 1825 Greenwood Street.
AN ORDINANCE

Amending the Zoning Map to Re-Zone Certain Properties From the I2 District to the R4 District

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (Scadron v. City of Des Plaines, 153 Ill.2d 164); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, et seq.) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 1979, as amended, (“the Zoning Ordinance”); and
WHEREAS, on June 11, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 14PLND-0043, to consider amendments to the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to place certain properties within the R4 General Residential District; and

WHEREAS, the Plan Commission received testimony and made findings pursuant to Subsection 6-3-4-6 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of July 14, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 14PLND-0043 and recommended City Council approval thereof; and

WHEREAS, at its meetings of July 14, 2014 and July 28, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and Planning and Development Committee; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see Glenview State Bank v. Village of Deerfield, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see National Paint & Coating Ass'n v. City of Chicago, 45 F.3d 1124),

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.
SECTION 2: The City Council hereby amends the Zoning Map to remove those properties with the addresses and PINs listed in Exhibit A and identified in Exhibit B, both attached hereto and incorporated herein by reference, from the I2 General Industrial District and place them within the R4 General Residential District.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

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

Introduced:_______________, 2014
Adopted:_______________, 2014

_______________________________, 2014

______________________________
Elizabeth B. Tisdahl, Mayor

Attest:                  Approved as to form:

______________________________
Rodney Greene, City Clerk

______________________________
W. Grant Farrar, Corporation Counsel
EXHIBIT A

Addresses and PINs of Properties Removed from the I2 General Industrial District and Placed Within the R4 General Residential District

1409 Dodge Avenue  PIN 10-13-419-041-0000
1825 Greenwood Street  PIN 10-13-419-040-0000
EXHIBIT B

Map of Properties Removed from the I2 General Industrial District and Placed Within the R4 General Residential District
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

Approval of February 19, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis motioned to approve the minutes as presented.

Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3:0.

3. NEW BUSINESS

A. MAP AMENDMENT TO THE ZONING ORDINANCE 14PLND-0043
1409 Dodge Avenue and 1825 Greenwood Street
Specifically consider a map amendment to the Zoning Ordinance pursuant to City Code Title 6, Zoning, to rezone the following properties:
1409 Dodge Avenue, PIN 10-13-419-041, and
1825 Greenwood Street, PIN 10-13-419-040
from I2, General Industrial to R4, General Residential district.

Mr. Latinovic presented the staff report memo.

Chairman Shure asked how many people were notified for the rezoning case. Mr. Latinovic stated, per the Zoning Ordinance, staff has notified all property owners within
500 feet of the subject properties based on the tax parcel data the City receives from the County.

Chairman Shure invited the members of the public to speak.

Peggy Gregory, 1419 Brown Ave, indicated she is here because she received a flyer and wanted to find out more about the subject case. Ms. Gregory asked if the units would be for low-income residents?

Tom Heskin, the applicant and property owner of 1409 Dodge Ave and 1825 Greenwood St., stated he does not have a price point at this time, but the units would be market-rate.

Linda Paternosro, 2100 Greenwood St. also stated she wanted to find out if the units would be for low-income residents.

Chairman Shure explained this is the first step in the process of rezoning approval. The case next moves on to the Plan Commission and then to the City Council.

Commissioner Galloway stated he believes this is an appropriate zoning classification for this property. Residential use is more appropriate than an automobile service shop.

Commissioner Lewis stated an automobile service shop in the middle of a residential neighborhood is not appropriate.

At this time additional members of the public joined the meeting. Per Chairman Shure, Mr. Latinovic gave another quick summary of the proposed rezoning case.

Upon a question by Commissioner Lewis, Mr. Latinovic explained the applicant is requesting the rezoning into R4 General Residential because R4 district is intended for multiple-family uses, such as the three dwelling units proposed on this property. The R3, Two-Family Residential zoning district which is located north and east of the subject property only allows single-family and two-family dwellings.

Chairman Shure invited the new members of the public that arrived late to speak.

Charles Booker, 2022 Lake St, asked if there would be any changes to the existing cul-de-sac for Greenwood Street, to which Mr. Heskin stated he is not proposing any changes to the streets.

General discussion followed on the existing traffic pattern in the area.

Commissioner Dubin stated she believes the proposal is an appropriate change for the property.

There being no further discussion Commissioner Lewis made a motion to approve the proposed rezoning from I2 to R4.

Commissioner Dubin seconded the motion

The motion was approved by a voice call: 3-0.
4. **ADJOURNMENT**

Commissioner Lewis motioned for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:02 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for **Wednesday, June 18, 2014** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,

Damir Latinovic  
Neighborhood and Land Use Planner  
Community Development Department
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<tr>
<td>Cultural facility</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Daycare home-adult (subject to the general requirements of Section 6-4-3, &quot;Adult Daycare Homes,&quot; of Title 6)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Daycare home-child (subject to the general requirements of Section 6-4-2, &quot;Child Daycare Homes,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Daycare center-adult (subject to the general requirements of Section 6-4-3, &quot;Adult Daycare Homes,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Daycare center-child (subject to the general requirements of Section 6-4-3, &quot;Child Daycare Homes,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Daycare Center—Domestic Animal</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Dwelling—multiple-family</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling—single-family Attached</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling—single-family detached</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling—two-family</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Educational Institution—public</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Educational Institution—private</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Funeral services excluding on site creation</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Government institution</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Heavy cargo and freight terminal</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Heavy manufacturing</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Home Occupancy (subject to the general requirements of Chapter 5, &quot;Home Occupations,&quot; of Title 6)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Independent Living Facility</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Industrial service establishment</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Kennel</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Long-Term Care Facility</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Media Broadcasting tower</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Membership organization</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Office (subject to the general requirements of Section 6-8-1-11, &quot;Special Conditions of Office Uses,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use)</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Park</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Pharmaceutical manufacturing</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Planned developments (subject to the requirements of Section 6-16-1-10, &quot;Planned Developments,&quot; of Title 6 and Section 6-3-6, &quot;Planned Developments,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Planned developments (subject to the requirements of Section 6-3-6, &quot;Planned Developments,&quot; of Title 6 and Section 6-8-1-10, &quot;Planned Developments,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Playground</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Public transportation center</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public utility</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Recreation Center—public</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Recycling center</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Religious Institution</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Retirement community</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Retirement Home</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Retirement Hotel</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Residential care home—category I (subject to the general requirements of Section 6-4-4, &quot;Residential Care Homes,&quot; of Title 6)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Residential care home—category II (subject to the general requirements of Section 6-4-4, &quot;Residential Care Homes,&quot; of Title 6)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Restaurant—type 1</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Restaurant—type 2</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Retail goods establishment</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Retail service establishment</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Rooming House</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Shelter care home</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Shelter for abused persons</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Trame confinement</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Transitional Shelter (subject to the requirements of Section 6-3-5-11, &quot;Additional Standards for a Special Use for Transitional Shelters,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Transitional treatment facility—Category I (subject to the general requirements of Section 6-4-6, &quot;Transitional Treatment Facilities,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Transitional treatment facility—Category II (subject to the general requirements of Section 6-4-6, &quot;Transitional Treatment Facilities,&quot; of Title 6)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Warehouse establishment</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Wholesale goods establishment</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Yard waste transfer facility</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>
1. PROPOSAL DESCRIPTION:

(A) Applicant’s name: Tom Heskia

(B) I am filling this application in relationship to the property at this address or location (if no address):
1825 Greenwood / 1409 Dodge

(C) The current zoning designation of this property is: IC

(D) I am requesting that the City change the zoning designation of this property to: R4

Please, describe the development proposal or other reason that occasions this application for a map amendment.

1. CONSTRUCT 2ND STORY ON FRONT HOME
2. COMPLETE GUT & REMODEL OF FRONT HOME.
3. CONSTRUCT ATTACHED 2 CAR GARAGE FOR FRONT HOME
4. OBTAIN ADDITIONAL CURB CUT ON DODGE FOR NEW GARAGE
5. CONVERT REAR BLDG BUILDING TO 2 FAMILY
6. CONSTRUCT 2ND STORY ON REAR BUILDING
2. **STANDARDS FOR AMENDMENTS:** The Zoning Ordinance states that the "amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy." (§6-3-4-1) The Ordinance establishes standards that "the City Council should ... consider, among other factors." (§6-3-4-5) Please, explain how your proposed amendment relates to or satisfies each of the following standards.

(A) Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council? (Copies of the 2000 Plan are available from the Zoning Division or the Planning Division of the Community Development Department.)

YES THE PROPOSED ZONING IS THE SAME AS WHAT IS ACROSS THE STREET ON DODGE.
(B) Is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property, if so, how so?

YES THERE ARE RESIDENTIAL HOMES SURROUNDING IT.

(C) Will the proposed amendment have an adverse effect on the value of adjacent properties, if not, how not?

NO, THE CURRENT PROPERTY IS DILAPITATED AND I AM PROPOSING IMPROVEMENTS
(D) Are public facilities and services adequate to serve the effects the proposed amendment may have, if so how so?

**IN GENERAL YES AND A 2ND WATER SERVICE WILL BE ADDED.**

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

[Signature]  
3/12/14

Applicant's signature  
Date

Applicant's signature  
Date

Applicant's signature  
Date
PROPOSED
2ND STORY ADDITION
Zoning Ordinance Text Amendment

Notice Requirements for Zoning Applications

13PLND-0044
Memorandum

To: Chair and Members of the Plan Commission

From: Mark Muenzer, Director of Community Development
Lorrie Pearson, Planning and Zoning Administrator
Damir Latinovic, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Notice Requirements for Zoning Applications – 14PLND-0044

Date: June 2, 2014

Summary
Staff recommends amending various parts of Chapter 3 – Implementation and Administration of the Zoning Ordinance regarding Public Hearing notice requirements for zoning applications. The intent of the amendment is to have a consistent language for general notices of public hearings published in the local newspaper and for the notices mailed to surrounding property owners for all zoning applications. The amendment also clarifies that notices for the initial hearing suffice for any subsequent continued hearings for the same case.

Background
Zoning Committee of the Plan Commission Review
The Zoning Committee of the Plan Commission reviewed the proposed amendment at its May 21, 2014 meeting. The Committee unanimously forwarded a positive recommendation to the Plan Commission provided comments by Chairman Peters outlined in the Memo dated May 20, 2014 and comments provided by Commissioner Ford via email dated May 21, 2014 are incorporated in the proposed amendment.
The comments provided by Chairman Peters and Commissioner Ford and summarized below:

1. Local Newspaper Clarification
   This comment was incorporated within the proposed text amendment.

2. Lack of Quorum Clarification.
   Based on its review, staff has determined that that when there is a lack of quorum for a Plan Commission hearing, the meeting is cancelled. As such, any cases scheduled for the meeting are automatically re-scheduled for the next regularly scheduled meeting of the Plan Commission and all required notices are again provided for the next hearing. No further clarification is necessary in the proposed text amendment.

3. Notice Requirements for Continued Hearings
This comment was incorporated in the proposed text amendment. Staff has clarified that for continued hearings, when the date and time of the continued hearing is announced at the initial hearing, no additional notice requirements are necessary. If, however, such date certain of the continued hearing later has to be modified, the Zoning Administrator will provide notice on the City’s website, via email to all individuals subscribing to updates on any zoning related matters and by posting the notice at the Civic Center. This is consistent with the current practice for any continued hearings.

Proposal Overview
A Certificate of Zoning Compliance must be obtained to occupy or use any property or construct, reconstruct, enlarge or structurally alter any new or existing building on any property. A majority of Certificates of Zoning Compliance are issued by staff as part of standard building permit review. However, the following projects (zoning applications) require a more extensive review prior to the issuance of the Certificate of Zoning Compliance:

- zoning variations,
- Zoning Ordinance text and map amendments,
- planned developments,
- unique uses, and
- special uses

The zoning applications are reviewed by the Zoning Board of Appeals or the Plan Commission and may require additional City Council review and approval. The Zoning Board of Appeals and Plan Commission meetings are public hearings open to the general public to afford the public and particularly the property owners in the vicinity of projects under consideration an opportunity to voice their opinion and provide critical facts and information that may be needed for the boards to form the decisions.

As such, the Zoning Ordinance includes notice requirements for each type of zoning application. A typical zoning application public hearing requires the following three types of notice:

1. General notice of public hearing published in the local newspaper
2. Notice via first class mail to surrounding property owners
3. Posting of a sign on the subject property regarding the hearing

Although staff has always provided all of the above notices for each zoning application, the text of the Zoning Ordinance does not consistently specify the types of notices that are required for each zoning application. For example, Section 6-3-6-8 Review Procedure; Decision for planned development applications does not include specific language for a notice requirement within a local newspaper as it is specified for other zoning applications such as the Zoning Ordinance Text and Map Amendments or Special Uses.

Additionally, the Zoning Ordinance is silent on the need for additional notices when a particular zoning application is continued to a second or third public hearing.
Summary of Proposal
Staff is proposing a Zoning Ordinance Text Amendment to Chapter 3 – Implementation and Administration to clarify all notice requirements for all types of zoning applications. As proposed, the Zoning Ordinance would specifically require the following notices for each zoning application:

1. General notice of public hearing published in at least one newspaper of general circulation within the City a minimum of 15 days prior to the hearing date and a maximum of 30 days prior to the hearing date.
2. Notice via first class mail to all owners of surrounding properties located within a certain distance of the subject property. (The distance varies between 250 ft. and 1000 ft. based on the type of the zoning application.)
3. Notice via a sign posted on the subject property a minimum of ten working days prior to the public hearing indicating the place, time and date of the hearing.

Staff will also continue to provide the following notices which are already being provided, but are not expressly listed in the Zoning Ordinance:

- Posting of a meeting notice within the Civic Center
- Posting of a meeting notice on the City’s website
- Meeting notification email to persons subscribing to all zoning related notifications.

Additionally, the proposed amendment includes a clarification that subsequent notices are not required for continuances of a hearing, if any.

The proposed Ordinance 68-O-14 includes specific Zoning Ordinance sections with proposed amendments. (The text that is being eliminated is crossed out example, while any new text proposed is underlined: example.)

Standards of Approval
The proposed Zoning Ordinance Text Amendment to clarify the public hearing notice requirements for all zoning applications meets the standards for approval of amendments outlined in Section 6-3-4-5 of the City Code. The proposal is consistent with the Comprehensive General Plan. More clear and well defined notice requirements will assure adequate notices are provided to affected residents and will help achieve more desirable projects. Additionally, clear notice requirements will reduce the potential for project delays due to the ambiguity of current public hearing notice requirements. Because staff is already providing all notice requirements part of the proposed text amendment, the proposal will not have any adverse effect on the properties under review or the properties in their immediate vicinity.

Recommendation
Staff believes the proposed text amendment to clarify the notice requirements for all zoning applications is necessary and appropriate. Because staff is already providing all notices specified in the proposed text amendment, the proposal will not have an adverse impact on the current review process. Staff recommends the Plan Commission make a positive recommendation to the Planning and Development Committee of the
City Council for the proposed Zoning Ordinance Text Amendment to clarify the public hearing notice requirements for all zoning applications.

Attachments
Ordinance 68-O-14: Proposed Amendments to Chapter 3 – Implementation and Administration
Zoning Committee of the Plan Commission Draft Meeting Minutes 05.21.2014
Memo from Chairman Peters dated May 20, 2014
Email from Commissioner Ford dated May 21, 2014
AN ORDINANCE
Amending Various Portions of the City Code
Relating to Notice Requirements

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

SECTION 1: Ordinance 68-O-14 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 2: Section 6-3-3-4 of the City Code is hereby amended to read as follows:

6-3-3-4: SPECIAL PROCEDURES IN CONNECTION WITH COMBINED APPLICATIONS:

Whenever an application for a special use, unique use or an amendment will, in addition, require a variation, the applicant shall indicate that fact on the application where indicated and shall, at the time of filing the application for a special use, unique use, or amendment, as the case may be, file an application for a variation pursuant to Section 6-3-8-4. All required notices for the application for approval of the special use, unique use or amendment, as the case may be, shall include reference to the application for a variation. The initial hearing notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any. The variation application shall only be decided after a final decision has been reached with respect to the special use, unique use or amendment.

SECTION 3: Section 6-3-4-6 of the City Code is hereby amended to read as follows:

6-3-4-6: PROCEDURE FOR REVIEW AND DECISION OF PROPOSED AMENDMENTS:

A petition to amend the text of the Zoning Ordinance or the Zoning Map shall be processed in accordance with the following procedures:
(A) Public Hearing: After the filing of a petition for amendment in proper form, the Zoning Administrator shall set a date for a public hearing.

(B) General Notice of Public Hearing: Notice of the public hearing required by Subsection 6-3-4-6(A) shall be given by the Plan Commission by one (1) publication in one (1) or more newspapers of general circulation within the municipality. Notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

(C) Mailed Notices Required for Redistricting or Rezoning: Notice shall also be given by first class mail to all owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be rezoned or redistricted whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

(D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing and, in addition, shall include all of the information listed in Section 2 of Appendix D, of this Ordinance, "Submission Requirements for Published and Mailed Notices for Proposed Amendments."

(E) Plan Commission Action: Upon receipt of the petition with the copy of the proposed text and map changes, the Plan Commission shall hold a public hearing scheduled pursuant to Subsection 6-3-4-6(A). Within thirty (30) days after the hearing is closed, the Commission shall recommend the approval or denial of the proposed amendment, or the approval of the amendment with modifications, and shall then submit its written recommendation, together with the petition for the text and/or map change, to the City Council.

(F) City Council Action: The City Council shall either adopt or reject the recommendation of the Plan Commission or adopt some modification of the recommendation of the Plan Commission. Except as provided in Section 6-3-4-7, no amendment to the Zoning Ordinance shall be adopted except by a vote of the majority of the Council.
Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 4: Section 6-3-5-7 of the City Code is hereby amended to read as follows:

6-3-5-7: REVIEW PROCEDURE; RECOMMENDATION:

(A) Public Hearing: After determining that the special use application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall prepare and forward his written recommendation accompanied by the Site Plan and Appearance Review Committee’s written report to the Plan Commission, in the case of planned developments, and to the Zoning Board of Appeals for all other categories of special uses. At the same time, the Zoning Administrator shall set a date for a public hearing.

(B) General Notice of Public Hearing: In the case of a planned development, notice of the public hearing required by subsection 6-3-5-7(A) shall be given by the Zoning Administrator pursuant to Section 6-3-6-8. In the case of all other special uses, the Zoning Administrator shall cause notice of a public hearing before the Zoning Board of Appeals to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(A) Review Procedure: After determining that the special use application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall
prepare and forward his written recommendation accompanied by the Site Plan and Appearance Review Committee’s written report to the Plan Commission, in the case of planned developments, and to the Zoning Board of Appeals for all other categories of special uses. At the same time, the Zoning Administrator shall, in the case of a planned development, cause notice of a public hearing before the Plan Commission to be published pursuant to Section 6-3-6-8. In the case of all other special uses, the Zoning Administrator shall cause notice of a public hearing before the Zoning Board of Appeals to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.

(B)(C) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing. Additionally, the published and mailed notices shall contain the following:

(a) A statement indicating that the petition is a request for Special Use approval;

(b) The address of the subject property requesting the Special Use and of the names of owners of those properties, as they appear on the current tax assessment list;

(c) The current zoning classification of the property requesting the Special Use;

(d) The time and place where the petition proposing to amend the Zoning Ordinance will be available for examination for a period of at least ten (10) days prior to the public hearing;

(e) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by publication and mail;

(f) Any other information requested by the commission or board, as the case may be; and
(g) A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.

(C)(E) Recommendations: All written recommendations and reports forwarded by the Zoning Administrator shall be considered at the public hearing. At the conclusion of the public hearing, the commission or board, as the case may be, shall recommend, based on written findings of fact, that the council: 1) approve the special use; 2) approve the special use subject to conditions; or 3) deny the special use.

(F) Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 5: Section 6-3-5-16 of the City Code is hereby amended to read as follows:

6-3-5-16: SUBSTITUTION FOR AN EXISTING SPECIAL USE:

(A) Review Procedure: The Zoning Administrator, pursuant to his authority to render interpretations prescribed by Section 6-3-9 of this Chapter and subject to the procedures, standards and limitations contained herein, shall have the authority to review and grant applications for the substitution of a special use for an existing special use.

(B) General Notice And Opportunity To Comment: After receipt of a completed application for the substitution of a special use for an existing special use, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the Zoning Administrator's decision.
Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

Content of Notices: The notice shall indicate that the application shall be available for review and submittal of written comments thereon for ten (10) working days prior to the Zoning Administrator's decision.

The Zoning Administrator, pursuant to his authority to render interpretations prescribed by Section 6-3-9 of this Chapter and subject to the procedures, standards and limitations contained herein, shall have the authority to review and grant applications for the substitution of a special use for an existing special use. Before rendering a decision on an application the Zoning Administrator shall undertake the following procedure:

Notice And Opportunity To Comment: After receipt of a completed application for the substitution of a special use for an existing special use, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of the property located within a five hundred (500) foot radius of the subject property inclusive of public roads, streets, alleys and other public ways. In addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the Zoning Administrator's decision. The notice shall indicate that the application shall be available for review and submittal of written comments thereon for ten (10) working days prior to the Zoning Administrator's decision.

Zoning Administrator Decision: Within twenty (20) working days of receipt of a completed application for the substitution of a special use, the Zoning Administrator shall, by written order, render his interpretation that the special use proposed to be substituted is either: 1) similar in nature and intensity to the existing special use and presents no differing or additional impact; or 2) substantially different in nature, intensity and impact from the existing special use. If the Zoning Administrator determines the special use proposed to be substituted is similar in nature and intensity to the existing special use and presents no differing or additional impact, he shall grant the application for a substitution of a special use. If the Zoning Administrator determines the special use proposed to be substituted is substantially different in nature, intensity and impact from the existing special use he shall deny the application for a substitution of a special use.
Conformance With The General Standards: Any special use proposed to be substituted for an existing special use pursuant to this Section shall be required to meet the general standards for special uses as set forth in Section 6-3-5-10 of this Chapter.

Notification Of Decision: The Zoning Administrator shall send his decision within five (5) working days to the applicant and all other persons previously notified pursuant to Subsection (A) of this Section.

Appeal: An appeal of the decision of the Zoning Administrator may be taken to the City Council, through its planning and development committee within ten (10) working days of the Zoning Administrator's decision.

Conditions: The Zoning Administrator, in granting an application for the substitution of a special use, may, pursuant to Section 6-3-5-13 of this Chapter, require the transfer of conditions imposed on the existing substitution special use to the proposed substitution for an existing special use. The Zoning Administrator, in granting an application for substitution for an existing special use, shall also have the authority to modify any conditions imposed on the existing special use, provided the modification does not alter the nature, intensity or impact of the special use being substituted in such a manner that it no longer can be considered similar.

Limitations: The approval of an application for the substitution of a special use shall be deemed to authorize only that particular special use at the particular location for which the substitution is authorized. Except when otherwise provided in the ordinance for approving a special use, a special use shall be deemed related to, and be for the benefit of, the use and lot in question, rather than the owner or operator of such use or lot.

Records: A record of all applications for the substitution of a special use shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding applications for the substitution of a special use.

Fees: Fees for the substitution of a special use shall be as set forth in Section 6-3-5-6 of this Chapter.

Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her
best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 6: Section 6-3-6-8 of the City Code is hereby amended to read as follows:

6-3-6-8: REVIEW PROCEDURE; DECISION:

(A) Public Hearing: All applications for planned developments will be given priority review by the Zoning Administrator. Upon the review of an application for a planned development, the Zoning Administrator shall, pursuant to Section 6-3-3-1, notify the developer of any deficiencies and or modifications necessary to perfect the planned development application. After determining that the application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall at the same time schedule a public hearing to be held by the Plan Commission at which time a formal presentation of the planned development application will be presented.

(B) General Notice of Public Hearing: The Zoning Administrator shall at the cause notice to be published of a public hearing to be held by the Plan Commission. The public hearing shall be held not less than fifteen (15) calendar days and no more than thirty (30) calendar days from the date of receipt of the complete application. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(A) Review Procedure: All applications for planned developments will be given priority review by the Zoning Administrator. Upon the review of an application for a planned development, the Zoning Administrator shall, pursuant to Section 6-3-3-1, notify the developer of any deficiencies and or modifications necessary to perfect the planned development application.
(B) Public Hearing: After determining that the application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall at the same time schedule and cause notice to be published of a public hearing to be held by the Plan Commission at which time a formal presentation of the planned development application will be presented. The public hearing shall be held not less than fifteen (15) calendar days and no more than thirty (30) calendar days from the date of receipt of the complete application. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.

(C) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a one thousand (1,000) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject property whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing. Additionally, the published and mailed notices shall contain the following:

(a) A statement indicating that the petition is a request for a planned development;

(b) The address of the subject property requesting the planned development and of the names of owners of those properties, as they appear on the current tax assessment list;

(c) The current zoning classification of the property requesting the planned development;

(d) The time and place where the petition proposing the planned development will be available for examination for a period of at least ten (10) days prior to the public hearing;

(e) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by publication and mail;

(f) Any other information requested by the Plan Commission; and

(g) A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.
Recommendation: The Plan Commission shall conduct a public hearing to review the application for the proposed planned development. The Plan Commission shall make a recommendation within sixty (60) calendar days of the close of the public hearing to the City Council for its decision in accordance with the procedures for special uses set forth in Section 6-3-5-8. The Plan Commission may, upon agreement with the applicant, extend the sixty (60) calendar day review period. The maximum length of any extension, however, shall be limited to ninety (90) calendar days.

Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 7: Section 6-3-6-12 of the City Code is hereby amended to read as follows:

6-3-6-12: ADJUSTMENTS TO DEVELOPMENT PLAN:

(A) New Application Required for Amendments: Except for minor and major adjustments authorized pursuant to Subsections 6-3-6-12(B) and 6-3-6-12(C) no amendment shall be made in the construction, development or use of a planned development without a new application under the provisions of this Ordinance. The date of completion of a planned development, for which an amendment has been proposed, may be extended by the City Council for good cause.

(B) Minor Adjustments: During build-out of the planned development, the Zoning Administrator may authorize, following review and recommendation of the Site Plan and Appearance Review Committee, minor adjustments to the approved development plan, when such
adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following:

1. Altering the location of any one (1) structure or group of structures by not more than one-fourth (1/4) of the distance shown on the approved development plan between such structure or structures, and any other structure or any vehicular circulation element or any boundary of the site, whichever is less.

2. Altering the location of any circulation element by not more than one-fourth (1/4) of the distance shown on the approved development plan between such circulation element and any structure, whichever is less.

3. Altering the siting of any open space by not more than twenty percent (20%).

4. Altering any final grade by not more than twenty percent (20%) of the originally planned grade.

5. Altering the location or type of landscaping elements by not more than twenty percent (20%).

6. Altering the location or type of utility equipment.

Such minor adjustments shall be consistent with the intent and purpose of the Ordinance and the development plan as approved pursuant to this Section 6-3-6, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Ordinance.

For properties located in a designated historic district or incorporating identified historic structures, no such adjustment shall be granted for any critical structure, feature, or element identified in the approved development plan as historically contributing without the prior consent of the preservation commission.

(C) Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, shall be considered to be a major adjustment. The Plan Commission following notice to all property owners whose properties are located within a one thousand (1,000) foot radius of the property boundary of the planned development, may approve an application for a major adjustment to the development plan not requiring a modification of written conditions of approval or recorded easements upon finding that any changes in the plan as approved will be in substantial conformity with such development plan. Such notice shall be
sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any. If the commission determines that a major adjustment is not in substantial conformity with the final development plan as approved, then the commission shall review the request in accordance with the procedures set forth in Section 6-3-6-8 of this Chapter.

SECTION 8: Section 6-3-7-5 of the City Code is hereby amended to read as follows:

6-3-7-5: PROCEDURE FOR REVIEW AND DECISION OF PROPOSED USE:

An application for a unique use shall be processed in accordance with the following procedures:

(A) Public Hearing: After the filing of a perfected application for a unique use, the Zoning Administrator shall transmit the application to the Plan Commission and schedule a date for public hearing.

(B) Staff Review Procedure: The Zoning Administrator shall schedule and conduct a staff review conference to review the comments received from the various departments and boards pursuant to Subsection 6-3-7-4(A) of this Chapter. Following the staff review conference, the Zoning Administrator shall forward staff's written report to the Plan Commission.

(C) General Notice Of Public Hearing: Notice of the public hearing required in Subsection (A) of this Section shall be given by the Plan Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(D) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within one thousand (1,000) feet in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
(E) Content Of Published And Mailed Notices: Published and mailed notice shall contain the time, date and place of the public hearing.

(F) Application Process: Each unique use application shall be processed in conformance with the procedures of Sections 6-3-6-7, "Application Procedure," and 6-3-6-8, "Review Procedure; Decisions," of this Chapter.

(G) Applicant Rights: Applicants for a unique use and owners of property within one thousand (1,000) feet inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the Plan Commission:

1. To inspect all documents and material submitted as part of the application for the unique use prior to the hearing.

2. To present witnesses on their behalf.

(H) Objection Of Property Owners: Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the commission.

(I) Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 9: Section 6-3-8-6 of the City Code is hereby amended to read as follows:
6-3-8-6: PROCEDURE FOR MINOR VARIATIONS AND FENCE VARIATIONS:

Applications for minor variations and fence variations shall be reviewed and decided in accordance with the following procedure:

(A) Notice And Opportunity To Comment: Upon receipt of a completed application for a minor variation or a fence variation, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public streets, alleys and other public ways. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator’s determination. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(B) Zoning Administrator’s Decision: Within twenty (20) working days of receipt of a completed application for a minor variation or a fence variation, the Zoning Administrator shall, by written order, either approve, approve with conditions, or deny the requested minor variation.

(C) Notification Of Decision: The Zoning Administrator shall send his decision within ten (10) working days to the applicant and all other persons previously notified pursuant to Subsection (A) of this Section.

(D) Records: A record of all applications for minor variations and fence variations shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding the applications for minor variations and fence variations.

(E) Appeal: The applicant or an adjacent property owner may appeal the decision of the Zoning Administrator to the Zoning Board of Appeals within ten (10) working days of the Zoning Administrator’s date of mailing of notification.

SECTION 10: Section 6-3-8-7 of the City Code is hereby amended to read as follows:

6-3-8-7: PROCEDURE FOR FAMILY NECESSITY VARIATION:

Applications for family necessity variations shall be reviewed and decided in accordance with the following procedure:
(A) Notice And Opportunity To Comment: Upon receipt of a completed application for a family necessity variation, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways. In addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the recommendation of the Zoning Administrator. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator’s recommendation. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(B) Zoning Administrator's Recommendation: Within twenty (20) working days of receipt of a completed application for a family necessity variation, the Zoning Administrator shall prepare and submit, in writing, a recommendation of approval, approval with conditions, or denial to the Zoning Board of Appeals.

(C) Zoning Board Of Appeals Decision: Upon receipt of the Zoning Administrator’s recommendation, the Zoning Board of Appeals shall first determine if any owner of property located within two hundred fifty (250) feet in each direction of the subject property has commented in opposition to the proposed variation. If no comment in opposition has been received by the Zoning Administrator as of the date of submittal of his recommendation to the board, the board may approve the requested variation, without holding a public hearing, following the procedure of Subsection 6-3-8-10(B) of this Chapter, and the standards set forth in Subsection 6-3-8-12(D) of this Chapter. If comments in opposition have been received as of the date of the Zoning Administrator’s recommendation, the board shall hold a public hearing and render its decision in accordance with the procedures of Sections 6-3-8-10 and 6-3-8-11 of this Chapter.

SECTION 11: Section 6-3-8-10 of the City Code is hereby amended to read as follows:

6-3-8-10: PROCEDURE FOR DECISIONS ON MAJOR VARIATIONS:

Applications for major variations shall be reviewed and decided in accordance with the following procedure:
(A) Public Hearing: Upon receipt of a completed application for a major variation, or a combined variation application, the Zoning Board of Appeals shall hold a public hearing in accordance with its adopted rules and procedures.

1. General Notice Of Public Hearing: Notice of the public hearing shall be given by the Zoning Board of Appeals by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(B) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(C) Zoning Board Of Appeals Decision: Following the close of the public hearing, the Zoning Board of Appeals shall either approve, approve with conditions, or deny the application for major variation or the combined variation application, except when the application for major variation pertains to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or when the application for major variation pertaining to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, is combined with any other variation application; for such exceptions, the Zoning Board of Appeals shall make a recommendation of approval, approval with conditions, or denial to the City Council for their consideration.

(D) City Council Decision: Upon receipt of the recommendation of the Zoning Board of Appeals regarding an application for a major variation for off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined
application for major variation pertaining to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other variation, the City Council shall either approve, approve with conditions, or deny the application.

(E) Appeal: Any person adversely affected by decision of the Zoning Board of Appeals or the City Council may appeal the decision to the circuit court.

(F) Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing’s notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by

1. Posting the continued meeting or hearing notice at the Civic Center;
2. Posting the continued meeting or hearing notice on the City’s website; and/or
3. Providing electronic communication notice to those persons subscribed to the City of Evanston’s notice of zoning related notification list.

Failure to provide such notices, however, shall not invalidate any such continued hearing or meeting.

SECTION 12: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 13: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: 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.

Introduced: ________________, 2014
Adopted: ________________, 2014

Approved: ________________________, 2014

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest: ________________________

_______________________________
Rodney Greene, City Clerk

Approved as to form: ________________________

_______________________________
W. Grant Farrar, Corporation Counsel
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

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

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

2. **MINUTES**

   Approval of February 19, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

   Commissioner Lewis motioned to approve the minutes as presented.

   Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3:0.

3. **NEW BUSINESS**

   ...

B. **TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0044**

   **Notice Requirements**

   Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, for the notice requirements for all zoning applications requiring approvals per the Title 6, Zoning, of the City Code.

   Mr. Latinovic presented the staff report memo.

   Chairman Shure noted Commissioner Peters has submitted a memo with certain changes to the proposed text. Mr. Latinovic stated that staff has received the Memo and City’s legal staff is reviewing the proposed clarifications. Mr. Latinovic also noted that he
received an email from Commissioner Ford in response to the Memo from Commissioner Peters. Staff will evaluate the comments and include them in the proposed text amendment if appropriate.

Commissioner Galloway asked for a clarification on what happens if there is no quorum to hold the initial public hearing that is scheduled for a case. Mr. Latinovic said that if there is no quorum, the meeting is cancelled. In that instance, any cases scheduled for that meeting are automatically rescheduled for the next regularly scheduled meeting and the notices are again provided to all surrounding property owners and in the newspaper as well as by posting of the sign on the property advertising the new hearing date. If however, the public hearing is held and it needs to be continued to a date certain, the date certain is announced at the initial public hearing and then for the continued hearing the notices are not provided. Mr. Latinovic clarified this is the practice right now and staff is not proposing to make any changes.

Chairman Shure asked how people can find out about the continued hearings. Mr. Latinovic indicated that the first notice provides residents with contact information at the City where they can follow up. The City also posts notices on its website, at the Civic Center and an email is sent out to the residents subscribing to the City notifications regarding zoning matters.

Commissioner Dubin asked for more clarification about the email subscription. Mr. Latinovic explained when an individual is looking to subscribe they can check off which types of topics they would like to get updates on. But he does not have a number of how many individuals have subscribed for the email notification list.

Commissioner Lewis asked for confirmation that the agendas are posted on the website, to which Mr. Latinovic confirmed stating that the agendas are usually posted by Friday before the meeting.

Chairman Shure asked if anyone that is in the audience that would like to speak on this matter.

Peggy Gregory, 1419 Brown Ave, asked how any interested residents can find out if they are on the mailing list.

Mr. Latinovic stated they can contact him or someone else in the planning and zoning division of the Community Development Department and staff can check the database that is generated based on the latest tax bills received from the County.

There being no further discussion, Commissioner Lewis made a motion to approve the proposed text amendment regarding the notice requirements as recommended by staff.

Chairman Shure asked that the motion incorporate comments and suggestions provided by Commissioners Peters and Ford.

Commissioner Dubin seconded the motion.

The motion was approved by a voice call: 3-0.
4. **ADJOURNMENT**

Commissioner Lewis motioned for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:02 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for **Wednesday, June 18, 2014** at 7:00 pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

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

To: Damir Latinovic  
From: Scott Peters  
Re: Proposed amendments under consideration  
Date: May 20, 2014

I have several concerns regarding the amendment. The first relates to some ambiguity with respect to the term “local newspaper.” With respect to the section of the Amendment dealing with local newspaper, I suggest we adopt the language of the Illinois Zoning Enabling Act which I have set forth below. In the alternative, if one wants to publish in a newspaper of general circulation in Evanston, but not in a small publication that is published in Evanston, then delete the underlined phrase in the language shown below.

1. General notice of public hearing published in at least one local newspaper of general circulation published a minimum of 15 days prior to the hearing date and a maximum of 30 days prior to the hearing date. Notice shall be given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing, by publishing a notice thereof at least once in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.¹

I am also concerned with the portion of the proposed Amendment relating to notice of continued hearings. Several problems regarding notice of continued hearings have arisen in Evanston and other municipalities. The most important of these occurs when there is not a quorum at the hearing designated in the original notice or time and place of a continued hearing. When this has happened in the past (in Evanston and other municipalities) some have argued it is necessary to publish an additional notice.

A related problem has arisen when the continued date is close to the original date and the notices of continuance are not posted and provided within minutes after the original scheduled hearing, people object to the notice.

Problems have arisen when there is no quorum and therefore no actual meeting or hearing at the published date and place or date and place of a continued meeting. The suggested language

¹ This language is from the zoning enabling act for municipalities. I believe it removes some ambiguity that arises from the term “local newspaper.”
authorizing the chairman or his or her designee is intended to address that problem.

Finally, problems have arisen when the staff has not been prompt in posting notices of continued hearings.

Perhaps the proposed language set forth below will make it clear that if notice of the continued date and time of a meeting is made at the hearing or meeting to be continued no additional publication or mailing of notice is required.

Publication in a newspaper or by mail of any continued date for a meeting or hearing shall not be required providing that the time and place continued hearing is announced at the time and place designated in the published notice of the original hearing or time and place of a continued hearing.

The Director of Planning and Zoning shall use his or her best efforts to ensure that the time and place of the continued meeting or hearing is
a. posted at the Civic Center and
b. posted on the portion of the City's website devoted to notices of hearing and meetings and
c. notice of the date of the continued hearing is provided by email to persons subscribing to Evanston's notice of zoning related notification and
d. Such posting and notice is provided seven or more days prior to the date for the continued hearing or if the continuance is for a period of less than seven days, then within 24 hours after the date and time of the hearing being continued.

In the event that a quorum is not present at the time of the initial hearing or any continued date for a meeting or hearing a continuance to a new date may be granted by the Chairman of the Planning Commission or Zoning Board of Appeals (as may be appropriate) or his or her designee.

If the date and time of the continued hearing is announced at the time and place of the hearing being continued, the notice of the continued hearing shall be sufficient even if the posting and notice of the continued hearing has not been made as provided in this section.
I have a couple of thoughts on Scott's proposal. In the case of a meeting without a quorum, the Chairman of the Commission may not be present and thus may have been unable to designate someone to grant the continuance. Perhaps the ordinance should refer instead to the presiding officer of the meeting, whoever that may be. But, since under Robert's Rules a meeting at which there is no quorum is permitted to establish the date of a reconvened meeting, it may not be necessary to authorize the Chairman to grant the continuance. The members present can do that before adjourning (which they can also do in the absence of a quorum).

All,
Please see Scott's memo with his proposed changes to the Text Amendment for the notice requirements. I will also print a few copies of his memo in case other members of the Plan Commission come to the meeting. Scott will not be able to attend the meeting tomorrow. But we will have a quorum though.
See you tomorrow
Thank you
Damir

Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
City of Evanston
(T) 847.448.8675
Email: dlatinovic@cityofevanston.org

I have some concerns motivated by problems relating to notice I have encountered in Evanston or other communities. I have not spent much time on drafting proposed language so it is likely that you will be able to improve on the language I am providing, but I think the attached memo is sufficient to communicate my concerns.

I hope this is helpful.

Also, with respect to the matter requiring a rezoning and variances, you may wish to schedule a combined meeting of the ZBA and Plan commission to consider these together.

Scott Peters
Zoning Ordinance Text Amendment

Amendment to Office and Financial Institution Uses in B1, B1a and B2 Districts

13PLND-0045
Memorandum

To: Chair and Members of the Plan Commission
From: Mark Muenzer, Director of Community Development
       Lorrie Pearson, Planning and Zoning Administrator
       Damir Latinovic, Neighborhood and Land Use Planner
Subject: Zoning Ordinance Map Amendment
       Amendment to Office and Financial Institution Uses in B Districts
       14PLND-0045
Date: June 4, 2014

Summary
Staff recommends amending the Zoning Ordinance to allow office and financial institutions as a special use on the ground floors, and as permitted uses on floors above the ground floor in all Business (B1, B1a, B2 and B3) districts. The office and financial institution uses are currently allowed as by-right permitted uses in the B districts. The intent of the amendment is to preserve the ground floor commercial spaces within the districts for primarily commercial retail establishments to enhance the retail character of the business districts that service the surrounding neighborhoods.

Background
Zoning Committee of the Plan Commission Review
The Zoning Committee of the Plan Commission reviewed the proposed rezoning request at its May 21, 2014 meeting. Staff initially proposed allowing office and financial uses on all floors (ground floor and above the ground floor) as a special use in B1, B1a and B2 districts. Staff initially did not include the B3 district because based on its location along Howard Street east of Ridge Avenue, the types of uses that are allowed and the physical character of the east end of Howard Street, the B3 district primarily caters to more automobile oriented uses and is more closely aligned with the Commercial (C) districts then other B districts.

However, based on the discussion at the May 21, 2014 meeting, the Zoning Committee determined that the intent of the proposed text amendment is to encourage more retail uses on the ground floors of all Business districts to make the areas more vibrant and active. The Committee noted that office and financial uses on floors above the ground floor should be encouraged rather than discouraged by the process of special use approval. The Committee also noted that the B3 district should be included in the proposed text amendment as the B3 district (Howard Street east of Ridge Avenue) is changing its nature. With the most recent commercial developments such as the
Peckish Pig restaurant at 623 Howard Street, the corridor is becoming more pedestrian oriented and is beginning to cater more to the surrounding neighborhood.

The Committee unanimously forwarded a positive recommendation to the Plan Commission regarding the proposed text amendment provided office and financial institution uses are allowed as special uses only on the ground floors and in all B districts.

Proposal Overview
The Business districts are older established commercial districts found primarily near the intersections of minor and major arterial roadways and near the train stations (map attached). The districts represent the City’s oldest shopping areas characterized by their pedestrian character. The established physical pattern in these districts is buildings typically built to or near the front lot line.

The B districts are neighborhood oriented business districts that primarily provide daily shopping needs to the surrounding residents. As such, they are often surrounded by residential areas. Uses found in these areas are less intense than uses in the Commercial (C) districts and typically include drugstores, cleaners, corner grocery stores and restaurants. Due to the scale of the developments in these areas, the commercial storefronts can also attract specialty goods stores that can attract a larger market area which also contributes to their distinctive character.

The district regulations were established to promote and preserve the small scale, limited shopping and business uses that can serve the needs of the people who live in the surrounding neighborhood. The size of the commercial storefronts are encouraged to stay small, with a 7,500 square-foot size limit for permitted uses in the B1 district and 20,000 square foot limit for permitted uses in B1a and B2 districts. Larger spaces in these districts are only allowed as special uses.

Over the past several years, the City has experienced an influx of office and financial institution uses into the B districts. Examples of such uses include professional offices such as attorneys, architects, engineers, financial and tax advisers, banks, short-term loan businesses and other similar office uses. These types of office uses do not depend on the pedestrian traffic from the surrounding neighborhoods. As such, they do not contribute to the vibrancy of the districts and instead occupy spaces that could otherwise be occupied by retail establishments that are better suited to cater the surrounding residents.

Summary of Proposal
In order to preserve and promote the small scale limited shopping and retail uses in B districts, staff is proposing an amendment to the list of permitted and special uses in those districts. Specifically, staff is recommending that office and financial institution uses on ground floors are allowed as special uses, but that office and financial institution uses on floors above the ground floor are allowed as permitted uses.

The proposed text amendment is summarized in the table below:
<table>
<thead>
<tr>
<th>Existing Uses</th>
<th>B1</th>
<th>B1a</th>
<th>B2</th>
<th>B3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Uses</th>
<th>B1</th>
<th>B1a</th>
<th>B2</th>
<th>B3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office - on the ground floor</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Office - above the ground floor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Financial Institution - on the ground floor</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Financial Institution - above the ground floor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

*P-Permitted Use; S-Special Use*

By allowing office and financial institution uses on the ground floors as special uses, all applications for such uses must be reviewed by the Plan Commission and the City Council for compliance with the standards for approval of special uses. Both the Plan Commission and the City Council can evaluate each application and proposed locations to assure the use is consistent with the Comprehensive General Plan and general policies of the City Council. Each application must demonstrate that, among others, it will not cause a cumulative negative effect when its effect is considered in conjunction with other existing special uses in the area. In other words, a small number of appropriately dispersed office use on ground floors may be approved, however, a concentration of such uses in one area is not desirable and may not be consistent with the intent and character of the B districts.

**Nonconforming Uses**

If the proposed amendment is approved by the City Council, any existing office or financial institution uses on the ground floors in the B districts will be referred to as nonconforming uses. The following conditions apply for the nonconforming uses:

1. Each nonconforming use may continue to operate in its existing location.
2. Any proposed expansion of such uses or structures that hold those uses cannot be approved unless a special use approval for such uses is obtained and the proposed expansion meets all other zoning requirements.
3. If a structure that is currently occupied by a nonconforming office or financial institution use is damaged or destroyed by a fire, the property owner may obtain a Certificate of Zoning Compliance from the Zoning Administrator to rebuild the structure and re-establish the use.
4. If a structure that is currently occupied by a nonconforming office or financial institution use becomes vacant for more than one year, the structure can then be occupied only by a conforming use which includes office and financial institution uses that receive special use approval.

**Standards of Approval**

The proposed Zoning Ordinance Text Amendment to allow office and financial institutions as special uses on the ground floors in the B districts meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is
consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The amendment is in-line with the Plan’s specific call for action/policy to encourage new uses that complement the existing neighborhood character and pedestrian environment. By allowing the ground floor office and financial institutions as special uses, the amendment will encourage more retail establishments which are more desirable in the neighborhood business districts. The proposal will not have any adverse effect on the property value of the adjacent properties.

Recommendation
Staff believes the proposed text amendment to allow office and financial institution uses on the ground floors as special uses in all B districts is necessary to preserve the City’s oldest shopping areas for primarily neighborhood oriented commercial and retail uses. The intent of the proposal is to encourage more retail establishments which will have a positive effect on the character of the neighborhood. The ground floor office and financial institutions may still be allowed provided the proposed uses meet the standards for approval of special uses. Office and financial institution uses on floors above the ground floor will remain to be allowed as permitted uses.

Staff recommends the Plan Commission make a positive recommendation to the City Council for the proposed text amendment.

Attachments
Ordinance 84-O-14
Zoning Committee of the Plan Commission Draft Meeting Minutes 05.21.2014
List of Uses in B1, B1a, B2 and B3 districts.
B1, B1a, B2 and B3 Zoning Districts Map of City of Evanston
Business Districts Maps 1-10
Goods’ Letter of Support
AN ORDINANCE

Amending Portions of the Zoning Ordinance to Amend the “Office” and “Financial Institution” Uses in B1, B1a, B2, and B3 Districts

WHEREAS, on June 11, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 14PLND-0045 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 amendment of the Uses known as “Office” and “Financial Institution;” 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 July 14, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 14PLND-0045 and recommended City Council approval thereof; and

WHEREAS, at its meetings of July 14, 2014 and July 28, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 2: Subsection 6-9-2-2 of the Zoning Ordinance, “Permitted Uses” in the B1 District, is hereby amended to remove “Office.”

SECTION 3: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to remove “Office.”

SECTION 4: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to remove “Financial Institution.”

SECTION 5: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to remove “Office.”

SECTION 6: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to remove “Financial Institution.”

SECTION 7: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to remove “Office.”

SECTION 8: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to remove “Financial Institution.”

SECTION 9: Subsection 6-9-2-3 of the Zoning Ordinance, “Special Uses” in the B1 District, is hereby amended to include “Office (when located on the ground floor).”

SECTION 10: Subsection 6-9-2-2 of the Zoning Ordinance, “Permitted Uses” in the B1 District, is hereby amended to include “Office (when located above the ground floor).”
SECTION 11: Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby amended to include “Office (when located on the ground floor).”

SECTION 12: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to include “Office (when located above the ground floor).”

SECTION 13: Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby amended to include “Financial Institution (when located on the ground floor).”

SECTION 14: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to include “Financial Institution (when located above the ground floor).”

SECTION 15: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Office (when located on the ground floor).”

SECTION 16: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to include “Office (when located above the ground floor).”

SECTION 17: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Financial Institution (when located on the ground floor).”
SECTION 18: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to include “Financial Institution (when located above the ground floor).”

SECTION 19: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Office (when located on the ground floor).”

SECTION 20: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to include “Office (when located above the ground floor).”

SECTION 21: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Financial Institution (when located on the ground floor).”

SECTION 22: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to include “Financial Institution (when located above the ground floor).”

SECTION 23: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 24: 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 25: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 26: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced:______________, 2014
Adopted:______________, 2014
Approved:__________________________, 2014

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

_______________________________
Rodney Greene, City Clerk
W. Grant Farrar, Corporation Counsel
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

Approval of February 19, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis motioned to approve the minutes as presented.

Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3:0.

3. NEW BUSINESS

...

C. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0045
B1, B1a and B2 Districts
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic presented the staff report memo.

Commissioner Galloway stated the proposed amendment is a great idea. Retail uses would activate the areas and would make the districts more attractive.
Chairman Shure brought up the case from a few years about nail salon uses in the B3 district. He confirmed the proposal would promote uses that activate foot traffic.

Commissioner Lewis asked what if a neighborhood grocery store cannot survive in a market place with only local residents. Why should the City prevent some uses that may be able to fill in the vacant storefronts? He asked if an office use on the second floor still needs to get a special use?

Mr. Latinovic said staff debated if office uses on floors above the ground floor should still be allowed as permitted uses. Staff is open to that modification. The reason staff did not differentiate between 1st and 2nd floor office uses is because we found that most mixed use buildings in the B districts only have residential uses on floors above the ground floor. If there is a building with commercial offices on the 2nd floor then that building is typically entirely devoted to offices from the ground floor up.

Commissioner Galloway stated he thinks it could be a good idea to make the second floor office uses as permitted. He also stated it is important to understand that the City is not excluding them on the first floor. They just have to jump through some hoops to make sure they are appropriate within the context.

Commissioner Lewis cautioned not to regulate too much to discourage some uses and make them go away that could otherwise fill in vacant spaces. But he is in favor of moving the proposal through to the Plan Commission. He asked how can we notify these business owners to get their input?

Mr. Latinovic stated the notice was provided via newspaper and via the email blast. He noted that staff can try to identify merchant associations and notify them to get their input.

Chairman Shure asked if the City has a list of all property owners whose properties are zoned B district. It would be good to notify all of them. He also asked why the B3 district was excluded from the proposal.

Mr. Latinovic explained that the B3 district is different than other B districts and is more closely associated with the C districts which are located along busy arterial roads and cater to the automobile oriented uses. The B3 district is only located along the very far east end of Howard St. near the Howard St. transit stop. The nature of that commercial area is very different from other neighborhood nodes zoned B1, B1a or B2. The uses permitted in B3 district cater to much larger residential area of the whole city not just the immediate neighborhood.

Commissioner Galloway also added that it is arranged in more of a linear fashion along a busy roadway similar to other C zoning districts.

Chairman Shure stated the area is starting to change. The desire is for more retail services. He believes there would be a lot of support on the City Council to include the B3 in this proposal.

Chairman Shure also confirmed that any existing office use will be able to remain in their existing locations.
Commissioner Dubin agreed that B3 district should be looked at.

There being no further discussion, Commissioner Dubin made a motion to approve the proposed text amendment with conditions to allow the office and financial uses as permitted uses on the floors above ground level and also to include the B3 district in the proposed amendment.

Commissioner Lewis seconded the motion

The motion was approved by a voice call: 3-0.

Chairman Shure asked if the City can notify the property owners in those districts prior to the Plan Commission hearing, to which Mr. Latinovic stated the list would be substantial but staff will do their best and will discuss with legal department so as not to set a bad precedent.

4. ADJOURNMENT

Commissioner Lewis motioned for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:02 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for Wednesday, June 18, 2014 at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
<table>
<thead>
<tr>
<th>Use</th>
<th>RI</th>
<th>R3e</th>
<th>RI</th>
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<tbody>
<tr>
<td>Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).</td>
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<td>Artist studios and accessory dwelling units (when the accessory dwelling unit is located above the ground floor).</td>
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<td>Cultural facility.</td>
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<td>Dwellings (when located above the ground floor).</td>
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<td>Educational institution—Public</td>
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<tr>
<td>Educational institution—Private</td>
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<tr>
<td>Financial Institution</td>
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<td>Food store establishment (with hours of operation between 6:00 a.m. and 12:00 midnight).</td>
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<td>Government Institution</td>
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<td>Office</td>
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<td>Religious institution</td>
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<td>Residential care home—Category I</td>
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<td>Residential care home—Child (subject to the general requirements of Section 6-4-4, &quot;Residential Care Homes and Child Residential Care Homes,&quot; of this Title).</td>
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<tr>
<td>Restaurant—Type 1</td>
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<td>Retail goods establishment</td>
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<td>Retail service establishment</td>
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<td>Animal hospital</td>
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<td>Assisted Living Facility</td>
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<td>Commercial indoor recreation</td>
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<tr>
<td>Commercial outdoor recreation</td>
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<td>Commercial parking lot</td>
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<td>Convenience store</td>
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<td>Daycare center—Adult</td>
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<td>Daycare center—Child</td>
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<td>Daycare center—Domestic animal</td>
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<td>Dwelling—Multi-family</td>
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<td>Dwelling—Single-family detached</td>
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<td>Food store</td>
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<td>Funeral services excluding on-site cremation.</td>
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<td>Government institutions</td>
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<td>Independent living facility</td>
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<td>Kennel</td>
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<td>Long-term care facility</td>
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<td>Membership organization</td>
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<td>Microdistillery</td>
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<td>Open sales lot</td>
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<td>Planned development</td>
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<td>Planned development (subject to the requirements of Section 6-8-1, &quot;Planned Development,&quot; of this Chapter and Section 6-3-6, &quot;Planned Developments,&quot; of this Title)</td>
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<tr>
<td>Public safety</td>
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<td>Recording Studio</td>
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<td>Religious institution</td>
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<td>Religious institution</td>
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<tr>
<td>Residential care home—Category II</td>
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<td>Residential care home—Category III (subject to the requirements of Section 6-4-4, &quot;Residential Care Homes and Child Residential Care Homes,&quot; of this Title).</td>
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<td>Restaurant—Type 2</td>
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<td>Restaurant—Type 2 (excluding accessory drive-through facilities)</td>
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<tr>
<td>Retirement home</td>
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<td>Retirement home</td>
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<td>Sheltered care home</td>
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<tr>
<td>Trade Contractor (provided there is no outside storage)</td>
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<td>Transitional Shelters (subject to the requirements of Section 8-3-5-11, &quot;Additional Standards for Special Use for Transitional Shelters,&quot; of this Title).</td>
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<td>Transitional Treatment Facility—Category I (subject to the requirements of Section 6-4-4, &quot;Transitional Treatment Facilities,&quot; of this Title).</td>
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<tr>
<td>Transitional Treatment Facility—Category II (subject to the requirements of Section 6-4-5, &quot;Transitional Treatment Facilities,&quot; of this Title).</td>
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<td>Uses permitted pursuant to Section 6-9-1-2 and 6-9-1-3 exceeding seven thousand five hundred (7,500) square feet</td>
<td>S</td>
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<td></td>
</tr>
<tr>
<td>Uses permitted pursuant to Section 6-9-1-2 and 6-9-1-3 exceeding seven thousand five hundred (20,000) square feet</td>
<td>S</td>
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<td>S</td>
<td></td>
</tr>
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<td>S</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

- P - Permitted Use,
- S - Special Use
B1, B1a, B2 and B3 Zoning Districts

Map 1

Map 2

Map 3

Map 4

Map 5

Map 6

Map 7

Map 8

Map 9

Map 10

CITY OF EVANSTON

Date: 05/06/2014
Dear Mr. Latinovic,

I am writing to express my support for the zoning amendment which will be introduced at the June 9th Planning Commission meeting. I apologize for not attending the meeting in person. Unfortunately, my store’s hours conflict with the timing of the meeting.

The perspective I share is from being the property owner of 710-716 Main Street and as the proprietor of Good’s Fine Picture Framing. Our store has been in South Evanston for over a century and I have spent a good portion of my life involved with the business and its surroundings. I have also been an active member of the Main Street Merchants Association. It’s fair to say that I am very passionate about keeping Main Street a vibrant shopping district.

During my time here, I have seen the positive impact when a new store or restaurant opens. Unfortunately, I’ve also experienced the harm that comes from losing a good business. It has been my contention for a long time that the health of our district is dependant on having a collection of interesting retail businesses. When an office user takes over a storefront that was intended for retail, the collective appeal of Main Street as a shopping destination is greatly diminished.

Our retail base has declined over the years and I believe we are now at a tipping point. Given the new developments in the district, and the considerable resources the City has invested, there is extraordinary potential for our area. However, if the current storefront vacancies are filled with office users, the negative impact will be very difficult to overcome. It is for this reason that I fully support the zoning change that is being proposed.

I greatly appreciate that this change is being considered and truly believe it will have a positive impact on our area. If there is any additional insight I can offer on the topic, or if I can be of any other assistance, please feel free to contact me.

Regards,

Shaun Chinsky
President
Zoning Ordinance Text Amendment

Neighborhood Gardens, Urban Farms & Rooftop Urban Farms

13PLND-0059
Memorandum

To: Chair and Members of the Plan Commission

From: Mark Muenzer, Director of Community Development
Lorrie Pearson, Planning and Zoning Administrator
Damir Latinovic, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Neighborhood Gardens, Urban Farms and Rooftop Urban Farms
14PLND-0059

Date: June 4, 2014

Summary
Staff recommends defining and establishing the Neighborhood Gardens, Urban Farms and Rooftop Urban Farms as principal land uses. Staff recommends Neighborhood Gardens be allowed as a permitted use in R, B, C, I, M, O1, and RP Districts and as a special use in the Downtown (D) districts. Staff also recommends allowing Urban Farm uses as a special use in the I Districts and Rooftop Urban Farm uses as a special use in the B, C, D, I, M, RP, and O1 Districts.

Background
The proposed Neighborhood Garden, Urban Farms and Rooftop Urban Farms land use regulations were presented to the Zoning Committee of the Plan Commission on July 18, 2012 and August 15, 2012. On August 15, 2012 the Zoning Committee made a positive recommendation to the Plan Commission to establish the land use definition for Neighborhood Gardens and allow such uses as a permitted use in all R, B, C, I, M, O1 and RP districts and as a special use in all D districts. The Zoning Committee also made a positive recommendation to the Plan Commission to establish land use definitions for Urban Farms and Rooftop Urban Farms and to allow Urban Farms as a special use in all I Districts and Rooftop Urban Farms as a special use in the B, C, D, I, M, RP, and O1 Districts. The Plan Commission considered the proposed land use regulations at its September 9, 2012 meeting and forwarded a positive recommendation to the City Council without any changes.

Since then, due to the priority of other projects and lack of any proposals for such establishments in the City, the proposed text amendments were not presented to the City Council. Because the official recommendation by the Plan Commission took place approximately 20 months ago, City’s legal counsel recommended presenting the proposed text amendments again to the Plan Commission before the proposal is introduced to the City Council.
Staff has not made any changes to the proposal since it was last heard by the Plan Commission.

Neighborhood Gardens
Neighborhood Gardens are locally-based garden plots managed by a specific person or group that maintains the property. Currently, such establishments in the City would only be allowed as an accessory use on properties that have a separate primary use, such as a residence or a school. The proposed text amendment would allow Neighborhood Gardens as a primary use in the proposed zoning districts so that vacant parcels can be utilized for education, recreation, harvest, and beautification through gardening.

Staff proposes the following land use definition and regulations:

**Neighborhood Garden** – a principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, and is managed by a specific person or group responsible for maintenance and operations, subject to the following regulations:

(A) The person or group responsible for managing the garden shall be identified on each required annual application/registration form.
(B) On-site processing and/or storage of plants or plant products are prohibited.
(C) Outdoor storage of any kind is prohibited.
(D) A fence and one accessory structure for the storage of gardening tools and supplies, no larger than 120 square feet in area, shall be allowed on-site, provided the owner or operator first obtains a Certificate of Zoning Compliance or Building Permit for it/them.
(E) Composting of plant material that is grown on site shall be permitted, except in the front yard. All other composting is prohibited.
(F) No incidental sales of plants or produce shall take place on site.
(G) Neighborhood gardens shall be maintained so as not to encourage the harboring of vermin. Accumulation of weeds and/or rubbish is prohibited.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Neighborhood Gardens</strong></td>
<td>Only allowed as an accessory use to another principal use on the same zoning lot, such as a residence or school.</td>
</tr>
</tbody>
</table>

Staff believes special use approval should be required for Neighborhood Garden establishments in the Downtown (D) Districts so that each proposal can be evaluated on a case by case basis for consistency with surrounding uses. Special Use review also affords the City the ability to impose certain restrictions or conditions on the proposed use to eliminate any potential negative effects.
The proposed regulations would allow a Neighborhood Garden to include a small garden shed and a fence if necessary or desirable. Incidental sales of plants or produce may take place off-site only at a location such as a farmer’s market. However, per the proposed definition of the use, a Neighborhood Gardens may not be utilized as for-profit commercial businesses.

All Neighborhood Gardens would require a permit handled by the Zoning Office, similar to yard sale permits. There is no permit fee proposed. The permit would require information about Neighborhood Garden manager, the authorization from the property owner, and would include the list of the land use regulations (proposed permit form is attached). The permit requirement would afford the City the opportunity to contact the Neighborhood Garden operator or the property owner if necessary.

Urban Farms and Rooftop Urban Farms
The City currently does not allow Urban Farms or Rooftop Urban Farms since they are prohibited as agricultural uses. With the increased demand for locally grown and/or organic food, Urban Farms and Rooftop Urban Farms are gaining interest across the country. These types of uses also create local jobs, utilize vacant buildings or vacant land and can make use of large rooftops for commercial businesses that typically provide fresh produce to local residents.

There is a multitude of ways an urban farm business can function. Some urban farms utilize vacant properties with traditional farming techniques. Other urban farms set up hoop-houses to lengthen the growing season and establish additional crops. Indoor urban farms can utilize warehouse-style buildings and often use vertical farming techniques to maximize the usable indoor space. Vertical farming can include a system of shelves to create multiple layers of crops in one space (images attached). Any or all of these techniques may be combined on Rooftop Urban Farms.

Because of the multitude of variables Urban Farms and Rooftop Urban Farms may have, approval of such businesses on a case by case, site specific basis is needed. This can be adequately done through the special use approval process, so that such establishments can be given consideration based on their type of system, indoor or outdoor use and proximity to neighboring businesses or residences. The special use process also allows the City to condition any special use permit to eliminate potential nuisance issues or limit the type of farming that may take place at each site.

Staff proposes the following land use definition and regulations:

**Urban Farm** – An indoor or outdoor principal use that includes growing plant products for wholesale or retail sales and which may include one or more of the following: washing; packaging; storage. Typical Urban Farm operations may include growing beds, greenhouses, and orchards.

**Rooftop Urban Farm** – A rooftop operation that includes growing plant products for wholesale or retail sales and which may include one or more of the following: washing; packaging; storage. Typical Rooftop Urban Farm operations may include growing beds, greenhouses, and orchards.
<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Farms</td>
<td>Special Use in I1, I2, I3 Districts</td>
</tr>
<tr>
<td></td>
<td>Considered agriculture, which is not allowed.</td>
</tr>
<tr>
<td>Rooftop Urban Farms</td>
<td>Special Use in B1, B1a, B2, B3, C1, C1a, C2, D1, D2, D3, D4, I1, I2, I3, MUE, MXE, RP, O1.</td>
</tr>
<tr>
<td></td>
<td>Considered agriculture, which is not allowed.</td>
</tr>
</tbody>
</table>

Regulations in Other Municipalities
The City of Chicago regulates urban farms as permitted uses in some B Districts, on rooftops in all D Districts, and indoors and on rooftops in manufacturing districts. The City of Chicago does not use the special use process for the regulation of urban farms. There are multiple urban farms in operation within the City of Chicago. A large outdoor urban farm operates in the Cabrini Green neighborhood near the intersection of Clybourn Avenue and Division Street on the north side of Chicago. Other rooftop and indoor operation establishments also exist throughout the city.

Compliance with the Comprehensive Plan
The proposed Zoning Ordinance Text Amendment to establish land use regulations for Neighborhood Gardens, Urban Farms and Rooftop Urban Farms is consistent with the Comprehensive General Plan of the City. The proposed uses are consistent with the goals of the Plan to achieve a clean and attractive environment that preserves natural resources and promotes health and high quality of life. The proposal is also consistent with the Plan’s objective to promote awareness of environmental issues and encourage practices that sustain a healthy environment. The proposed zoning regulations are consistent with the Comprehensive Plan and encourage green, sustainable farming techniques that will provide fresh produce to the community while utilizing existing vacant properties and and/or warehouses. Since most produce form Urban Farms and Rooftop Urban Farms is typically consumed within a 60 mile radius of where it is are harvested, the residents of Evanston stand to benefit from fresh and most likely organic produce.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to define and establish land use regulations for Neighborhood Gardens, Urban Farms and Rooftop Urban Farms meets the standards for approval of amendments in Section 6-3-4-5 of the City Code. The proposal is consistent with and meets the goals of the Comprehensive General Plan as outlined above. The proposed regulations will encourage sustainable produce production and further City’s goal of becoming the most livable city in the country.

The proposed regulations for Neighborhood Gardens would enable non-profit organizations to utilize vacant parcels throughout the City and provide residents who lack adequate personal outdoor space to practice gardening and grow their own produce. Similarly, the establishment of Urban Farms and Rooftop Urban Farms as an allowable principal use would further City’s sustainability goals. By allowing the Urban Farms and Rooftop Urban Farms as a special use in the B, C, D, I, M, RP and O1
districts, each application will be reviewed by the Plan Commission and City Council to assure the proposed establishment will be adequately served by public services and is compatible with the surrounding uses. The proposed amendment will not have an adverse effect on the existing properties and uses in the City, but could reenergize underutilized properties and commercial areas.

**Recommendation**
Staff recommends Plan Commission make a positive recommendation to the City Council for the proposed land use regulations for the Neighborhood Gardens, Urban Farms and Rooftop Urban Farms.

---------------------------------------------------------------------------------------------------------------------

**Attachments**
Proposed Ordinance 81-O-14
Neighborhood Garden Application
Images – Different Types of Urban Farms & Rooftop Urban Farms
Zoning Committee of the Plan Commission Meeting Minutes 7.18.12
Zoning Committee of the Plan Commission Meeting Minutes 8.15.12
Plan Commission Meeting Minutes 9.12.12
81-O-14

AN ORDINANCE

Amending Portions of the Zoning Ordinance
to Create the “Urban Farm” and “Neighborhood Garden” Use

WHEREAS, on June 11, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 14PLND-0059 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 “Urban Farm” and “Neighborhood Garden;” 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 July 14, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 14PLND-0059 and recommended City Council approval thereof; and

WHEREAS, at its meetings of July 14, 2014 and July 28, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

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

<table>
<thead>
<tr>
<th>NEIGHBORHOOD GARDEN:</th>
<th>A principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, and is managed by a specific person or group responsible for maintenance and operations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>URBAN FARM:</td>
<td>An indoor or outdoor principal use that includes growing plant products for wholesale or retail sales and may include one (1) or more of the following: washing; packaging; storage. Typical Urban Farms may include growing beds, greenhouses, and orchards.</td>
</tr>
<tr>
<td>URBAN FARM, ROOFTOP:</td>
<td>A rooftop accessory use that includes growing plant products for wholesale or retail sales and may include one (1) or more of the following: washing; packaging; storage. Typical Rooftop Urban Farms may include growing beds, greenhouses, and orchards.</td>
</tr>
</tbody>
</table>

SECTION 3: Chapter 4 of the Zoning Ordinance is hereby amended by the enactment of a new Section 9 thereof, to read as follows:

6-4-9: NEIGHBORHOOD GARDENS:

A neighborhood garden is a principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, that is managed by a specific person or group responsible for maintenance and operations. The following general requirements shall apply to neighborhood gardens:

(A) The person or group responsible for managing the garden shall be identified on each required annual application/registration form.

(B) On-site processing and/or storage of plants or plant products are prohibited.
(C) Outdoor storage of any kind is prohibited.

(D) A fence and one (1) accessory structure for the storage of gardening tools and supplies, no larger than one hundred twenty square feet (120 sq. ft.) in area, shall be allowed on-site, provided the owner or operator first obtains a Certificate of Zoning Compliance or Building Permit for it/them.

(E) Composting of plant material that is grown on site shall be permitted, except in the front yard. All other composting is prohibited.

(F) No incidental sales of plants or produce shall take place on site.

(G) Neighborhood gardens shall be maintained so as not to encourage the harboring of vermin. Accumulations of weeds and/or rubbish is prohibited.

SECTION 4: Subsection 6-9-2-3 of the Zoning Ordinance, “Special Uses” in the B1 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 5: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 6: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 7: Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 8: Subsection 6-10-2-3 of the Zoning Ordinance, “Special Uses” in the C1 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 9: Subsection 6-10-3-3 of the Zoning Ordinance, “Special Uses” in the C1a District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 10: Subsection 6-10-4-3 of the Zoning Ordinance, “Special Uses” in the C2 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 11: Subsection 6-11-2-3 of the Zoning Ordinance, “Special Uses” in the D1 District, is hereby amended to include “Urban Farm, Rooftop.”
SECTION 12: Subsection 6-11-3-4 of the Zoning Ordinance, “Special Uses” in the D2 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 13: Subsection 6-11-4-3 of the Zoning Ordinance, “Special Uses” in the D3 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 14: Subsection 6-11-5-3 of the Zoning Ordinance, “Special Uses” in the D4 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 15: Subsection 6-12-2-3 of the Zoning Ordinance, “Special Uses” in the RP Research Park District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 16: Subsection 6-13-2-3 of the Zoning Ordinance, “Special Uses” in the MU District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 17: Subsection 6-13-3-3 of the Zoning Ordinance, “Special Uses” in the MUE District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 18: Subsection 6-13-4-3 of the Zoning Ordinance, “Special Uses” in the MXE District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 19: Subsection 6-14-2-3 of the Zoning Ordinance, “Special Uses” in the I1 District, is hereby amended to include “Urban Farm” and “Urban Farm, Rooftop.”

SECTION 20: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I2 District, is hereby amended to include “Urban Farm” and “Urban Farm, Rooftop.”
SECTION 21: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I3 District, is hereby amended to include “Urban Farm” and “Urban Farm, Rooftop.”

SECTION 22: Subsection 6-15-2-3 of the Zoning Ordinance, “Special Uses” in the O1 Office District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 23: Subsection 6-8-2-3 of the Zoning Ordinance, “Permitted Uses” in the R1 District, is hereby amended to include “Neighborhood Garden.”

SECTION 24: Subsection 6-8-3-2 of the Zoning Ordinance, “Permitted Uses” in the R2 Residential, is hereby amended to include “Neighborhood Garden.”

SECTION 25: Subsection 6-8-4-2 of the Zoning Ordinance, “Permitted Uses” in the R3 District, is hereby amended to include “Neighborhood Garden.”

SECTION 26: Subsection 6-8-5-2 of the Zoning Ordinance, “Permitted Uses” in the R4 District, is hereby amended to include “Neighborhood Garden.”

SECTION 27: Subsection 6-8-6-2 of the Zoning Ordinance, “Permitted Uses” in the R4a District, is hereby amended to include “Neighborhood Garden.”

SECTION 28: Subsection 6-8-7-2 of the Zoning Ordinance, “Permitted Uses” in the R5 District, is hereby amended to include “Neighborhood Garden.”

SECTION 29: Subsection 6-8-8-2 of the Zoning Ordinance, “Permitted Uses” in the R6 District, is hereby amended to include “Neighborhood Garden.”

SECTION 30: Subsection 6-9-2-2 of the Zoning Ordinance, “Permitted Uses” in the B1 District, is hereby amended to include “Neighborhood Garden.”

SECTION 31: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 District, is hereby amended to include “Neighborhood Garden.”
SECTION 32: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby amended to include “Neighborhood Garden.”

SECTION 33: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a District, is hereby amended to include “Neighborhood Garden.”

SECTION 34: Subsection 6-10-2-2 of the Zoning Ordinance, “Permitted Uses” in the C1 District, is hereby amended to include “Neighborhood Garden.”

SECTION 35: Subsection 6-10-3-2 of the Zoning Ordinance, “Permitted Uses” in the C1a District, is hereby amended to include “Neighborhood Garden.”

SECTION 36: Subsection 6-10-4-2 of the Zoning Ordinance, “Permitted Uses” in the C2 District, is hereby amended to include “Neighborhood Garden.”

SECTION 37: Subsection 6-11-2-3 of the Zoning Ordinance, “Special Uses” in the D1 District, is hereby amended to include “Neighborhood Garden.”

SECTION 38: Subsection 6-11-3-4 of the Zoning Ordinance, “Special Uses” in the D2 District, is hereby amended to include “Neighborhood Garden.”

SECTION 39: Subsection 6-11-4-3 of the Zoning Ordinance, “Special Uses” in the D3 District, is hereby amended to include “Neighborhood Garden.”

SECTION 40: Subsection 6-11-5-3 of the Zoning Ordinance, “Special Uses” in the D4 District, is hereby amended to include “Neighborhood Garden.”

SECTION 41: Subsection 6-12-2-2 of the Zoning Ordinance, “Permitted Uses” in the RP District, is hereby amended to include “Neighborhood Garden.”

SECTION 42: Subsection 6-13-2-2 of the Zoning Ordinance, “Permitted Uses” in the MU District, is hereby amended to include “Neighborhood Garden.”
SECTION 43: Subsection 6-13-3-2 of the Zoning Ordinance, “Permitted Uses” in the MUE District, is hereby amended to include “Neighborhood Garden.”

SECTION 44: Subsection 6-13-4-2 of the Zoning Ordinance, “Permitted Uses” in the MXE District, is hereby amended to include “Neighborhood Garden.”

SECTION 45: Subsection 6-14-2-2 of the Zoning Ordinance, “Permitted Uses” in the I1 District, is hereby amended to include “Neighborhood Garden.”

SECTION 46: Subsection 6-14-3-2 of the Zoning Ordinance, “Permitted Uses” in the I2 District, is hereby amended to include “Neighborhood Garden.”

SECTION 47: Subsection 6-14-4-2 of the Zoning Ordinance, “Permitted Uses” in the I3 District, is hereby amended to include “Neighborhood Garden.”

SECTION 48: Subsection 6-15-2-2 of the Zoning Ordinance, “Permitted Uses” in the O1 Office District, is hereby amended to include “Neighborhood Garden.”

SECTION 49: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 50: 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 51: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.
SECTION 52: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced:___________________, 2014       Approved:

Adopted:___________________, 2014              __________________________, 2014

______________________________

Elizabeth B. Tisdahl, Mayor

Attest:                                    Approved as to form:

______________________________

Rodney Greene, City Clerk                W. Grant Farrar, Corporation Counsel
NEIGHBORHOOD GARDEN
APPLICATION

PERMIT # ______________________
(Office Use Only Please)

ADDITIONAL INFORMATION

PERMIT # ______________________
(Office Use Only Please)

A NEIGHBORHOOD GARDEN is a principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, and is managed by a specific person or group responsible for maintenance and operations.

Date of Application: ____________________________

Location of Neighborhood Garden: ________________________________________________________

NEIGHBORHOOD GARDEN MANAGER

Name: __________________________________________________________________________________

Address: _____________________________________________________________________________

Contact Information: ___________________(Phone)_______________________________________________(Email)

Signature: _____________________________________________________________________________

PROPERTY OWNER

Name: __________________________________________________________________________________

Address: _____________________________________________________________________________

Contact Information: ___________________(Phone)_______________________________________________(Email)

Signature: _____________________________________________________________________________

ADDITIONAL INFORMATION

Description of Operation: _________________________________________________________________

Water Usage/Supply: _______________________________________________________________________

Hours of Operation: _______________________________________________________________________

RULES AND REGULATIONS

(A) The person or group responsible for managing the garden shall be identified on each required annual application form.
(B) On-site processing and/or storage of plants or plant produce are prohibited.
(C) Outdoor storage of any kind is prohibited.
(D) A fence and one accessory structure for the storage of gardening tools and supplies, no larger than 120 square feet in area, shall be allowed on site, provided the owner or operator first obtains a Certificate of Zoning Compliance or Building Permit for it/them.
(E) Composting of plant material that is grown on site shall be permitted, except in the required front yard. All other composting is prohibited.
(F) No incidental sales of plants or produce shall take place on site.
(G) Neighborhood Gardens shall be maintained so as not to encourage the harboring of vermin. Accumulation of weeds and/or rubbish is prohibited.

Failure to comply with the above regulations may result in the revocation of your permit, termination of the Neighborhood Garden, and fines administered through the Administrative Adjudication process.

Community Development Department — Zoning Office, Civic Center, 2100 Ridge Ave. Evanston, IL 60201
☎ 847-448-8230 ☎ 847-448-8126 ☏ zoning@cityofevanston.org ☃ www.cityofevanston.org/zoning
Urban Farms
Often utilizing vertical farming techniques since space is limited
Also utilizing rooftop locations
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, July 18, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford, Richard Shure (Chair), Seth Freeman, Patricia Ledesma Liebana, Dave Galloway, Scott Peters

Members Absent: Kwesi Steele

Staff Present: Melissa Klotz

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:10 P.M.

2. MINUTES

Approval of June 13, 2012 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Freeman motioned for approval of the June 13, 2012 meeting minutes. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved as written.

3. OLD BUSINESS

...

B.) 12PLND-0036 TEXT AMENDMENT TO THE ZONING ORDINANCE

Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulation of Community Gardens.

Committee members agreed Community Gardens should be allowed uses rather than special uses, but they should be licensed with certain regulations.

Attorney Ken Cox noted that the Parks & Recreation Department regulates and oversees public land where there currently are a few Community Gardens, but they cannot oversee private land.

John Gareth Proctor explained that he has a lot of experience with creating Community Gardens throughout Chicago. They are permitted as of right, are not licensed, but it is necessary to discuss the plans with the Police Department to ensure the layout does not create issues for the police.
The Committee felt the special use process would be appropriate in the downtown area, and Community Gardens should be allowed in all other districts.

Mr. Proctor added that Community Gardens are well cared for because so many people are involved and there is a sense of pride.

Commissioner Peters motioned to refer Community Gardens back to staff so that a registration permit with specific regulations could be created. The motion was seconded by Commissioner Steele and approved 6-0.

**C.) 12PLND-0036 TEXT AMENDMENT TO THE ZONING ORDINANCE**

*Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulation of Urban Farms.*

Mr. Proctor explained that rooftop farms have expensive startup costs because a structural engineer must be consulted since dirt and water are heavy.

Commissioner Peters asked staff to look into the building code to ensure anything done on a rooftop related to Urban Farms would be covered by code, would be safe, and would be adequately reviewed by City staff.

Commissioner Ford motioned to approve the definition of Urban Farm and Rooftop Farm. The motion was seconded by Commissioner Galloway and approved 6-0.

Commissioner Peters motioned to approve Urban Farms and Rooftop Farms as special uses in all districts other than residential. The motion was seconded by Commissioner Freeman and approved 6-0.

The issue was referred back to staff to find specific language in the building code that will ensure proper safety measures are taken for Rooftop Farms, and to create height regulations for accessory structures that may be used on Rooftop Farms.

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4. **ADJOURNMENT**

Commissioner Peters motioned to adjourn. Commissioner Ledesma Liebana seconded the motion. The meeting adjourned at 10:05 PM.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, August 15, 2012** at 7:00 P.M., in the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, August 15, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2404

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

Members Absent: Kwesi Steele, Dave Galloway

Staff Present: Melissa Klotz, Dennis Marino, Ken Cox

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

Approval of July 18, 2012 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Peters motioned for approval of the July 18, 2012 meeting minutes. Commissioner Liebana seconded the motion. A voice vote was taken and the minutes were approved as written.

3. OLD BUSINESS

A) 12PLND-0036 TEXT AMENDMENT TO THE ZONING ORDINANCE
Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulation of Community/Neighborhood Gardens.

Committee members discussed a slight change to the wording of the proposed definition of Neighborhood Gardens.

Committee members decided incidental sales of produce should be allowed but not on site.

Commissioner Peters motioned for approval of the proposed text amendment with the changes to the definition and sales of produce as discussed. Commissioner Ford seconded the motion. The motion was approved 5-0.

B) 12PLND-0036 TEXT AMENDMENT TO THE ZONING ORDINANCE
Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulation of Urban Farms
Committee members discussed a slight change to the wording of the proposed definition of Urban Farms and Rooftop Urban Farms.

Commissioner Liebana motioned for approval of the proposed text amendment with the changes to the definitions as discussed. Commissioner Ford seconded the motion. The motion was approved 5-0.

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4. ADJOURNMENT

Commissioner Ford motioned to adjourn. Chairman Shure seconded the motion. The meeting adjourned at 7:50 PM.

The next meeting of the Zoning Committee of the Plan Commission will be Wednesday, September 19, 2012 at 7:00 P.M., in the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department
MEETING MINUTES  
PLAN COMMISSION  
Wednesday, September 12, 2012  
7:00 P.M.  
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford, Barbara Putta, Seth Freeman, Patricia Ledesma, Scott Peters (Chair), Richard Shure, 

Members Absent: Kwesi Steele, David Galloway, Stuart Opdycke (Associate), Lenny Asaro  

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

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:06 P.M.

2. APPROVAL OF AUGUST 8, 2012 MEETING MINUTES

Commissioner Ford motioned for approval of the August 8, 2012 meeting minutes

Commissioner Freeman seconded the motion.

A voice vote was taken and the minutes were approved.

3. ZONING TEXT AMENDMENT 12PLND-0036

Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations of Neighborhood Gardens.

Melissa Klotz, Zoning Planner, provided a staff report concerning the proposed establishment of a definition for Neighborhood Gardens.

Chairman Peters opened the discussion asking for a motion concerning the proposed text amendment.

Commissioner Ford motioned to approve the proposed definition and provide a recommendation to City Council to approve this definition.

Commissioner Putta seconded the motion

A voice vote was taken, the motion passed 7-0.

4. ZONING TEXT AMENDMENT 12PLND-0036
Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations of Urban Farms and Rooftop Urban Farms.

Commissioner Ford motioned to approve the proposed definition and provide a recommendation to City Council to approve this definition.

Commissioner Freeman seconded the motion

A voice vote was taken, the motion passed 7-0.

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6. ADJOURNMENT

Commissioner Ford motioned for adjournment
Commissioner Shure seconded the motion.

The meeting adjourned at 8:30 P.M.

Respectfully Submitted,
Craig Sklenar, AICP
General Planner, Community and Economic Development Department

The next regular Plan Commission meeting is scheduled for WEDNESDAY, OCTOBER 10, 2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.