EVANSTON PLAN COMMISSION
Wednesday, September 12, 2012
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, ROOM 2200

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF AUGUST 08, 2012 MEETING MINUTES

3. ZONING TEXT AMENDMENT 12PLND-0036
   Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations of Neighborhood Gardens.

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.

5. ZONING TEXT AMENDMENT 12PLND-0047
   Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations for Residential Building Height, Dormer Size and Location, Half Stories, Accessory Structure Height, and Legal Nonconformities in the R1, R2, R3, R4 and R4a districts.

6. COMMITTEE REPORTS

7. ADJOURNMENT

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.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to the General Planner, Craig Sklenar, at 847-448-8683 or by e-mail at csklenar@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, August 8, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford, Kwesi Steele, Patricia Ledesma, Scott Peters (Chair), Richard Shure, Lenny Asaro

Members Absent: David Galloway, Barbara Putta, Seth Freeman, Stuart Opdycke (Associate)

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 7:15 P.M.

2. APPROVAL OF AUGUST 8, 2012 MEETING MINUTES

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

Commissioner Shure seconded the motion.

A voice vote was taken and the minutes were approved.

3. PLANNED DEVELOPMENT 12PLND-0051

1211 CHICAGO AVENUE (TRADER JOE’S)

Continued from the July 11, 2012 Plan Commission meeting - Scott Gendell, representative for Gendell/WNB, LLC, developer of the proposed project, applies for a Planned Development to construct a 13,000 square foot grocery store to be operated by Trader Joe’s, on a parcel of land totaling 48,400 square feet in size. 6-10-1-9 (D-1) of the Municipal Code requires all proposed developments with a zoning lot over 30,000 square feet to apply for a Planned Development. The Plan Commission is a recommending body to the City Council. City Council is the determining body in this case.

Chairman Peters re-opened the hearing asking for a staff update.

Craig Sklenar, General Planner provided a progress report concerning the issues brought forth at the previous Plan Commission hearing on July 11, 2012.
Mr. Sklenar then asked Alderman Wynne to provide an update on the neighborhood discussion of development concerns and how they were resolved. These issues included:

- An enhanced landscape plan
- An improved sound wall made of materials that will attenuate traffic noise
- A Lighting plan that would ensure lighting cuts off at property lines
- A discussion of construction hours and expectations
- A negotiated delivery hour range of 6AM to 10PM
- All garbage will be collected on site not through the alleyway
- The noise from compressor units will be abated by sound attenuation materials.
- The loading area will be fully enclosed as shown on the resubmitted site plan.

Kathy Shaw of 1224 Hinman spoke to the negotiated efforts between the neighborhood group and the developer concerning the proposed plan and supported the proposed changes.

Commissioner Ford motioned to provide the City Council with a favorable recommendation for the proposed planned development at 1211 Chicago Avenue with the following requirements:

1. That the loading dock is erected as proposed as a fully enclosed structure that will house large trucks during their delivery times.
2. That an eight feet high wall be constructed along the eastern property line and be made of materials suitable for proper sound attenuation
3. That the HVAC Compressors are properly shielded to reduce noise
4. That the hours of delivery be only between the hours of 6:00AM and 10:00PM
5. All trash collection must occur on site and at the loading dock.
6. That no access is granted to the site through the alleyway
7. That all signage lit must be turned off no more than one hour after store closing.

Commissioner Ledesma seconded the motion.

A voice vote was taken.

The motion passes unanimously.

4. ZONING TEXT AMENDMENT  12PLND-0032
Consideration of the proposed text amendment to the Zoning Ordinance to discuss the regulation of Massage Establishments.

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

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

Commissioner Ledesma seconded the motion

A voice vote was taken, the motion passed 6-0.
5. COMMITTEE REPORTS

Craig Sklenar, General Planner, reminded commissioners that the Comprehensive Plan Subcommittee will convene Wednesday August 22, 2012 at 7:30AM.

6. ADJOURNMENT

Commissioner Ford motioned for adjournment
Commissioner Asaro seconded the motion.

The meeting adjourned at 8:20 P.M.

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

The next regular Plan Commission meeting is scheduled for WEDNESDAY, SEPTEMBER 12, 2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
MEETING MINUTES

City of Evanston

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.

C) 12PLND-0047 TEXT AMENDMENT TO THE ZONING ORDINANCE
Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the zoning regulations for residential building height and dormer size in the R1, R2 and R3 districts.

Committee members discussed a slight change to the wording of the nonconformity clause.

Commissioner Ford motioned for approval of the proposed text amendment with the change discussed. Commissioner Opdycke seconded the motion. The motion was approved 5-0.

4. NEW BUSINESS

5. 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
Neighborhood Gardens
Text Amendment

12PLND-0036
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment XX-O-12 for Neighborhood Gardens, 12PLND-0036

Date: September 12, 2012

Proposal Overview
Neighborhood Gardens are locally-based gardens managed by a specific person or group that maintains the plants. Currently, Neighborhood Gardens are only allowed as accessory uses on properties that have allowed primary uses. A text amendment should be created that allows Neighborhood Gardens as primary uses in certain zoning districts so that vacant parcels can be utilized for Neighborhood Gardens.

Recommendation
Following the June 13, 2012, July 18, 2012, and August 18, 2012 Zoning Committee meetings, the Zoning Committee of the Plan Commission and staff recommend Neighborhood Gardens should be permitted uses in all districts other than the D districts, where they should require special uses. The Committee also recommends Neighborhood Gardens should have a set of regulations stated on an application form that includes a designated Neighborhood Garden Manager as a point of contact with the City.

Current Regulations
Currently, the Zoning Ordinance does not address Neighborhood Gardens as primary uses. With a permissive Zoning Ordinance, omission means they are prohibited. They are only allowed as accessory uses, most often at City-owned open space/park property, or in conjunction with schools. The Zoning Division has received inquiries regarding allowed locations for Neighborhood Gardens.

Proposed Definition
A zoning definition for Neighborhood Gardens should be implemented to allow for the specific regulation as a primary use.
Neighborhood Garden – A neighborhood-based development that provides space for people to grow plants for beautification, education, recreation, or harvest, that is managed by a specific person or group that is responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site, however gardening tools and supplies may be stored.

Any business that intends to create a garden as a business, where the purpose is to sell harvested plants or food for a profit, would not fit into this definition. A for-profit business would instead be considered an Urban Farm.

Possible Zoning Regulations
The Zoning Committee discussed regulating Neighborhood Gardens as permitted uses in all districts except the D districts. In the D districts, they should require special uses. Applications for Neighborhood Gardens should be utilized and kept on file in the Zoning Office. The applications will state the following regulations:

1. One accessory structure, no larger than 120 square feet, is allowed within a legal location on the site.
2. All accessory structures and fences require a Certificate of Zoning Compliance from the Zoning Office.
3. Composting is limited only to the materials generated on site and may not be located in the front yard.
4. The processing and storage of plants or plant products are prohibited on site.
5. Sales are limited to incidental sales of plants or produce which cannot take place on site.
6. All Neighborhood Gardens must be well maintained and shall not encourage the harboring of rodents.
7. The accumulation of weeds and/or rubbish is prohibited.
8. Outdoor storage is prohibited.
9. Verified valid complaints regarding any Neighborhood Garden are cause for permit revocation.

The application will provide the Zoning Office with the property owner's contact information and signature, as well as the Neighborhood Garden Manager's contact information and signature (see attached).
### Proposed Changes in Summary

<table>
<thead>
<tr>
<th>Neighborhood Gardens</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Allowed as an accessory use only</td>
<td>Allow as a permitted use in all districts other than downtown. Require special use in the D districts.</td>
<td>Require permit that will be kept on file in the Zoning Office that lists a Neighborhood Garden Manager.</td>
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<td></td>
<td>An accessory structure is not allowed on a property if there is no primary structure.</td>
<td>One accessory structure up to 120 square feet in size is allowed within the applicable district setbacks.</td>
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</table>
NEIGHBORHOOD GARDEN APPLICATION

PERMIT # ____________________
(Office Use Only Please)

A NEIGHBORHOOD GARDEN is a neighborhood-based development that provides space for people to grow plants for beautification, education, recreation, or harvest, that is managed by a specific person or group that is responsible for maintenance and operations.

Date of Application: ____________________

Location of Community Garden: ____________________

NEIGHBORHOOD GARDEN MANAGER

Name: ____________________

Address: ____________________

Phone Number: ____________________

Email: ____________________

Signature: ____________________

PROPERTY OWNER

Name: ____________________

Address: ____________________

Phone Number: ____________________

Email: ____________________

Signature: ____________________

RULES AND REGULATIONS

1. One accessory structure, no larger than 120 square feet, is allowed within a legal location on the site.
2. All accessory structures and fences require a Certificate of Zoning Compliance from the Zoning Office.
3. Composting is limited only to the materials generated on site and may not be located in the front yard.
4. The processing and storage of plants or plant products are prohibited on site.
5. Sales are limited to incidental sales of plants or produce which cannot take place on site.
6. All Neighborhood Gardens must be well maintained and shall not encourage the harboring of rodents.
7. The accumulation of weeds and/or rubbish is prohibited.
8. Outdoor storage is prohibited.
9. Verified valid complaints regarding any Neighborhood Garden are cause for permit revocation.

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.
AN ORDINANCE
Amending Portions of the Zoning Ordinance
to Create the “Neighborhood Garden” Use

WHEREAS, on June 13, July 18, August 18, and September 12, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0036 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “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 October 8, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0036 and recommended City Council approval thereof; and

WHEREAS, at its meetings of October 8 and October 22, 2012, 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:

NEIGHBORHOOD GARDEN: A neighborhood-based development that provides space for people to grow plants for beautification, education, recreation, or harvest, that is managed by a specific person or group that is responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site; however gardening tools and supplies may be stored.

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

SECTION 4: Subsection 6-8-3-2 of the Zoning Ordinance, "Permitted Uses" in the R2 Residential, is hereby amended to include "Neighborhood Garden."

SECTION 5: Subsection 6-8-4-2 of the Zoning Ordinance, "Permitted Uses" in the R3 District, is hereby amended to include "Neighborhood Garden."

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

SECTION 7: Subsection 6-8-6-2 of the Zoning Ordinance, "Permitted Uses" in the R4a District, is hereby amended to include "Neighborhood Garden."

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

SECTION 9: Subsection 6-8-8-2 of the Zoning Ordinance, "Permitted Uses" in the R6 District, is hereby amended to include "Neighborhood Garden."

SECTION 10: Subsection 6-9-2-2 of the Zoning Ordinance, "Permitted Uses" in the B1 District, is hereby amended to include "Neighborhood Garden."
SECTION 11: Subsection 6-9-3-2 of the Zoning Ordinance, "Permitted Uses" in the B2 District, is hereby amended to include "Neighborhood Garden."

SECTION 12: Subsection 6-9-4-2 of the Zoning Ordinance, "Permitted Uses" in the B3 District, is hereby amended to include "Neighborhood Garden."

SECTION 13: Subsection 6-9-5-2 of the Zoning Ordinance, "Permitted Uses" in the B1a District, is hereby amended to include "Neighborhood Garden."

SECTION 14: Subsection 6-10-2-2 of the Zoning Ordinance, "Permitted Uses" in the C1 District, is hereby amended to include "Neighborhood Garden."

SECTION 15: Subsection 6-10-3-2 of the Zoning Ordinance, "Permitted Uses" in the C1a District, is hereby amended to include "Neighborhood Garden."

SECTION 16: Subsection 6-10-4-2 of the Zoning Ordinance, "Permitted Uses" in the C2 District, is hereby amended to include "Neighborhood Garden."

SECTION 17: Subsection 6-11-2-3 of the Zoning Ordinance, "Special Uses" in the D1 District, is hereby amended to include "Neighborhood Garden."

SECTION 18: Subsection 6-11-3-4 of the Zoning Ordinance, "Special Uses" in the D2 District, is hereby amended to include "Neighborhood Garden."

SECTION 19: Subsection 6-11-4-3 of the Zoning Ordinance, "Special Uses" in the D3 District, is hereby amended to include "Neighborhood Garden."

SECTION 20: Subsection 6-11-5-3 of the Zoning Ordinance, "Special Uses" in the D4 District, is hereby amended to include "Neighborhood Garden."

SECTION 21: Subsection 6-12-2-2 of the Zoning Ordinance, "Permitted Uses" in the RP Research Park District, is hereby amended to include "Neighborhood Garden."
SECTION 22: Subsection 6-13-2-2 of the Zoning Ordinance, "Permitted Uses" in the MU District, is hereby amended to include "Neighborhood Garden."

SECTION 23: Subsection 6-13-3-2 of the Zoning Ordinance, "Permitted Uses" in the MUE District, is hereby amended to include "Neighborhood Garden."

SECTION 24: Subsection 6-13-4-2 of the Zoning Ordinance, "Permitted Uses" in the MXE District, is hereby amended to include "Neighborhood Garden."

SECTION 25: Subsection 6-14-2-2 of the Zoning Ordinance, "Permitted Uses" in the I1 District, is hereby amended to include "Neighborhood Garden."

SECTION 26: Subsection 6-14-3-2 of the Zoning Ordinance, "Permitted Uses" in the I2 District, is hereby amended to include "Neighborhood Garden."

SECTION 27: Subsection 6-15-2-2 of the Zoning Ordinance, "Permitted Uses" in the O1 Office District, is hereby amended to include "Neighborhood Garden."

SECTION 28: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 29: 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 30: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.
SECTION 30: 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: ________________, 2012  Approved: ________________, 2012

Adopted: ________________, 2012  __________________________, 2012

__________________________, Mayor

Attest: ____________________________

Approved as to form:

__________________________, City Clerk

W. Grant Farrar, Corporation Counsel
Urban Farms &
Rooftop Urban Farms
Text Amendment

12PLND-0036
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment XX-O-12 for Urban Farms & Rooftop
         Urban Farms, 12PLND-0036

Date: September 12, 2012

Proposal Overview
Urban Farms and Rooftop Urban Farms are currently not allowed within the city. Such
uses could operate in vacant warehouse buildings, on undeveloped properties, or on
unused rooftops. These uses may be able to co-exist in certain areas of the city, but
should be addressed on a case by case basis through the special use process to
ensure they do not utilize improper sites.

Recommendation
Following the June 13, 2012, July 18, 2012, and August 18, 2012 Zoning Committee
meetings, the Zoning Committee of the Plan Commission and staff recommend Urban
Farms as special uses in the I districts. Members and staff also recommend Rooftop
Urban Farms as special uses in all districts other than residential, and not allowed at all
in residential districts.

Proposed Definition
Zoning definitions should be implemented to allow for the specific regulation of Urban
Farms and Rooftop Urban Farms:

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

Rooftop Urban Farm – A rooftop operation that includes growing plant
products for wholesale or retail sales and one or more of the following: the
washing; packaging; storage. Typical Rooftop Urban Farm operations
include growing beds, greenhouses, and orchards.

These definitions are not meant to include smaller-scale Neighborhood Gardens, which
are neighborhood-based developments that do not allow processing or storage of plants
on site.
Structural Implications and Safety Concerns of Rooftop Urban Farms
Rooftops are structurally designed to support a snow load of 30 pounds per square foot. Any use on a rooftop that increases the load requires approval by a certified structural engineer. The structural engineer calculates what the proposed load will be for the use and determines whether the rooftop can handle the load capacity. This information proceeds through the building permit process with the City, where it is reviewed by City staff. City staff refers to the structural engineer’s calculations, the International Building Code 1604.1 and the International Residential Code R301.1 when applicable. All responsibility for the proper calculations falls to the certified structural engineer.

Accessory Structure Regulations
All outdoor Urban Farms and Rooftop Urban Farms should follow the intended regulations for accessory structures in residential districts. These regulations would limit accessory structures with flat roofs to a maximum 14.5 feet, and all other roofs to a maximum 20 foot peak height. This regulation allows enough room for vertical farming structures, sheds, hoop houses, and small greenhouses. Larger buildings would be considered primary structures and would be limited in size by the district in which they are located. Rooftop Urban Farms will not have primary structures since they are located on top of the property’s primary structure – they may only have accessory structures.

Urban Farms and Rooftop Urban Farms as Special Uses
While Urban Farms and Rooftop Urban Farms are beneficial businesses for communities, they are best suited as special uses. Certain locations throughout the city may be best utilized by businesses that construct buildings that increase the property tax base, bring in more local jobs, and provide year-round sales tax revenue. The special use process allows determinations to be made on a case by case, site specific basis. Certain sites may be best suited for short-term special uses, so that currently vacant properties can be used for urban farming for a specific amount of time and then reevaluated as the City’s property demand changes. The special use process also allows for conditions to be placed on each business if necessary. Hours of operation of small farming machinery, the size and location of greenhouses or hoop houses, and crop management could all be addressed through special use conditions.

The special use process will also be beneficial to Rooftop Urban Farms. For instance, certain rooftop locations may bode well for 20 foot peak height accessory structures, while other locations may need a decreased peak height in order to maintain the aesthetics of that corridor.

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<tbody>
<tr>
<td>Urban Farms</td>
<td>Special use in the I districts</td>
</tr>
<tr>
<td>Rooftop Urban Farms</td>
<td>Special use in all districts, except not permitted in R districts.</td>
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</tbody>
</table>
AN ORDINANCE

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

WHEREAS, on June 13, July 18, August 18, and September 12, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0036 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Urban Farm,” 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 October 8, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0036 and recommended City Council approval thereof; and

WHEREAS, at its meetings of October 8 and October 22, 2012, 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:

**URBAN FARM**: An indoor or outdoor operation that includes growing plant products for wholesale or retail sales and one (1) or more of the following: washing; packaging; storage. Typical Urban Farm operations include growing beds, greenhouses, and orchards.

**URBAN FARM, ROOFTOP**: A rooftop operation that includes growing plant products for wholesale or retail sales and one (1) or more of the following: washing; packaging; storage. Typical Rooftop Urban Farm operations include growing beds, greenhouses, and orchards.

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

SECTION 4: Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 5: Subsection 6-9-4-3 of the Zoning Ordinance, “Special Uses” in the B3 District, is hereby amended to include “Urban Farm, Rooftop.”

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

SECTION 7: Subsection 6-10-2-3 of the Zoning Ordinance, “Special Uses” in the C1 District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 8: Subsection 6-10-3-3 of the Zoning Ordinance, “Special Uses” in the C1a District, is hereby amended to include “Urban Farm, Rooftop.”

SECTION 9: Subsection 6-10-4-3 of the Zoning Ordinance, “Special Uses” in the C2 District, is hereby amended to include “Urban Farm, Rooftop.”

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SECTION 10: Subsection 6-11-2-3 of the Zoning Ordinance, "Special Uses" in the D1 District, is hereby amended to include "Urban Farm, Rooftop."

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

SECTION 12: Subsection 6-11-4-3 of the Zoning Ordinance, "Special Uses" in the D3 District, is hereby amended to include "Urban Farm, Rooftop."

SECTION 13: Subsection 6-11-5-3 of the Zoning Ordinance, "Special Uses" in the D4 District, is hereby amended to include "Urban Farm, Rooftop."

SECTION 14: 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 15: Subsection 6-13-2-3 of the Zoning Ordinance, "Special Uses" in the MU District, is hereby amended to include "Urban Farm, Rooftop."

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

SECTION 17: Subsection 6-13-4-3 of the Zoning Ordinance, "Special Uses" in the MXE District, is hereby amended to include "Urban Farm, Rooftop."

SECTION 18: 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 19: 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 20: 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 21: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 22: 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 23: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 24: 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: ________________ 2012  Approved:
Adopted: ________________ 2012  ____________________________, 2012

__________________________
Elizabeth B. Tisdahl, Mayor

Attest:

__________________________  Approved as to form:
Rodney Greene, City Clerk  W. Grant Farrar, Corporation Counsel
Residential Building Height, Dormer Size and Location, Half Stories, Accessory Structure Height, and Legal Nonconformities in the R1-R4a districts Text Amendment

12PLND-0047
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment 72-O-12 for Residential Building
        Height, Dormer Size and Location, Half Stories, Accessory Structure
        Height, and Legal Nonconformities in the R1-R4a districts, 12PLND-0047

Date: September 12, 2012

Proposal Overview
The current regulations for maximum residential building height, dormer size and
location, half stories, accessory structure height, and legal nonconformities in the R1-
R4a districts are sometimes too restrictive and other times too permissive.
Modifications to these regulations should be made that encourage similarity of building
height and bulk so that structures cannot avoid the intent of the regulations, nor be
overly limited by the regulations of the R1, R2, R3, R4 and R4a districts. The R4 and
R4a districts are now included in the proposed text amendment because those districts
are also regulated by the 35’ and 2 ½ story building height restrictions. The proposed
regulations continue to allow diversity in design, but address the concerns that arise
from homes that do not follow the intent of the Zoning Ordinance and utilize creative
architecture to effectively add a third story that dwarfs neighboring properties. These
regulations will close loopholes and promote the intent of the Zoning Ordinance.

Recommendation
Based on August 15, 2012 Zoning Committee discussion regarding the proposed
change to half story bulk in the R1-R4a districts, the following proposal is now
recommended. R1-R4a residential structures will be limited by a maximum peak height
of 35’ or 2 ½ stories, whichever is less. A half story will be defined as the portion of a
building between a sloped roof and the top of the story below it. Gable and hip (attic
style) roofs will be allowed to add a 3 foot exterior knee wall, so that the relative bulk of
all half stories, regardless of roof style, are similar. Dormer regulations will only be
applicable to half stories above the first two full stories of a home. The proposed
regulations further detailed in this memorandum are in conjunction with the dormer size,
lot size, accessory structure height, and rebuild clause text amendments proposed in
the July 11, 2012 Plan Commission memorandum, June 13, 2012, July 18, 2012 and
August 15, 2012 Zoning Committee memorandums (attached). All aspects of the
proposed text amendment are summarized in the table below.
Current Regulations

Chapter 8 of the Zoning Ordinance regulates the maximum height of residential buildings. The current height regulation is the same for the R1-R4a Zoning Districts, and is stated in Sections 6-8-2-9, 6-8-3-8, 6-8-4-8, 6-8-5-8 and 6-8-6-8 as:

The maximum mean building height in the R1 district is thirty five feet (35') or two and one-half (2 ½) stories, whichever is less, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title...

Currently, building height is measured by mean height, which is defined as:

The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street...

The current definition of half story is:

The top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is seven and one-half feet (7 ½') or more does not exceed sixty percent (60%) of the area of the story immediately below it (as measured within the outer face of all exterior walls).

Proposed Regulation Changes

Building Height for R1-R4a Zoning Districts:

The maximum building height for any principal residential structure in the R1-R4a districts shall not exceed 35' or two and one-half stories, measured from grade to the highest point of said structure, whichever is less.

Definitions:

Half Story: That portion of a building between a sloped roof that maintains a minimum 2:12 inch slope ratio, and the top of the story below it.

Slope Ratio: The ratio of the vertical rise of a sloped surface to its horizontal run. Thus, a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12.
Exterior Knee-wall: That portion of a half story, in which the wall plates on at least two opposite exterior walls are not more than three feet (3') above the floor of the half story.

Exterior knee-walls above the second story are allowed only on gable or hip style roofs.

Maximum 3’ exterior →
knee-wall allowed only on attic-style roofs.

By allowing exterior knee-walls with attic-style roofs (gable or hip) only, the bulk of all 2.5 story homes will be relatively equal. Knee-walls add to the livable space in attic-style half stories.

The proposed half story definition places the intent of the definition on a limited amount of bulk that a half story produces. By combination of a 35’ maximum peak height, 2.5 stories or less, and the allowance of exterior knee-walls for gable and hip roofs, all residential structures in the R1-R4a districts will have the same relative potential maximum height and bulk, while utilizing different styles of homes. See images below for clarification:

Gable (with knee-wall)   Hip (with knee-wall)

Gambrel   Mansard
The proposed dormer regulation should be slightly modified for clarity, so that it is apparent that the regulations only apply to dormers above a second story (the top, half story of a home). Since the intent of the dormer regulation is to limit the bulk of a half story, the regulation is modified to add "on any floor above the second story" as it reads below:

The following dormer requirements shall apply to all roof cuts on a pitched roof on any floor above the second story:
(A) Total side dormers shall occupy no more than thirty percent (30%) of the length of a side wall;
(B) Total side dormers shall not be located within the twenty percent (20%) of the length of the side wall closest to the front façade;
(C) Total front dormers shall occupy no more than thirty percent (30%) of the length of the front building face. Dormers shall be located within the center sixty percent (60%) of the length of the front façade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front façade at either edge of the façade).

### Comparing all Current and Proposed Regulations, in Summary

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<td>Maximum building height is 35' or two and one-half stories, whichever is less, as measured by mean building height, except for lots of substandard size. (Sections 6-6-2-9, 6-6-3-8, 6-6-4-8, 6-6-5-8, 6-6-6-8, 6-4-1-7)</td>
<td>Mean building height allows for certain roof types to gain an advantage and construct a home that appears to be 3 full stories and dwarfs neighboring homes. The 35' maximum is to the mean, so the peak height could reach 42' or more and dwarf neighboring residences.</td>
<td>Maximum building height is 35' or two and one-half stories, whichever is less, measured from grade to the highest point of said structure.</td>
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<td>Substandard lots are penalized with their limitation on building height, while neighboring lots that are not substandard follow the typical regulation and are able to dwarf the homes on substandard lots, creating inconsistency within neighborhoods.</td>
<td>Eliminate substandard lot regulation (Section 6-4-1-7, table B-4)</td>
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<td>Half Story Definition – the top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is 7 1/2&quot; or more does not exceed 60% of the area of the story immediately below it. (Section 6-18-3)</td>
<td>Definition allows for certain roof types to gain an advantage and construct a home that is 3 stories (not 2 1/2&quot;) as long as the third story is not more than 60% of the square footage of the story below it.</td>
<td>Eliminate the 60% rule: Half Story Definition – That portion of a building between a sloped roof that maintains a minimum 2:12 inch slope ratio, and the top of the story below it. (Section 6-18-3)</td>
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<td>Slope Ratio Definition – the ratio of the vertical rise of a sloped surface to its horizontal run. Thus, a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12.</td>
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| **Dormers:**  
(A) Total side dormers shall occupy no more than 50% of the length of a side wall; (Section 6-8-1-8) | Too much linear footage is allowed for dormers. This allows homes to make a ½ story into almost a full story (to become a 3 story home) and dwarf neighboring properties. | Dormers above the second story (only applicable to the half story on a 2.5 story home);  
(A) Total side dormers shall occupy no more than 30% of the length of a side wall; |
| Maximum accessory building height is 14 ½ feet for a flat or mansard roof, and 17 ½ feet for all other roofs, measured to the mean height. (Section 6-4-6-2-G) | Accessory building height should be measured the same way as primary structure height for consistency in regulation. | Maximum accessory building height is 14 ½ feet for a flat or mansard roof, and 20 feet for all other roofs, measured from grade to the highest point of said structure. |
| Many existing homes are considered legally nonconforming. (Sections 6-8-2-9, 6-8-3-8, 6-8-4-8, 6-8-5-8, 6-8-6-8) | Structures that are legally nonconforming due to height are not allowed to rebuild following destruction due to natural forces unless approved on a case by case basis by the Zoning Administrator. | Structures that are legally nonconforming due to height that are located in a federal or local historic district, deemed a historic landmark, or over 50 years old, may be rebuilt to the same nonconforming height and style if damaged or destroyed by storms, fire, or other natural events. |
72-0-12

AN ORDINANCE

Amending Portions of the Zoning Ordinance Relating to Building Height and Dormer Regulations in the R1, R2, R3, R4, and R4a Zoning Districts

WHEREAS, on June 13, July 11, July 18, August 15, and September 12, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0047 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to building height and dormer regulations in Residential zoning districts; 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 October 8, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0047 and recommended City Council approval thereof; and

WHEREAS, at its meetings of October 8 and October 22, 2012, 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 6-8-2-9 of the Zoning Ordinance is hereby amended to read as follows:

6-8-2-9: MEAN MAXIMUM BUILDING HEIGHT:

The maximum mean building height for any principal structure in the R1 district, including any exterior knee-wall, is shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less, except as modified per the requirements found in Table 4-B of Section 6.4.1.7 of this Title. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date hereof of Ordinance 72-O-12 and located in a historic district or more than fifty (50) years old, shall, for the purpose of the district and the requirements of this Zoning Ordinance, be deemed complying with the mean building height requirement and, with regards to height, shall have the status of legally permitted structure or use, not a legal noncompliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, "Nonconforming Uses And Noncomplying Structures", of this Title. Such conforming status shall continue in the event said building is removed or destroyed only if said removal or destruction is by a means not within the control of the owner thereof and shall allow for the construction of a replacement building or structure at the height of the removed or destroyed building or structure legally existing and conforming to the building height requirement of this district as of the effective date hereof.

SECTION 3: Subsection 6-8-3-8 of the Zoning Ordinance is hereby amended to read as follows:

6-8-3-8: MEAN MAXIMUM BUILDING HEIGHT:

The maximum mean building height for any principal structure in the R2 district, including any exterior knee-wall, is shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less, except as modified per the requirements found in Table 4-B of Section 6.4.1.7 of this Title. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date hereof of Ordinance 72-O-12 and located in a historic district or more than fifty (50) years old, shall, for the purpose of the district and the requirements of this Zoning Ordinance, be deemed complying with the mean building height requirement and, with regards to height, shall have the status of legally permitted structure or use, not a legal noncompliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, "Nonconforming Uses And Noncomplying Structures", of
this Title. Such conforming status shall continue in the event said building is removed or destroyed only if said removal or destruction is by a means not within the control of the owner thereof and shall allow for the construction of a replacement building or structure at the height of the removed or destroyed building or structure legally existing and conforme to the building height requirement of this district as of the effective date hereof.

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

6-8-4-8: MEAN MAXIMUM BUILDING HEIGHT:

The maximum mean building height for any principal structure in the R3 district, including any exterior knee-wall, is shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less, except as modified per the requirements found in table 4-B of Section 6-4-1-7 of this Title. Notwithstanding the foregoing, any building or structure legally existing and conforme to the building height requirement of this district as of the effective date hereof of Ordinance 72-O-12 and located in a historic district or more than fifty (50) years old, shall, for the purpose of the district and the requirements of this Zoning Ordinance, be deemed complying with the mean building height requirement and, with regards to height, shall have the status of legally permitted structure or use, not a legal noncompliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, "Nonconforming Uses And Noncomplying Structures", of this Title. Such conforming status shall continue in the event said building is removed or destroyed only if said removal or destruction is by a means not within the control of the owner thereof and shall allow for the construction of a replacement building or structure at the height of the removed or destroyed building or structure legally existing and conforme to the building height requirement of this district as of the effective date hereof.

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

6-8-5-8: MEAN MAXIMUM BUILDING HEIGHT:

The maximum mean building height for any principal structure in the R4 district, including any exterior knee-wall, is shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less, except as modified per the requirements found in table 4-B of Section 6-4-1-7 of this Title. Notwithstanding the foregoing, any building or structure legally existing and conforme to the building height requirement of this district as of the effective date hereof of Ordinance 72-O-12 and located in a historic district or more than fifty (50) years old, shall, for the purpose of the district and the requirements of this Zoning Ordinance, be deemed complying with the mean building height requirement and, with
regards to height, shall have the status of legally permitted structure or use, not a legal
noncompliance, and shall not be subject to or benefit from the allowances, restrictions
and procedures of Chapter 6, "Nonconforming Uses And Noncomplying Structures", of
this Title. Such conforming status shall continue in the event said building is removed
or destroyed only if said removal or destruction is by a means not within the control of
the owner thereof and shall allow for the construction of a replacement building or
structure at the height of the removed or destroyed building or structure legally existing
and conforming to the building height requirement of this district as of the effective date
hereof.

SECTION 6: Subsection 6-8-6-8 of the Zoning Ordinance is hereby
amended to read as follows:

6-8-6-8: MEAN MAXIMUM BUILDING HEIGHT:

The maximum mean building height for any principal structure in the R4a district,
including any exterior knee-wall, is shall not exceed thirty-five feet (35'), measured from
grade to the highest point of said structure, or two and one-half (2 1/2) stories, whichever
is less, except as modified per the requirements found in table 4-B of Section 6-4-1-7 of
this Title. Notwithstanding the foregoing, any building or structure legally existing and
conforming to the building height requirement of this district as of the effective date
hereof of Ordinance 72-O-12 and located in a historic district or more than fifty (50)
years old, shall, for the purpose of the district and the requirements of this Zoning
Ordinance, be deemed complying with the mean building height requirement and, with
regards to height, shall have the status of legally permitted structure or use, not a legal
noncompliance, and shall not be subject to or benefit from the allowances, restrictions
and procedures of Chapter 6, "Nonconforming Uses And Noncomplying Structures", of
this Title. Such conforming status shall continue in the event said building is removed
or destroyed only if said removal or destruction is by a means not within the control of
the owner thereof and shall allow for the construction of a replacement building or
structure at the height of the removed or destroyed building or structure legally existing
and conforming to the building height requirement of this district as of the effective date
hereof.

SECTION 7: Subsection 6-8-1-8 of the Zoning Ordinance, "Dormers" in
the Residential Districts, is hereby amended to read as follows:

6-8-1-8: DORMERS:

The following dormer requirements shall apply to all roof cuts on a pitched roof located
above the second story:

(A) total side dormers shall occupy no more than fifty percent (50%) thirty percent
(30%) of the length of a side wall;
(B) A side dormer shall not be located within the twenty percent (20%) of the length of the side wall closest to the front facade;

(C) A front dormer shall occupy no more than thirty percent (30%) of the length of the front building face. The dormer shall be located within the center sixty percent (60%) of the length of the front facade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front facade at either edge of the facade).

SECTION 8: Subsection 6-4-1-7-(B) of the Zoning Ordinance is hereby amended to read as follows:

(B) In any residential district, on a lot of record, on the effective date hereof, a single-family dwelling may be erected regardless of the size of the lot, provided all other requirements of this Code are in compliance.

The following limitations on building height will apply, based on the extent of noncompliance with the lot size requirements for the district in which the property is located. This provision addresses the building height standard as measured in feet only.

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Reduction In Maximum Building Height</th>
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<tbody>
<tr>
<td>Greater than 80 percent but less than 100 percent of the minimum required lot area</td>
<td>15 percent</td>
</tr>
<tr>
<td>60-80 percent of minimum required lot area</td>
<td>20 percent</td>
</tr>
<tr>
<td>50-60 percent of minimum required lot area</td>
<td>25 percent</td>
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</tbody>
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In no case may the minimum lot area established be less than 50% of the required minimum lot area for the zoning district in which the property is located.

However, Where two (2) or more contiguous, substandard, recorded, and undeveloped lots are in common ownership, and are of such size as to constitute at least one conforming "zoning lot," such lots or portions thereof shall be so joined, developed, and used for the purpose of forming a conforming or more nearly conforming zoning lot or lots.

SECTION 9: Subsection 6-4-6-2-(G) of the Zoning Ordinance is hereby amended to read as follows:
(G) No accessory building shall exceed fourteen and one-half feet (14½') in height for a flat roof or mansard roof, or seventeen and one-half feet (17½') twenty feet (20') measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages in Section 6-4-6-4 of this Chapter.

SECTION 10: The portion of Section 6-18-3 of the Zoning Ordinance, "Definitions," that defines "story, half," is hereby amended to read as follows:

STORY, HALF: The top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is seven and one-half feet (7½') or more does not exceed sixty percent (60%) of the area of the story immediately below it (as measured within the outer face of all exterior walls). That portion of a building between a sloped roof and the building's top story or exterior knee-wall, if applicable. The minimum slope ratio of any roof above a half story shall be 2:12.

SECTION 11: Section 6-18-3 of the Zoning Ordinance, "Definitions," is hereby amended to include the following:

KNEE-WALL, EXTERIOR: That portion of a building, with vertical walls, located between the top full story and a half story. Exterior knee-walls shall not exceed three feet (3') in height. Exterior knee-walls above the second story are not allowed except on buildings with gable or hip roofs.

SLOPE RATIO: The ratio of the vertical rise of a sloped surface to its horizontal run (e.g., a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12).

SECTION 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13: 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 14: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.
SECTION 15: 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: _________________, 2012

Approved: _________________, 2012

Adopted: _________________, 2012

_________________________________

Elizabeth B. Tisdahl, Mayor

Attest: _________________________

Approved as to form:

_________________________________

Rodney Greene, City Clerk

W. Grant Farrar, Corporation Counsel
Memorandum

To: Zoning Committee of the Plan Commission
From: Melissa Klotz, Zoning Planner
Subject: Proposed changes to Draft Text Amendment for R1-R3 Building Height and Dormer Regulations, 12PLND-0047
Date: August 15, 2012

Recommendation
Based on Zoning Committee and Plan Commission discussions regarding the need to change building height regulations in the R1-R3 districts, the following proposal is now recommended by staff. R1-R3 residential structures will be limited by a maximum peak height of 35’ or 2 ½ stories, whichever is less. A half story will be defined as the portion of a building between a sloped roof and the top of the story below it. Gable and hip (attic style) roofs will be allowed to add a 3 foot exterior knee wall, so that the relative bulk of all half stories, regardless of roof style, are similar. The proposed regulations further detailed in this memorandum are in conjunction with the dormer size, lot size, accessory structure height, and rebuild clause text amendments proposed in the July 11, 2012 Plan Commission memorandum and July 18, 2012 Zoning Committee memorandum. All aspects of the proposed text amendment are summarized in the table below.

Current Regulations
Chapter 8 of the Zoning Ordinance regulates the maximum height of residential buildings. The current height regulation is the same for the R1, R2 and R3 Zoning Districts, and is stated in Sections 6-8-2-9, 6-8-3-8, and 6-8-4-8 as:

The maximum mean building height in the R1 district is thirty five feet (35’) or two and one-half (2 ½) stories, whichever is less, except as modified per the requirements found in table 4-B of section 6-4-1-7 of this title...

Currently, building height is measured by mean height, which is defined as:

The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical...
penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street...

The current definition of half story is:

The top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is seven and one-half feet (7 ½') or more does not exceed sixty percent (60%) of the area of the story immediately below it (as measured within the outer face of all exterior walls).

Proposed Regulation Changes
Building Height for R1, R2 and R3 Zoning Districts (Sections 6-8-2-9, 6-8-3-8, and 6-8-4-8):

The maximum building height for any principal residential structure in the R1, R2, and R3 district shall not exceed 35' or two and one-half stories, measured from grade to the highest point of said structure, whichever is less.

Exterior knee-walls are prohibited above the second story under mansard, gambrel, or flat roofs.

Definitions:

Half Story: That portion of a building between a sloped roof that maintains a minimum 2:12 inch slope ratio, and the top of the story below it.

Slope Ratio: the ratio of the vertical rise of a sloped surface to its horizontal run. Thus, a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12.

Example:

2:12 Inch Slope Ratio

12 inch run →
2 inch rise

Exterior Knee-wall: That portion of a half story, in which the wall plates on at least two opposite exterior walls are not more than three feet (3') above the floor of the half story.

Maximum 3' exterior knee-wall allowed only on attic-style roofs.
By allowing exterior knee-walls with attic-style roofs (gable or hip) only, the bulk of all 2.5 story homes will become relatively equal. Knee-walls add to the livable space in attic-style half stories.

The proposed half story definition places the intent of the definition on a limited amount of bulk that a half story produces. By combination of a 35’ maximum peak height, 2.5 stories or less, and the allowance of exterior knee-walls for gable and hip roofs, all residential structures in the R1-R3 districts will have the same relative potential maximum height and bulk, while utilizing different styles of homes. See images below for clarification:

![Gable (with knee-wall)](image1.png)  ![Hip (with knee-wall)](image2.png)

![Gambrel](image3.png)  ![Mansard](image4.png)

The proposed dormer regulation should be slightly modified for clarity, so that it is apparent that the regulations only apply to dormers above a second story (the top, half story of a home). Since the intent of the dormer regulation is to limit the bulk of a half story, the regulation is modified to add “on any floor above the second story” as it reads below:

The following dormer requirements shall apply to all roof cuts on a pitched roof on any floor above the second story:

(A) Total side dormers shall occupy no more than thirty percent (30%) of the length of a side wall;

(B) Total side dormers shall not be located within the twenty percent (20%) of the length of the side wall closest to the front façade;

(C) Total front dormers shall occupy no more than thirty percent (30%) of the length of the front building face. Dormers shall be located within the center sixty percent (60%) of the length of the front façade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front façade at either edge of the façade).
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<td>Mean building height allows for certain roof types to gain an advantage and construct a home that appears to be 3 full stories and dwarfs neighboring homes. The 35' maximum is to the mean, so the peak height could reach 42' or more and dwarf neighboring residences.</td>
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<td>Substandard lots are penalized with their limitation on building height, while neighboring lots that are not substandard follow the typical regulation and are able to dwarf the homes on substandard lots, creating inconsistency within neighborhoods.</td>
<td>Exterior knee-walls are prohibited above the second story under mansard, gambrel, or flat roofs.</td>
<td>Eliminate substandard lot regulation (Section 6-4-1-7, Table B-4)</td>
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<td>Half Story Definition – the top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is 7 ½' or more does not exceed 60% of the area of the story immediately below it.</td>
<td>Definition allows for certain roof types to gain an advantage and construct a home that is 3 stories (not 2 ½) as long as the third story is not more than 60% of the square footage of the story below it.</td>
<td>Eliminate the 60% rule: Half Story Definition – That portion of a building between a sloped roof that maintains a minimum 2:12 inch slope ratio, and the top of the story below it.</td>
</tr>
<tr>
<td>Dormers: (A) Total side dormers shall occupy no more than 50% of the length of a side wall; (Section 6-8-1-8)</td>
<td>Too much linear footage is allowed for dormers. This allows homes to make a ½ story into almost a full story (to become a 3 story home) and dwarf neighboring properties.</td>
<td>Dormers above the second story (only applicable to the half story on a 2.5 story home); (A) Total side dormers shall occupy no more than 30% of the length of a side wall;</td>
</tr>
<tr>
<td>Maximum accessory building height is 14 ¾ feet for a flat or mansard roof, and 17 ½ feet for all other roofs, measured to the mean height.</td>
<td>Accessory building height should be measured the same way as primary structure height for consistency in regulation.</td>
<td>Maximum accessory building height is 14 ½ feet for a flat or mansard roof, and 20 feet for all other roofs, measured from grade to the highest point of said structure.</td>
</tr>
<tr>
<td>Many existing homes are considered legally</td>
<td>Structures that are legally nonconforming due to height are not allowed to rebuild following</td>
<td>Any structure that is legally nonconforming due</td>
</tr>
<tr>
<td>nonconforming</td>
<td>destruction due to natural forces unless approved on a case by case basis by the Zoning Administrator.</td>
<td>to height that is located in a federal or local historic district, deemed a historic landmark, or over 50 years old is granted rebuild status.</td>
</tr>
</tbody>
</table>

**Ordinances Identified for Text Amendments**

6-8-2-9 Mean Building Height (R1)
6-8-3-8 Mean Building Height (R2)
6-8-4-8 Mean Building Height (R3)
6-4-1-7 Minimum Lot Size
6-8-1-8 Dormers
6-4-6-2-G General Provisions for Accessory Uses and Structures
6-18-3 Definitions – Half Story, Slope Ratio
Memorandum

To: Chair and Members of the Plan Commission

From: Melissa Klotz, Zoning Planner

Subject: Additional Regulations to add to Draft Text Amendment 72-O-12 for R1-R3 Building Height and Dormer Regulations, 12PLND-0047

Date: July 18, 2012

Recommendation
Due to concerns stated at the July 11, 2012 Plan Commission meeting, the following regulations are proposed in conjunction with the text amendment recommendations stated in the July 11, 2012 memorandum.

Additional Regulation Changes
By changing the regulations related to residential height, a small number of residences may become nonconforming due to the number of stories present or the total peak height of such structure. Additionally, there are a larger number of residences that are currently nonconforming due to height. The majority of these houses exist because of their age and a lack of height regulations at the time of construction.

Current practice by City staff is to grant rebuild letters to nonconforming properties that request such. These rebuild letters are granted on a case by case basis, and allow for properties that are damaged by storms, fire, or other natural events to be rebuilt as is regardless of the nonconformities. The proposed regulation will specifically state in the Zoning Ordinance that rebuild status is permitted for certain properties that are nonconforming due to height:

Structures that are nonconforming due to height that are located in any Federal Historic District, Local Evanston Historic District, designated as a Historic Landmark, or constructed more than 50 years prior to the current date shall be rebuilt to the same nonconforming height and style if they are damaged or destroyed by storms, fire, or other natural events.

This clause allows for structures of historical significance to be rebuilt regardless of any height limitations that may otherwise disallow such structures. Properties that are not located in a Federal Historic District, Local Evanston Historic District, designated as a Historic Landmark, or constructed more than 50 years prior to the current date will be able to continue the current practice of requesting a rebuild letter from City staff, which will be addressed on a case by case basis.
As previously mentioned in a memorandum by Carlos Ruiz, Preservation Coordinator, a clause should also be added to the Zoning Ordinance regarding variance cases for historic properties:

For properties located in Local Evanston Historic Districts or designated Historic Landmarks, the Zoning Board of Appeals will refer to the Preservation Commission’s recommendations and give special consideration in granting height and style variances.

This would allow properties in historic areas to obtain height and style variance more easily when recommended for approval by the Preservation Commission, who takes the context and style of the neighborhood into strong consideration.
Memorandum

To: Chair and Members of the Plan Commission

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

Subject: Discussion of Draft Text Amendment 72-O-12 for R1-R3 Building Height
         and Dormer Regulations, 12PLND-0047

Date: July 11, 2012

Proposal Overview
The current maximum height and dormer regulations for residential structures in the R1, R2 and R3 Zoning Districts are sometimes too restrictive and other times too permissive. Modifications to these regulations should be made that encourage similarity of building height (measured to the peak rather than mean building height) and bulk (dormers and half stories) so that structures cannot avoid the intent of the regulations, nor be overly limited by the regulations in the R1, R2, and R3 Zoning Districts. Regulations regarding maximum building height, substandard lot restrictions, half stories, dormer size, and accessory building height should be refined to promote the intent of the Zoning Ordinance.

Recommendation
City staff and the Zoning Committee of the Plan Commission recommend approval of the proposed changes to the Zoning Ordinance regarding residential building height and dormer regulations included in this memorandum.

Zoning Committee of the Plan Commission
The Zoning Committee of the Plan Commission agreed with the City staff recommendation, but requested a diagram that explains the concept of an attic kneewall, which has been included in this memorandum. Also included is a proposed regulation change for accessory structure height so that all R1-R3 structure height is measured in the same consistent manner.

Current Regulations
Chapter 8 of the Zoning Ordinance regulates the maximum height of residential buildings. The current height regulation is the same for the R1, R2 and R3 Zoning Districts, and is stated in Sections 6-8-2-9, 6-8-3-8, and 6-8-4-8 as:

The maximum mean building height in the R1 district is thirty five feet (35') or two and one-half (2 ½) stories, whichever is less, except as modified per the requirements found in table 4-B of section 6-4-1-7 of this title...
Section 6-4-1-7 and table 4-B relate the maximum building height to the size of the parcel of land for properties that do not meet the current lot size regulations, with limitations listed in 6-4-1-7-B and table 4-B as:

(B) In any residential district, on a lot of record, on the effective date hereof, a single-family dwelling may be erected regardless of the size of the lot, provided all other requirements of this code are in compliance. The following limitations on building height will apply, based on the extent of noncompliance with the lot size requirements for the district in which the property is located. This provision addresses the building height standard as measured in feet only...

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Reduction in Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 80% but less than 100% of the minimum required lot area</td>
<td>15%</td>
</tr>
<tr>
<td>60%-80% of minimum required lot area</td>
<td>20%</td>
</tr>
<tr>
<td>50-60% of minimum required lot area</td>
<td>25%</td>
</tr>
</tbody>
</table>

Currently, building height is measured by mean height, which is defined as:

The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street...

The current definition of half story is:

The top story of a building under a sloping roof, provided the sum of all areas of the top story where the vertical clearance is seven and one-half feet (7 ½') or more does not exceed sixty percent (60%) of the area of the story immediately below it (as measured within the outer face of all exterior walls).

Dormers, which are structures projecting from a slanted roof to accommodate a window, are currently regulated in Section 6-8-1-8 as:

The following dormer requirements shall apply to all roof cuts on a pitched roof:
(A) A side dormer shall occupy no more than fifty percent (50%) of the length of a side wall;
(B) A side dormer shall not be located within the twenty percent (20%) of the length of the side wall closest to the front façade;

(C) A front dormer shall occupy no more than thirty percent (30%) of the length of the front building face. The dormer shall be located within the center sixty percent (60%) of the length of the front façade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front façade at either edge of the façade).

Accessory buildings, including garages and sheds, are currently regulated in Section 6-4-6-2-G as:

No accessory building shall exceed fourteen and one-half (14 ½) feet in height for a flat roof or mansard roof, or seventeen and one-half feet (17 ½) for all other roofs, except as otherwise provided for garages in Section 6-4-6-4 of this Chapter.

Interpretation by the Zoning Office has been to measure accessory building height to the mean height, to stay consistent with the mean height measurement used for primary structures.

**Proposed Regulation Changes**

Building Height for R1, R2 and R3 Zoning Districts (Sections 6-8-2-9, 6-8-3-8, and 6-8-4-8):

The maximum building height for any principal residential structure in the R1, R2, and R3 district shall not exceed 35' or two and one-half stories, measured from grade to the highest point of said structure, whichever is less.

**Definitions:**

Half Story: That portion of a building under a gable or hip roof with a minimum slope ratio of 2:12 inch slope ratio, in which the wall plates on at least two opposite exterior walls are not more than three feet (3') above the floor of the half story. Half-stories shall not be permitted for buildings with any other type of roof.

![Maximum 3' wall plate (commonly known as a knee-wall)](image)

The livable space is limited by the ceiling height, which can be raised by a combination of knee-walls and dormers. Knee-walls add to the livable space in an attic-style half story. Knee-walls are not visible from the outside unless a residence specifically accentuates it with façade elements.
Slope Ratio: the ratio of the vertical rise of a sloped surface to its horizontal run. Thus, a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12.

Example:
2:12 Inch Slope Ratio

The proposed half story definition places the intent of the definition on traditional attic spaces, where much of the floor space, but not all, is usable because of the sloping roof that is the ceiling in a half story. The definition allows a 3’ “knee wall” so that more of the “attic” square footage becomes useable with a high enough ceiling. The definition specifically ties in gable and hip roofs with a 2:12 inch slope ratio so that flat (or nearly flat) roofs do not qualify to build a full 3rd story that manages to fit the half story definition. Other roof types are left out (such as gambrel, flat or mansard) because they are similar enough, in square footage, to full stories such that they do not qualify as traditional attic spaces, which is the intent of the half story definition. Homes that currently have roof types that are not allowed for half stories are not prohibited from building half story additions – but any half story addition would have to fit the new definition, which calls for either a gable or hip roof to keep the half story “attic style”. See images below for clarification:

Attic-style roof types that allow for 2 ½ stories:

Gable

Hip

Roofs that are not attic-style, and are prohibited from adding a half story (because it would appear to be a full third story as shown below and would dwarf neighboring gable or hip roof style homes):

Gambrel

Mansard
Dormers are common among half stories because they greatly increase the usable square footage by increasing ceiling height. When done properly, dormers are aesthetically pleasing structural additions that increase the functionality of a room. Some homes add too many or too large of dormers, and are able to effectively turn a half story into a full story. The use of dormers should be limited so that half stories stay true to the “attic-style” intent. The proposed dormer regulations are as follows:

The following dormer requirements shall apply to all roof cuts on a pitched roof:
(A) Total side dormers shall occupy no more than thirty percent (30%) of the length of a side wall;
(B) Total side dormers shall not be located within the twenty percent (20%) of the length of the side wall closest to the front façade;
(C) Total front dormers shall occupy no more than thirty percent (30%) of the length of the front building face. Dormers shall be located within the center sixty percent (60%) of the length of the front façade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front façade at either edge of the façade).

Accessory buildings, including garages and sheds, should be measured via peak height to stay consistent with the new proposal for peak height of primary structures. The proposed height regulation for accessory buildings should read:

No accessory building shall exceed fourteen and one-half (14 ½) feet in height for a flat roof or mansard roof, twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages in Section 6-4-6-4 of this Chapter.

The change from a maximum mean height of 17 ½ feet to a maximum peak height of 20 feet keeps with the intended overall height of the Zoning Ordinance, and should not be overly limiting for typical accessory buildings such as garages and sheds. It should be
noted that this regulation will become applicable to accessory buildings in all zoning districts, not just the R1-R3 districts.

### Comparing the Current and Proposed Regulations, in Summary

<table>
<thead>
<tr>
<th>Current Regulation</th>
<th>Problems</th>
<th>Proposed Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum building height is 35' or two and one-half stories, whichever is less, as measured by mean building height, except for lots of substandard size. (Sections 6-8-2-9, 6-8-3-8, 6-8-4-8, 6-4-1-7)</td>
<td>Mean building height allows for certain roof types to gain an advantage and construct a home that appears to be 3 full stories and dwarfs neighboring homes. The 35' maximum is to the mean, so the peak height could reach 42' and dwarf neighboring residences.</td>
<td>Maximum building height is 35' or two and one-half stories, whichever is less, measured from grade to the highest point of said structure.</td>
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<td>Substandard lots are penalized with their limitation on building height, while neighboring lots that are not substandard follow the typical regulation and are able to dwarf the homes on substandard lots, creating inconsistency within neighborhoods.</td>
<td></td>
<td>Eliminate substandard lot regulation (Section 6-4-1-7, table B-4)</td>
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<td>Definition allows for certain roof types to gain an advantage and construct a home that is 3 stories (not 2 ½) as long as the third story is not more than 60% of the square footage of the story below it.</td>
<td>Eliminate the 60% rule: Half Story Definition – that portion of a building under a gable or hip roof with a minimum slope ratio of 2:12 inches, in which the wall plates on at least 2 opposite exterior walls are not more than 3' above the floor of the half story.</td>
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<td>Dormers: (A) Total side dormers shall occupy no more than 50% of the length of a side wall; (Section 6-8-1-8)</td>
<td>Too much linear footage is allowed for dormers. This allows homes to make a ½ story into almost a full story (to become a 3 story home) and dwarf neighboring properties.</td>
<td>Dormers (A) Total side dormers shall occupy no more than 30% of the length of a side wall;</td>
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<td>Maximum accessory building height is 14 ½ feet for a flat or mansard roof, and 17 ½ feet for all other roofs, measured to the mean height.</td>
<td>Accessory building height should be measured the same way as primary structure height for consistency in regulation.</td>
<td>Maximum accessory building height is 14 ½ feet for a flat or mansard roof, and 20 feet for all other roofs, measured from grade to the highest point of said structure.</td>
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</table>
Any building or structure legally existing and conforming to the requirements of their district, notwithstanding the aforementioned proposed changes, will be given legally non-conforming status.

**Ordinances Identified for Text Amendments**
6-8-2-9 Mean Building Height (R1)
6-8-3-8 Mean Building Height (R2)
6-8-4-8 Mean Building Height (R3)
6-4-1-7 Minimum Lot Size
6-8-1-8 Dormers
6-4-6-2-G General Provisions for Accessory Uses and Structures
6-18-3 Definitions – Half Story, Slope Ratio
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, June 13, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2402

Members Present: Jim Ford, Kwesi Steele, Stuart Opdycke (Assoc.), Richard Shure (Chair), Seth Freeman

Members Absent: Dave Galloway, Scott Peters

Staff Present: Melissa Klotz, Dennis Marino

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 May 16, 2012 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Ford noted that he should be listed as absent from the May 16, 2012 meeting. Commissioner Freeman motioned for approval of the May 16, 2012 meeting minutes as amended. Commissioner Steele seconded the motion. A voice vote was taken and the minutes were approved as written.

3. OLD BUSINESS

4. NEW BUSINESS

A.) 12PLND-0047 TEXT AMENDMENT TO THE ZONING ORDINANCE

Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the zoning regulations for residential building height and dormer size in the R1, R2 and R3 districts.

Zoning Planner Melissa Klotz explained that the current residential height regulations in the R1, R2 and R3 districts provides loopholes that allow new residences, or additions to residences, to be built that appear to be three full stories and dwarf neighboring properties and anger adjacent property owners. These loopholes need to be addressed to prevent further 3 story homes from being built since the intent of the regulation is a 2.5 story maximum.

Changes to the regulations include changing the maximum 35' mean height to peak height, elimination of the substandard lot height limitations, elimination of the 60% rule for half stories and the creation of a new half story definition based on attic-style half
stories with 3' knee walls, clarification of slope ratio, and further restriction of dormer size.

The Commissioners deliberated and determined the proposed regulation changes will aid in keeping with the intent of the Zoning Ordinance.

Commissioner Freeman motioned to recommend approval of the proposal to the Plan Commission with an ordinance drafted by the City's Legal Department. Commissioner Ford seconded the motion. A voice vote was taken and the motion was approved.

5. ADJOURNMENT

Commissioner Opdycke motioned to adjourn. Commissioner Ford seconded the motion. The meeting adjourned at 7:45 PM.

The next meeting of the Zoning Committee of the Plan Commission will be Wednesday, July 18, 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, July 11, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: David Galloway

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 7:05 P.M.

2. APPROVAL OF MAY 09, 2012 MEETING MINUTES

Commissioner Ford motioned for approval of the June 20, 2012 meeting minutes
Commissioner Ledesma seconded the motion.

Commissioner Freeman motioned to amend the minutes to reflect the opposition of himself and Commissioner Ledesma to the proposed zoning map amendment for the property at 2635 Crawford Avenue.
Commissioner Ledesma seconded the motion.

A voice vote was taken and the amendment was approved.

A voice vote was taken and the minutes were approved.

3. PLANNED DEVELOPMENT
1211 CHICAGO AVENUE (TRADER JOE’S)

Scott Gendell, representative for Gendell/WNB, LLC, developer of the proposed project, applies for a Planned Development to construct a 13,000 square foot grocery store to be operated by Trader Joe’s, on a parcel of land totaling 48,400 square feet in size. 6-10-1-9 (D-1) of the Municipal Code requires all proposed developments with a zoning lot over 30,000 square feet to apply for a Planned Development. The Plan Commission is a recommending body to the City Council. City Council is the determining body in this case.

Chairman Peters provided an introduction to the planned development process and procedures for the hearing.
Craig Sklenar, General Planner provided a staff report of the proposed Planned Development at 1211 Chicago Avenue and read into the record the documents provided by the applicant and current written public comment.

Scott Gendell, Terraco, presented to the Plan Commission their proposed planned development for 1211 Chicago to build a 13,000 sq. ft. retail structure with 81 parking spaces for the use of Trader Joe’s grocery store. The Development allowances requested by the Applicant are a 3’-9” setback on the north side of the property in lieu of a required 5’-0” setback and a 1’-0” setback on the south side of the property in lieu of a 5’-0” setback as required by section 6-10-2-8(E) of the Municipal Code.

Commissioner Asaro requested of the applicant to provide both a final traffic study instead of the included draft study to the commission and to provide testimony that addresses 6-3-5-10(D) of the Municipal Code that concerns property valuation and the development’s effect on the surrounding properties.

Citizens expressed opposition to elements of the proposed site plan and concerns about the new development in general. These items included:
- Truck deliveries and times of deliveries
- Sign lighting past store hours (would like the sign turned off at 9PM when store closes)
- Style of fence structure along the alley – would like a mason wall instead of board-on-board fencing as proposed
- Traffic issues entering/exiting the site in conjunction with two other grocery stores in near proximity
- Garbage Collection off the alley – would like collection handled on site

Citing issues that needed further refinement and the request of additional testimony, Commissioner Freeman motioned to continue the hearing to the August 8, 2012 meeting of the Plan Commission

Commissioner Ledesma seconded the motion.

A voice vote was taken. The hearing concerning case 12PLND-0051 will continue August 8, 2012 at 7PM in City Council Chambers.

4. ZONING TEXT AMENDMENT

Consideration of the proposed text amendment to the Zoning Ordinance to discuss the regulation of aquaponics.

Melissa Klotz, Zoning Planner, provided a staff report concerning the proposed text amendment to the Zoning Ordinance addressing regulations for aquaponics.

Commissioner Freeman motioned to amend the proposed definition to read: “Aquaponics: The symbiotic propagation of plants and fish in an indoor or outdoor recirculating environment that may intends result in the harvest of said plants and or fish.”

Commissioner Putta seconded the motion.
A voice vote was taken, the amendment was approved.

Commissioner Freeman motioned to approve a favorable recommendation to the City Council for the proposed zoning text amendment to provide regulations for Aquaponics

Commissioner Steele seconded the motion.

A voice vote was taken, the motion passed unanimously.

5. ZONING TEXT AMENDMENT 12PLND-0047

Consideration of the proposed text amendment to the Zoning Ordinance to discuss the zoning regulations for residential building height and dormer size in the R1, R2 and R3 districts.

Melissa Klotz, Zoning Planner, presented proposed language for a text amendment to the zoning ordinance that would amend regulations for residential building height and dormer size in the R1, R2 and R3 districts.

Commissioner Peters expressed concerned that the proposed amendment would create more legal non-conforming buildings than desired.

Citing the need for more refinement and research, Commissioner Freeman motioned to refer the matter back to the Zoning Committee of the Plan Commission to provide further review and revision.

Commissioner Putta seconded the motion.

A voice vote was taken, the motion passed unanimously. This matter will be sent back to the Zoning Committee of the Plan Commission.

6. COMMITTEE REPORTS

Craig Sklenar, General Planner, reminded commissioners that the Comprehensive Plan Subcommittee will convene Wednesday July 18, 2012 at 7:30AM.

7. ADJOURNMENT

Commissioner Ledesma motioned for adjournment
Commissioner Freeman seconded the motion.

The meeting adjourned at 10:32 P.M.

The next regular Plan Commission meeting is scheduled for WEDNESDAY, AUGUST 08, 2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
Respectfully Submitted,
Craig Sklenar, AICP
General Planner, Community and Economic Development Department

The next regular Plan Commission meeting is scheduled for **WEDNESDAY, AUGUST 08, 2012** at 7pm in **COUNCIL CHAMBERS** of the Lorraine H. Morton Civic Center.
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

A.) 12PLND-0032  TEXT AMENDMENT TO THE ZONING ORDINANCE

Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulation of massage and bodywork establishments.

Zoning Planner Melissa Klotz explained the updated proposal, and clarified that every massage/bodywork establishment will be required to obtain a City business license, and every worker must either be licensed by the state or obtain a worker's license from the City.

Tracy Smodilla supported the recommended approach but wanted the City to use a different term than "license" to distinguish between the City license and state license. She recommended using the word "registration".

Steve Rogne also supported use of the term "registration" because bodyworkers are currently seeking state licensure and this language change would clarify the difference between the City and state.
Steve Albertson asked if the difference would be distinguished between Licensed Massage Therapists and bodyworkers on the license. Attorney Ken Cox explained that the difference will be explained in the license, because the City cannot license Licensed Massage Therapists since the state already does.

Commissioner Ford motioned for approval. Commissioner Freeman seconded the motion, which was approved 6-0.

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 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.

D.) 12PLND-0047 TEXT AMENDMENT TO THE ZONING ORDINANCE
Consideration of the proposed zoning text amendment to the Zoning Ordinance to discuss the regulations for residential building height and dormer size in the R1, R2 and R3 districts.

Committee members deliberated the proposed regulation changes. Commissioner Ford noted that you cannot control bulk without discussing aesthetics, which is problematic.

Commissioner Peters suggested staff obtain pictures of specific residences around Evanston and display before and after images of how the proposed regulations would or would have affected those properties.

Commissioner Peters motioned to continue the proposed text amendment to the next Zoning Committee meeting. The motion was seconded by Commissioner Freeman and approved 6-0.

4. NEW BUSINESS

5. 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