PLAN COMMISSION
Wednesday, November 12, 2014
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. OLD BUSINESS (Continued from September 10, 2014)

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

   B. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0102
      Modifications to Central Street Overlay District
      Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to various parts
      of Chapter 15 Special Purpose and Overlay Districts regarding the Central Street Corridor
      Overlay District.

3. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, December 10, 2014 at
7:00 P.M. in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
PLAN COMMISSION

CASE # 14PLND-0045

Zoning Ordinance Text Amendment

Office and Financial Institution Uses in B1 and B2 Districts
Memorandum

To: Chair and Members of the Plan Commission

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

Subject: Zoning Ordinance Text Amendment
Amendment to Office and Financial Institution Uses in B1 and B2 Districts
14PLND-0045

Date: November 12, 2014

Request
Staff recommends amending the Zoning Ordinance to allow office and financial institutions as Special Use on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and those properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue. Office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

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

Analysis
History
October 15, 2014 – The Zoning Committee of the Plan Commission recommended approval of the proposed text amendment. The committee added a condition that staff explore adding a separate standard to the Special Use standards that could be used to evaluate the critical impact of the ground floor office and financial intuition uses in Dempster Street and Main Street business districts on the retail environment and vibrancy of the districts.

Staff believes a separate standard is not necessary. The existing nine Special Use standards (Section 6-3-5-10 of the City Code) can adequately evaluate a proposed use and its impact on surrounding uses and the business district. Additionally, establishing a new standard for a specific use would set a negative precedent for future text amendments for any use change. A memorandum from the City’s law department is attached.
June 11, 2014 – The Plan Commission reviewed a similar proposal but sent it back to the Zoning Committee for further refinement noting that all B districts in the City are not the same and should therefore not have the same regulations for office and financial institutions on ground floors.

May 21, 2014 - The Zoning Committee of the Plan Commission recommended approval of a similar proposal to allow office and financial institution as Special Use on ground floors of all B districts while office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

B-Districts Overview
The Business districts are older established commercial districts found primarily near the intersections of minor and major arterial roadways and near the train stations (map attached). The districts represent the City’s oldest commercial areas serving the needs of residents who live in the surrounding neighborhood. They have a pedestrian character and established physical pattern with buildings typically built to or near the front lot line.

They are surrounded by residential areas and include less intense uses than the Commercial (C) districts, such as drugstores, cleaners, corner grocery stores and restaurants. Due to the scale of the developments in these areas, the commercial storefronts can also attract specialty goods stores that serve a larger market area. The size of the commercial storefronts are encouraged to stay small, with a 7,500 square-foot size limit for permitted uses in the B1 district and 20,000 square foot limit for permitted uses in B1a and B2 districts. Larger spaces in these districts are only allowed as special uses.

Over the past several years, the City has experienced an influx of office and financial institution uses along Dempster Street and Main Street business districts. Examples of such uses include professional offices such as attorneys, architects, engineers, financial and tax advisers, banks, short-term loan businesses and other similar office uses. These types of office uses do not depend on the pedestrian traffic from the surrounding neighborhoods. As such, they do not contribute to the vibrancy of the district and instead use space that could otherwise be occupied by retail establishments better suited to cater to the surrounding residents. Members of the Dempster Street and Main Street Business Associations have approached the City requesting assistance to limit the influx of office uses and reestablish the districts as neighborhood centers of commerce.

Proposal Summary
Staff has determined that limiting the office and financial institution uses based on their location is the most effective option to address the increased number of office uses in the B districts along Dempster Street and Main Street. Specifically, staff is recommending amending the Zoning Ordinance to allow office and financial institution as Special Uses on the ground floors of properties in B1 and B2 districts with frontage along:

1. Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue, and
2. Main Street between Elmwood Avenue and Hinman Avenue

Office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

The proposed text amendment is summarized in the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>B1</th>
<th>B1a</th>
<th>B2</th>
<th>B3</th>
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<tbody>
<tr>
<td>Existing Uses</td>
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<tr>
<td>Office</td>
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<tr>
<td>Financial Institution</td>
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<tr>
<td>Proposed Uses</td>
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<tr>
<td>Office –ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
<td>S</td>
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<tr>
<td>Office –excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
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<tr>
<td>Financial Institution - ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
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</table>

P-Permitted Use; S-Special Use

Allowing office and financial institution uses as Special Uses on the ground floors of properties within Dempster Street and Main Street business districts requires review by
the Zoning Board of Appeals and the City Council for compliance with the standards for approval of Special Uses. Both the Zoning Board of Appeals and the City Council can evaluate each use and its proposed location to assure the use is consistent with the surrounding area, the Comprehensive General Plan and general policies of the City Council. Each application must demonstrate that it will not cause a cumulative negative effect when it is considered in conjunction with other existing special uses in the area. In other words, a small number of appropriately dispersed office uses on ground floors may be approved. However, a concentration of such uses in one area is not desirable and may not be consistent with the intent and character of the B districts.

Nonconforming Uses
If the proposed amendment is approved by the City Council, any existing office or financial institution uses on the ground floors in the Dempster Street and Main Street Business districts will be considered legal nonconforming uses and may remain. The following conditions apply for the nonconforming uses:

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

Standards of Approval
The proposed Zoning Ordinance Text Amendment to allow office and financial institution uses as Special Uses on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue meets the standards for approval of amendments per Section 6-3-4-5 of the City Code.

The proposal is consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The amendment is in line with the Plan’s specific call for action/policy to encourage new uses that complement the existing neighborhood character and pedestrian environment. Staff believes the proposed text amendment is necessary to preserve the City’s oldest shopping areas for primarily neighborhood oriented commercial and retail uses. By limiting the ground floor office and financial institutions as Special Uses within the Dempster Street and Main Street Business Districts, the amendment will encourage more retail establishments which are more desirable in these districts. The proposal will not have any adverse effect on the property values of the adjacent properties.
Recommendation

Staff recommends the Plan Commission make a positive recommendation to the City Council regarding for the proposed text amendment. The office and financial institution uses on the ground floors within the B districts along Dempster Street and Main Street would be allowed as Special Uses provided the proposed use meets the standards for approval. Office and financial institution uses on floors above the ground floor will remain to be allowed as permitted uses.

Attachments

Memo to Plan Commission from City of Evanston Law Department
Ordinance 132-O-14 - Draft
Plan Commission Meeting Minutes 06.11.2014
Zoning Committee of the Plan Commission Meeting Minutes 05.21.2014 and 10.15.2014-Draft
Zoning Map of Dempster Street Business District
Zoning map of Main Street Business District
B1, B1a, B2 and B3 Zoning Districts Map of City of Evanston
Goods’ Letter of Support
To: Members of the Plan Commission

From: Mario Treto, Jr., Assistant City Attorney

Subject: Proposal for an Additional Standard for the Office and Financial Uses on the Ground Floors in Dempster Street and Main Street Business Districts

Date: November 5, 2014

BACKGROUND
The Plan Commission and its Zoning Committee have been analyzing and reviewing the City staff’s proposal to allow financial institutions and offices as special uses on the ground floor of properties within Dempster Street and Main Street business districts. Pursuant to the Zoning Committee of the Plan Commission’s meeting dated October 15, 2014, Staff was asked to explore the addition of a standard of review for office and financial uses on the ground floors in the Dempster Street and Main Street Business Districts that will address the critical impact on retail and vibrancy of the District. This memorandum is limited in scope with regards to solely addressing the analysis of the aforementioned additional proposed standard.

CURRENT APPLICATION
Currently, the City Code addresses and enumerates the special use standards under which special uses must be evaluated. The Zoning Board of Appeals makes a recommendation to the City Council regarding a special use application based upon written findings of fact and the standards for special uses set forth below pursuant to City Code Section 6-3-5-10:

(A) It is one of the special uses specifically listed in the zoning ordinance;
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;
(C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;
(D) It does not interfere with or diminish the value of property in the neighborhood;
(E) It can be adequately served by public facilities and services;
(F) It does not cause undue traffic congestion;
(G) It preserves significant historical and architectural resources;
(H) It preserves significant natural and environmental features; and
It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.

The City Code does allow for additional standards to be evaluated for special uses in certain areas; however, the creation of an additional standard has only been imposed on special uses in transitional shelters. (City Code Section 6-3-5-11). No other specific area of the City or specific type of use has additional standards for the Zoning Board of Appeals to evaluate in conjunction with a proposed special use.

ANALYSIS
As Commissioner Peters correctly pointed out in the October 15, 2014 Zoning Committee of the Plan Commission meeting, Special Use standards are impact standards. Based on staff’s analysis, as well as looking at the current standards to which special uses are subject, the addition of a new standard would be unnecessary and duplicative.

First, reviewing the critical impact on retail and overall vibrancy can be currently evaluated under the existing special use standard: “[The special use] will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole.” That is, the critical impact effect can be properly evaluated and addressed under the above-mentioned special use standard without the need of adding an additional standard.

Second, City staff sees a value in preserving the existing standards without variations between similarly zoned properties and uses to avoid unique narrowly tailored special use standards for specific uses in specific areas. Keeping special use standard variations to a minimum would maintain the objective analysis conducted by the City and Zoning Board of Appeals, as well as keep the integrity of the process intact.

CONCLUSION
In light of the aforementioned analysis, it is my recommendation to preserve the current standards imposed on special uses and avoid imposing an additional standard that addresses the critical impact on retail and vibrancy of the underlying district as this would be duplicative and unnecessary.

If you have any questions, please feel free to contact me at 847-866-8097 or mtreto@cityofevanston.org.
132-0-14

AN ORDINANCE

Amending the Text of the Zoning Ordinance with Regards to Office and Financial Institution Uses in the B1 Business District and the B2 Business District

WHEREAS, on November 12, 2014, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 14PLND-0045 to consider an amendment to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to office and financial institution uses in the B1 Business District and the B2 Business District; 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 December 8, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 14PLND-0045 and recommended City Council approval thereof; and

WHEREAS, at its meetings of December 8, 2014 and January 12, 2015, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 2: Section 6-9-2-2 of the Zoning Ordinance is hereby amended to read as follows:

6-9-2-2. - PERMITTED USES.

The following uses, provided they are seven thousand five hundred (7,500) square feet or less in size, are permitted in the B1 district:

Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).

Caterer.

Cultural facility.

Dwellings (when located above the ground floor).

Educational institution—Private.

Educational institution—Public.

Food store establishment (with hours of operation between 6:00 a.m. and 12:00 midnight).

Office (excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).

Residential care home—Category I (when located above the ground floor and subject to the requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 3: Section 6-9-2-3 of the Zoning Ordinance is hereby amended to read as follows:
6-9-2-3. - SPECIAL USES.

The following uses may be allowed in the B1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.
Banquet hall.
Bed and breakfast establishments.
Boarding house.
Business or vocational school.
Convenience store.
Daycare center—Adult.
Daycare center—Child.
Daycare center—Domestic animal.
Dwelling—Multiple-family.
Dwelling—Single-family detached.
Food store establishment.
Funeral services excluding on-site cremation.
Government institutions.
Kennel.
Membership organization.
Micro-Distillery.

Office (ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).
Open sales lot.
Planned development.
Public utility.

Religious institution.

Resale establishment.

Residential care home—Category II.

Restaurant—Type 2 (excluding accessory drive-through facilities).

Uses permitted pursuant to Section 6-9-2-2 of this Chapter and this Section exceeding seven thousand five hundred (7,500) square feet.

**SECTION 4:** Section 6-9-3-2 of the Zoning Ordinance is hereby amended to read as follows:

6-9-3-2. - PERMITTED USES.

The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B2 district:

- Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).
- Caterer.
- Cultural facility.
- Dwellings (when located above the ground floor).
- Educational institution—Private.
- Educational institution—Public.
- Financial institution (excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).
- Food store establishment (with hours of operation between 6:00 a.m. and 12:00 midnight).
- Governmental institutions.
Office (excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).

Religious institution.

Residential care home—Category I (when located above the ground floor and subject to the requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 5: Section 6-9-3-3 of the Zoning Ordinance is hereby amended to read as follows:

6-9-3-3. - SPECIAL USES.

The following uses may be allowed in the B2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare center—Child (subject to the general requirement of Section 6-4-2, "Child Daycare Homes," of this Title).
Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Financial Institution (ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Office (ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue).

Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Resale establishment.

Residential care home—Category II (subject to the requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Restaurant—Type 2.

Retirement home.
Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional treatment facility—Category III (subject to the requirements of Section 6-4-5, “Transitional Treatment Facilities,” of this Title).

Uses permitted pursuant to Sections 6-9-3-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** 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 8:** This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 9:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced:_________________, 2014

Adopted:___________________, 2014

Approved:_____________________________, 2014

_____________________________
Elizabeth B. Tisdahl, Mayor
Attest: Rodney Greene, City Clerk

Approved as to form: W. Grant Farrar, Corporation Counsel
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, October 15, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Carol Goddard, Colby Lewis, Scott Peters

Members Absent: Jim Ford

Other Plan Commission Members Present: Stuart Opdycke

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Paul Zalmazak, Senior Economic Development Coordinator

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:15 pm.

2. MINUTES

Approval of May 21, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis made a motion to approve the minutes as presented.

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

3. NEW BUSINESS

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

Mr. Latinovic presented the staff report memo.

Chairman Shure asked if anybody present from the public would like to speak.

Jim Hughes, 2518 Hartzell St., stated that he believes Central Street has the same issues as Dempster Street and Main Street business districts and should be included in this proposal.
Commissioner Goddard agreed.

Commissioner Peters suggested any changes to the Central Street regulations can be addressed in the second case tonight which specifically addresses uses allowed on Central Street.

Commissioner Lewis asked about market forces that are bringing too many office uses to Dempster St. and Main St. Business Districts.

Commissioner Peters stated that there is too much vacancy in the area and prices are low, so offices are moving in. It is not that they are willing to pay premium.

Commissioner Lewis asked if anyone knows what the property owners have to say about the proposal.

Shaun Chinsky, 714 Main Street, stated he is a business owner and a property owner along Main Street. He knows from first hand there are some property owners that are not improving their properties, so it is easier to attract offices which have little need for storefronts to be maintained. He stated office uses are not generating foot traffic and are detrimental to the retail nature of the whole district. Property owners are only concerned about the bottom line. They do not care who they rent it to. Main Street has so much potential he would hate to see it disrupted. Special Use allows for discrentional review and approval of appropriate and right office uses.

Chairman Shure confirmed any existing office uses would be allowed to remain. The proposal does not seem to have any down side.

Chairman Peters brought up the issue of Special Use standards. They are impact standards. There may be a need for a standard whereby the impact of an office use on the critical mass of retail can be evaluated. That standard would address the purpose of this proposal.

Commissioner Colby stated perhaps the proposal needs to affect all B districts.

Commissioner Peters stated other smaller business districts are unique.

Paul Zalmazak, Senior Economic Development Coordinator, stated the City is also doing some other initiatives to encourage retail around Dempster Street and Main Street. Both of those business districts are looking to establish special service areas to support retail initiatives. The City is looking to diversify the economy. The proposed zoning change is simply another tool that would support and encourage more retail in those locations. There is also the TIF district along Chicago Avenue and Main Street. The City Council recently approved $2 mil. to support office on the second floor within a new building.

There being no further discussion Commissioner Peters made a motion to approve the proposed text amendment as presented with a condition that staff explore adding a standard for the office and financial uses on the ground floors in Dempster Street and Main Street Business Districts that addresses critical impact on retail and vibrancy of the Districts.
Commissioner Dubin questioned if such new standard can be used to objectively evaluate a potential office use. There are even some retail uses that do not contribute to the critical mass of retail.

Commissioner Opdycke questioned if modifying existing or adding more standards for Special Use is the right approach for this text amendment.

Mr. Latinovic stated staff will discuss with law department if such approach to introduce a new standard for a specific area of the City and a specific type of use is appropriate.

Commissioner Goddard seconded the motion

The motion was approved by a voice call: 5-0.

...

4. **ADJOURNMENT**

Commissioner Peters made a motion for adjournment and Commissioner Lewis seconded the motion. With all commissioners in favor, the meeting was adjourned at 9:00 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
MEETING MINUTES
PLAN COMMISSION
Wednesday, June 11, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Terri Dubin, Kwesi Steele, Carol Goddard, Lenny Asaro

Members Absent: Andrew Pigozzi, Colby Lewis, Richard Shure

Associate Members Present: David Galloway

Associate Members Absent: Seth Freeman, Stuart Opdycke

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

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:00 P.M and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Peters concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

…

C. TEXT AMENDMENT TO THE ZONING ORDINANCE

B Districts - Office and Financial Institutions

Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic summarized the staff report pertaining to the proposed text amendment. It proposes to amend the list of permitted and special uses allowed in Business Districts related to Office and Financial Institutions. The case was presented to the Zoning Committee at the May 21, 2014 meeting. Mr. Latinovic showed a map of the City with the four business districts—B1, B1a, B2 and B3. The districts were originally established as neighborhood nodes to service the surrounding neighborhoods with their immediate daily commercial needs. The physical character of these districts is with the buildings built to the front lot line, with more of a pedestrian character. The types of uses you would typically see here are corner convenience stores, restaurants, cleaners and similar uses.
However, recently there has been an influx of office uses in these districts such as banks, accounting offices, financial institutions like H&R Block or title loan offices, that do not necessarily cater just to the surround area but draw customers from the entire city. They do not strive on the pedestrian environment. This has resulted in the lack of general retail establishments in the district. So staff was approached by some business owners in these districts to do something to encourage retail uses and limit some of the office uses. The proposal, outlined in the memo based on input from the Zoning Committee, is to designate office and financial institutions, which are currently permitted by right in all business district, to allow them on the first floor only as a special use and the floors above as a by-right permitted use. Initially, staff did not include the B3 District along Howard Street east of Ridge Avenue since staff was felt that B3 district was a bit different from the others. However, after input from the Zoning Committee, this area was included in the proposed amendment based on the most recent trend in development along Howard Street with uses that cater to pedestrians and to the surrounding area.

Staff believes standards have been satisfied for the proposed text amendment. It is consistent with the Comprehensive Plan, which calls for new uses that complement the existing neighborhoods. At the Zoning Committee meeting, it was brought up to notify all property owners zoned as a B District. Based on the determination by the legal counsel, that would set a precedent considering that text amendments to multiple zoning districts are done very often. Then the notice would have to be provided to owners of all those properties, which may not be feasible. Instead, staff has reached out to the Economic Development Department to notify the merchant associations in these districts, which has been done. Following that notice, staff received a total of four letters of support. Staff recommends approval of the text amendment.

Commissioner Ford asked if the existing uses would become legally non-conforming. Mr. Latinovic answered that yes, the established office uses on the ground floor would become legal non-conforming. If they move out, the property owners have one year to reestablish similar office uses without further approval necessary. And if an existing use wanted to expand, then a special use would be required.

Commissioner Asaro asked about concerns with vacancy if retailers are not interested in the spaces. He comments because he lives in the area and tries to frequent the businesses when he can. However, there is a lot to be desired as far as what can go there. He spoke to one of the business owners one day who noted that there is not a lot to draw people to the area. He is concerned that there is not enough outside demand for retail in that area and that changing the zoning will not address that. He did not see the tension in use between retail and office to warrant a change in zoning. Mr. Latinovic found that to be a valid point and noted that it was discussed internally. This “dead zone” has been described by area business owners based on property owners who are looking to lease to more stable financial institutions rather than other retail establishments. But the proposed change is based on feedback from the business community who have been there 15 to 20 years. Because the office uses will still be a special use, in the case of a vacancy, City Council can still approve them. Chairman Peters noted that it is fairly common for office uses to go to retail. However, in this case there is not a definitive study. Still allowing office as a special use is important to minimize the vacancy concern.

Commissioner Ford seconded Commissioner Asaro’s concern. This works when there is competition between retail and non-retail uses for a property; however, alone it does not
provide an incentive for retail to come in. He questioned if it would have the desired impact. He noted that he lives near a commercial space with a recent retail vacancy. An office use would be preferable to a vacancy when retail is not an option. Commissioner Goddard reminded everyone that with the special use it would still be allowed. Commissioner Ford agreed but still felt the change is less than perfect.

Commissioner Galloway stated he would welcome other recommendations or improvements from staff and others that are within the norms of zoning law. If this prevents retail turnover for office use, he would be content. The spaces should be occupied with the types of uses that serve the area. As staff noted, many of these institutions bring in clientele from other areas of the city that park in the neighborhoods, use the facilities and leave without a vested interest in the neighborhood in that area. These uses do not effectively activate the street as well as retail or restaurant spaces would. Once again, the designation of these office uses as a special use on the ground floor would not prevent them from occurring at all and may suggest they move to the second floor or not locate there at all. However, this change to special use allows for best judgment to be used, which would address market conditions.

Commissioner Asaro stated he agrees with the comments made by the other Commissioners. He still wonders about the effect this change would have on the owners of the properties who have to generate income to continue to own and operate the properties. Having to apply for a special use permit to some extent is a barrier to enter, even if it will likely get approved. He said he was particularly curious about development at the southeast corner of Main St. and Chicago Ave. and why TIF funding was not used to build a parking structure where both a CTA and Metra station are nearby. Echoing Commissioner Galloway, if you can provide parking, people from both the area and outside of the area or even outside of Evanston will come in when there is convenience. This location does not have the parking needed for a dense area, which would help businesses in that area. The TIF has allotted a substantial amount of money to go towards parking. Chairman Peters welcomed the suggestion and consideration from staff, agreeing that parking is essential if that is to become a neighborhood retail area both for commercial uses on the second floor and retail uses on the first floor. This is true for several areas in Evanston. It is a bigger problem than this amendment. Regarding returns to landlords, however, zoning’s purpose is to ensure appropriateness of uses in an area, and these areas could use retail.

Commissioner Steele commented that as written, the change does not seem restrictive. If a property were vacant for a long period of time, approval could be sought through special use. He pointed out questions raised in an email by a business owner, such as how do we attract people to that particular strip? Chairman Peters noted that comments related to making the area more attractive to retail can be attached to any recommendation. Commissioner Steele thought it was fair as it was proposed. However, someone needs to look at the business owner’s question.

There being no further comments, Chairman Peters invited comments from the public. David Roberts, an Evanston business/property owner at 1319-1321 Emerson Street, came forward and promised to tell the truth. He stated he was disappointed to hear that staff determined they could not notify property owners in business districts of the proposed changes. He continued that perhaps more people would have attended the meeting or sent emails with comments had they been aware of it. Had it not been for...
someone who told him about it based on his involvement with other city related issues, he would not have known about it. He comes both as a property owner and business owner in Evanston. He has owned the Emerson Street property for ten years. He asked if an architecture and construction company, yoga studio and massage therapy company would be restricted under special use categories.

Mr. Latinovic responded if the proposal is approved, the architect and construction office would not be allowed by right on the first floor, and the other uses would require him to look at the list to see if those specific uses are listed. If the specific uses are not listed, staff would determine which listed use is most similar.

Mr. Roberts responded that the current uses in his buildings with the current tenants, which he has spend half a million dollars improving and converting from what used to be a school. And the business and residential neighbors have commented on these efforts revitalizing the area. To the foot traffic comment, today he counted 45 people walk past his buildings and enter them. Therefore, foot traffic and office uses can coexist. He also acknowledged that a group of business owners were supportive of this change; however, he questioned how many were in favor and for which specific area, noting that each commercial area is unique. Mr. Roberts listed a number of existing spaces, such as the NAACP office and the former alderman’s office, that would require a special use permit. He also shared that on a two block stretch east of his property, there were four vacant storefronts, plus the entire former Masonic temple. He felt that further restrictions will not encourage people to come in and enhance and invest in the area as he has, especially outsider entry-level businesses. Mr. Roberts’ architecture and construction business has been in Evanston for ten years, working on Evanston homes with $1.6 million worth of construction, much of which is spent locally supporting other Evanston businesses. Businesses do operate on other retail. He questioned if it was about sales revenue.

Chairman Peters responded no, it was not about revenue but about having retail.

Mr. Roberts asked if it is only about office and retail difference.

Chairman Peters responded that perhaps the description of uses and language used needs to be revisited, particularly hearing that each commercial area has a different character. He also confirmed what Mr. Roberts was saying that finding that balance between retail and business must not affect the businesses.

Commissioner Asaro clarified that the proposal is not designed to affect existing businesses or uses. Mr. Roberts stated that he understood that. Commissioner Asaro gave an example if the proposal is approved then if a non-retail use prospective tenant came to Mr. Roberts, he would explain to them that this business district would require them to go to City Hall to request a special use permit. Staff works very hard and would explain in detail to the businesses owner and walk them through the process. Then they contact the alderman, file the application and send the notices. If the alderman, on behalf of his/her constituents, and the property owner support the business there are no objections, more likely than not, the special use permit will be granted. Commissioner Asaro spoke from his experience as a zoning attorney, having presented special uses before. He repeated that the intent behind the proposal is to improve how uses are regulated not discourage businesses. The planning and zoning division has a difficult job to foresee the needs for uses and direct them accordingly. He stated that he
understands and agrees with Mr. Roberts’ point that not all office uses are incompatible with retail uses. Commissioner Asaro also noted that regarding the notices, because text and map amendments occur frequently it would be a considerable cost to send notices every time and not feasible. However, that information is always available on the website.

Chairman Peters clarified that for map amendments that deal with specific properties, everyone within 500 feet including rights-of-way are notified. The Zoning Ordinance does not require notices for text amendments because that could potentially be to everyone in the city. He agreed that it would not be feasible to do so.

Mr. Roberts responded that he understands how the special use process works and because of that knows that there is never complete certainty. He also stated that he came to the meeting not to discuss the procedures of text amendments but rather the proposal. He continued that when he first moved into his place, it was lifeless. It now has much more foot traffic and the area has been transformed since then. He wonders if some part of this text amendment is being directed by a small group of business owners that are not representative of all business owners and is not accurate. Each district is unique.

Lastly, he stated office versus retail is an old and simplistic way of looking at zoning. Services may fall into several categories. Service economy is different from retail economy which is different from office. It seems to him that the ordinance is trying to address banks, but that you can’t single out one type of use with this proposal.

Commissioner Ford commented that the grain of uses gets fine. He gave the example of his neighborhood with banks, a shoe repair shop, and cleaners etc. The bank probably generates just as much traffic as others. Brokerages and real estate agents generate less. If foot traffic is the end goal, whether local traffic or not, we may need to think about this more and how we classify uses. Office versus retail distinction is too crude. He proposed that the Board think about this more before approving the text amendment if it is not addressing a specific burning issue. He and Chairman Peters agreed that each business district is very different from one another. Both of them, along with Commissioner Goddard and Commissioner Galloway also agreed that the distinction in uses need to be more fine grained. Commissioner Galloway continued that the ordinance must address the street activation element more than the broad based use definition. All were appreciative of the perspective Mr. Roberts presented.

Commissioner Asaro pointed out that the memo does include financial institutions as one of the uses proposed to become a special use. He agreed with Commissioner Ford on tabling this proposal and perhaps limiting it only to financial institutions. Chairman Peters suggested the proposal go back to the Zoning Committee for further study. He thanked Mr. Roberts for his useful comments.

Commissioner Ford made a motion be returned the proposed text amendment to the Zoning Committee for refinement.

Commissioner Asaro seconded the motion.

A voice vote was taken and the motion was approved by voice call 6-0.
2. ADJOURNMENT

There being no further discussion, Commissioner Goddard made a motion to adjourn the meeting, and Commissioner Asaro seconded the motion.

The meeting was adjourned at 8:40 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

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

Commissioner Lewis motioned to approve the minutes as presented.

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

3. NEW BUSINESS

...  

C. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0045

B1, B1a and B2 Districts
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic presented the staff report memo.

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Lewis seconded the motion.

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

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

4. ADJOURNMENT

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

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

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
B1, B1a, B2 and B3 Zoning Districts
Dear Mr. Latinovic,

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

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

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

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

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

Regards,

Shaun Chinsky
President
PLAN COMMISSION

CASE # 14PLND-0102

Zoning Ordinance Text Amendment

Various Amendments to Chapter 15
Special Purpose and Overlay
Districts
regarding the
Central Street Overlay District
Memorandum

To: Chair and Members of the Plan Commission

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

Subject: Zoning Ordinance Text Amendment
         Various Amendments to Chapter 15 Special Purpose and Overlay Districts
         regarding the Central Street Corridor Overlay District
         14PLND-0102

Date: November 12, 2014

Request
Staff recommends approval of the Zoning Ordinance Text Amendment to modify certain sections of Chapter 15 Special Purpose and Overlay Districts regarding the Central Street Corridor Overlay District to make it more consistent with the 2007 Central Street Master Plan.

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

Analysis

History

October 15, 2014 - The Zoning Committee of the Plan Commission unanimously recommended approval of a portion of the proposed amendment regarding Active Uses on the Ground Floor.

September 10, 2014 – Per Staff’s recommendation, the Plan Commission continued the case to November 12, 2014 hearing to allow staff to meet with the neighborhood stakeholders (Central Street Business Association and Central Street Neighbors Association) for the second time and discuss the proposed amendment.

August 13, 2014 – Per Staff’s recommendation, the Plan Commission continued the case to September 10, 2014 hearing to allow staff time to meet with the area stakeholders to discuss the proposed amendment.
Background
On August 26, 2014 City staff met with representatives of the Central Street Neighbors Association and Central Street Business Association to discuss the proposed text amendment. The initial proposal focused on eliminating a section of the Central Street Overlay District regulations (oCSC) that prohibits any site development allowances for Planned Developments. Following that meeting, staff modified the proposal to exclude overall increases in floor area ratio (FAR), height, and density (the number of dwelling units) from potential site development allowances, but permit site development allowances from other zoning regulations so they can be considered by the Plan Commission and the City Council during the Planned Development review process. The text amendment regarding site development allowances was combined with a previous text amendment regarding the Active Ground Floor Uses and also includes other minor modifications to various regulations of the oCSC, to make the requirements clearer and more in line with the 2007 Central Street Master Plan and other sections of the Zoning Ordinance.

On November 3, 2014, City staff met with representatives from the Central Street Neighbors Association and Central Street Business Association and presented the findings of its research and the revised proposal.

Proposal Overview
Staff proposes modifications to parts of Central Street Overlay District (oCSC) to better reflect the 2007 Central Street Master Plan. The intent of the oCSC regulations was to implement the recommendations of the Master Plan which centered on preserving the character and scale of Central Street Corridor. While a vast majority of the oCSC regulations are an excellent tool to attract desirable uses and achieve quality developments, some portions of the Code are very detailed and do not allow for adequate diversity of both uses and buildings that made the Corridor a successful and vibrant pedestrian environment that it is today.

The intent of the Zoning Ordinance is to promote orderly and desirable development. The regulations should not impede quality design or projects that are consistent with the Central Street Master Plan and the City’s Comprehensive General Plan.

For example, Figure 1 indicates a potential new building on an underutilized site along Central Street identified in the Master Plan as an example of a desirable new infill development. Such building, however, would not be permitted today in many areas of Central Street Corridor because the Overlay District regulations adopted in 2008 require a significant step back for second floor and an additional step back for the third floor.

Figure 1: Cover Page - 2007 Central Street Master Plan
Most of the proposed modifications to the Central Street Overlay District regulations (attached) are minor to correct small omissions and clarify the intent of the regulation to avoid unintended misinterpretation. All proposed changes will make the Central Street Overlay district regulations more consistent with the goals and objectives identified in the Central Street Master Plan.

The following are the most significant changes proposed. Active Ground Floor Uses and Site Development Allowances are discussed in more detail below.

- Add Specialty Food Store as an Additional Permitted Use because it is listed as a Ground Floor Active Use.
- Eliminate Commercial Indoor Recreation Use from the list of Additional Special Uses because it is already listed as an allowable Special Use by the underlying zoning district.
- Increase the number of allowable Active Ground Floor Uses.
- Clarify the required step back for the 2nd floor is 10% of the lot depth or five feet, whichever is greater, from the “required pedestrian area”.
- Allow site development allowances to be considered by the Plan Commission and the City Council for Planned Developments except for overall increase in height, FAR and density (number of units allowed).
- Clarify that the pedestrian area requirement replaces the front yard setback requirement within commercial areas to create a consistent “shopping wall” per the Central Street Master Plan.
- Clarify and define bicycle parking requirements.

Active Ground Floor Uses
Section 6-15-14-7 of the Overlay District requires that “active uses” occupy the ground floor level of commercially zoned properties along the corridor (Subareas 3, 4, 5, 6 and 7). The Section defines “Active Uses” as one of the following: retail goods establishments, retail service establishments, food store establishments, hotels, restaurants – type 1, restaurants – type 2, specialty food store, indoor commercial recreation, performance entertainment venue and cultural facility. Any other use of the 55 uses listed in the underlying zoning district as either Permitted Use or Special Use is not allowed.

As a result some existing uses such as governmental institutions (Evanston North Branch Library), or financial institutions (Chase Bank) are deemed nonconforming and would not be permitted to relocate anywhere along the Corridor. There are a number of other uses, such as convenience store, office use, daycare center, etc. that are allowed by the underlying zoning districts (B1a, O1 or C2) which may be appropriate, compatible and desirable ground floor uses along Central Street, but were left off of the list of allowable Active Ground Floor Uses. Automobile Service Station, for example, is a use specifically added as an allowable Permitted Use in Subarea 6 by the Overlay District, but it is not listed as an Active Ground Floor Use. Since Automobile Service Stations only locate on ground floors, this is an apparent oversight in the Overlay District regulations.
Staff recommends increasing the number of allowable Active Uses for ground floors of commercial areas in the Central Street Overlay District. The table below includes a list of proposed additional Active Uses. All proposed uses are currently allowed by the underlying zoning districts B1a, O1 or C2 and represent a selective list of uses that may be desirable and compatible with the existing character of Central Street Corridor.

Following the meetings with the stakeholder groups and the Zoning Committee meeting, the proposal was revised to include most new uses as Special Use to allow additional review by the Zoning Board of Appeals and the City Council. Office and Financial Institution uses are now listed as Special Use along Central Street (Subareas 3, 4, 5 and 6) but Permitted Use along Green Bay Road (Subarea 7) although they are allowed as Permitted Use in other commercial districts throughout the City. Additionally, based on the stakeholder feedback, the educational institutions, both public and private, are being proposed as Special Use rather than a Permitted Use as they are allowed in other B and C districts throughout the City.

<table>
<thead>
<tr>
<th>Allowed in:</th>
<th>B1A (Subareas 4, 5 and 6)</th>
<th>O1 (Subarea 3)</th>
<th>C2 (Subarea 7)</th>
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<tr>
<td><strong>Current Active Uses:</strong></td>
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<td>retail goods establishments</td>
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<td>retail service establishments</td>
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<td>food store establishments</td>
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<td>hotels</td>
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<td>restaurants type 1</td>
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<td>restaurants type 2</td>
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<td>specialty food store</td>
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<td>indoor commercial recreation</td>
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<td>performance entertainment venue</td>
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<td><strong>Proposed Additional Active Uses:</strong></td>
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<td>Dormitory</td>
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<td>Automobile body repair establishment.</td>
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<td>Automobile repair service establishment.</td>
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<td>Automobile Service Station</td>
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<td>Animal Hospital</td>
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<td>Artist's Studios and accessory dwelling units</td>
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<td>(provided the accessory dwelling unit shall not</td>
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<td>front upon any street)</td>
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<td>Convenience Store</td>
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<td>Daycare Center - Adult</td>
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<td>Daycare Center-Child</td>
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Proposed uses listed as Special Use must be approved through Special Use approval process by the City Council. The City reviews special use applications on a case by case basis based on their location and specific proposal to make sure such uses are compatible with surrounding properties. For example, a small-scale wine distillery with a wine shop and tasting room in the front may be appropriate and desirable in certain locations of the Corridor, while other proposals for a larger scale distillery focusing more on production rather than retail sales may not be appropriate and could be denied.

**Site Development Allowances**

Per Section 6-15-14-10 no Site Development Allowances are currently permitted for Planned Developments within the Central Street Overlay District. The proposed text amendment would permit the Plan Commission and City Council to consider site development allowance requests except for increases in height, FAR and density (number of dwelling units).

Section 6-15-14-10 is not consistent with the intent of the Planned Development regulations. Planned Developments are a type of special use that is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services and encourage innovation in the planning and building of all types of developments. Through Planned Development review, Staff, the Plan Commission and the City Council can evaluate all developments to make sure the projects are compatible with surrounding uses and developments and are consistent with the Central Street Master Plan.

Often times a potential development which complies with strict rules of the zoning ordinance may be less desirable and incompatible with older surrounding development. In such cases, Site Development Allowances can be used to mitigate the impact of the development on surrounding uses to provide maximum public benefits.

Any new development over 20,000 square feet in area must be processed as a Planned Development. While developments less than 20,000 square feet in area can request approval of zoning variations, such variations from Code cannot be processed for Planned Developments (Site Development Allowances). The proposal would allow the same review of Planned Developments as is the case throughout the City.
The proposed text amendment affords the City larger control over the quality of projects to assure they are compatible with the overall character of existing development along Central Street and are consistent with the Master Plan.

Standards of Approval
The proposed Zoning Ordinance Text Amendment meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the Comprehensive General Plan’s principles to encourage new development that improves the economy and attractiveness of the City while simultaneously working to maintain a high quality of life within the community. The proposal will allow new uses and developments along Central Street that are compatible and integrated within the existing neighborhood, promote walkable environment and enhance the unique character of the area. Furthermore, the proposal will improve the zoning regulations that apply to the District to better align them with the goals and objectives of the Central Street Master Plan. This will assure new uses and developments preserve the existing character and scale of developments along Central Street and sustain and enhance the corridor as a location for diverse, unique, small scale pedestrian oriented retail shops, services and restaurants. The proposed text amendment will not have any adverse effects on the values of the properties in the area because it uniformly applies to the entire Central Street Corridor.

Recommendation
Staff believes the proposed text amendment to modify certain portions of the Central Street Overlay District meets the standards of approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council regarding for the proposed text amendment.

Attachments
- Modifications to the Central Street Overlay District Regulations (Section 6-15-14 of the Municipal Code)
- The map of subareas of the Central Street Overlay District
- The zoning map of the Central Street Overlay District
• 6-15-14. - oCSC CENTRAL STREET CORRIDOR OVERLAY DISTRICT.

• 6-15-14-1. - PURPOSE STATEMENT.

The oCSC district is intended as a primary means to implement the recommendations contained in the Central Street Master Plan (2007). The geographical scope of the plan extended the length of Central Street from Gross Point Road in the west to Ridge Avenue in the east, and includes intersecting portions of Gross Point Road, Crawford Avenue and Green Bay Road. Specifically, this overlay district seeks to:

(A) Preserve existing character and scale.

(B) Encourage a healthy mix of uses along the corridor; preserve independent and unique uses.

(C) Sustain and enhance the corridor as a location for diverse, unique, small scale, pedestrian oriented retail shops, services, and restaurants.

(D) Encourage retail uses close to transit.

(E) Allow a wide, consistent sidewalk width.

(F) Ensure wider, landscaped parkways as a transition between retail frontages and residential side streets.

(G) Provide improved sightlines for motorists.

(H) Ensure consistent building placement and create a pedestrian friendly and human scaled "street wall."

(I) Articulate buildings and reduce the perceived height and mass of new development by using building stepbacks at upper stories.

(J) Establish new sidewalk standards for improved sidewalk widths, sightlines, and streetscapes.

(K) Encourage buildings with clearly defined bases, middles, and tops.

(L) Allow the intuitive identification of storefronts through the use of appropriate store windows and fenestration for retail and mixed use buildings.

(Ord. 5-0-08)

• 6-15-14-2. - APPLICATION OF THE DISTRICT.

Any property that comes to be located within this district shall retain its original zoning district designation, and shall gain the additional designation of the oCSC district. The provisions of this Section 6-15-14 shall serve as a supplement to the zoning district regulations of the underlying district. Where a conflict exists between the provisions of

1
this Section 6-15-14 and those of the underlying zoning district, the provisions of this overlay district shall control.

(Ord. 5-0-08)

- 6-15-14-3. - DESIGNATION OF OVERLAY DISTRICT.

The Central Street corridor overlay district shall be designated by the City Council and shown as an overlay to the underlying districts with the designation "oCSC" on the City zoning map.

(Ord. 5-0-08)

- 6-15-14-4. - SUBAREAS.

(A) Purpose: The Central Street corridor overlay district contains seven (7) subareas that allow the district to be tailored to the needs and existing conditions of different areas along the corridor.

(B) Subareas Defined: The following subareas are defined as part of the Central Street corridor overlay district:

Subarea 1; multi-family residential A: This subarea is based on properties having a base zoning district of R4.

Subarea 2; multi-family residential B: This subarea is based on properties having a base zoning district of R5.

Subarea 3; office: This subarea is based on properties having a base zoning district of O1.

Subarea 4; mixed use A: This subarea is based on neighborhood commercial properties having a base zoning district of B1a.

Subarea 5; mixed use B: This subarea is based on commercial properties having a base zoning district of B1a.

Subarea 6; Gross Point/Crawford mixed use: This subarea is based on properties surrounding the intersection of Gross Point Road, Crawford Avenue, and Central Street, having a base zoning district of B1a.

Subarea 7; Green Bay commercial: This subarea is based on properties along Green Bay Road having a base zoning district of C2.

(C) Subarea Designation: Subareas will be designated by the City Council and shown on the City zoning map or on a separate detail map that is indicated and referenced on the City zoning map. Subareas shall be indicated by appending the subarea number to the overlay district designation: oCSC-1 through oCSC-7.
(Ord. 5-0-08)

6-15-14-5. - ADDITIONAL USES.

(A) Uses listed under "additional permitted uses" in Table 1 of this Section shall be permitted in the oCSC district, in the indicated subarea. These uses are in addition to those permitted in the base zoning district.

(B) Uses listed under "additional special uses" in Table 1 of this Section may be allowed in the oCSC district in the indicated subarea subject to the general provisions set forth in Section 6-3-5 of this Title, and the special provisions contained herein.

TABLE 1: ADDITIONAL USES

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Additional Permitted Uses</th>
<th>Additional Special Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>Retail goods establishment (on ground floor only) Retail services establishment (on ground floor only) Specialty Food Store</td>
<td>Commercial indoor recreation Cultural facility Dormitory Performance entertainment venue</td>
</tr>
<tr>
<td>4</td>
<td>None Specialty Food Store</td>
<td>Commercial indoor recreation Cultural facility Performance entertainment venue</td>
</tr>
<tr>
<td>5</td>
<td>None Specialty Food Store</td>
<td>Commercial indoor recreation Cultural facility Performance entertainment venue</td>
</tr>
<tr>
<td>6</td>
<td>Automobile service station Specialty Food Store</td>
<td>Commercial indoor recreation Cultural facility Performance entertainment venue</td>
</tr>
</tbody>
</table>

Comment [LD1]: It’s listed as an Active Ground Floor Use, but it is not allowed anywhere.

Comment [LD2]: Already allowed as a Special Use in B1a.
### Subarea Additional Permitted Uses Additional Special Uses

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Additional Permitted Uses</th>
<th>Additional Special Uses</th>
</tr>
</thead>
</table>
| 7       | None                                            | Commercial indoor recreation  
|         | Specialty Food Store                            | Cultural facility  
|         |                                                 | Performance entertainment venue                        |

(Ord. 5-0-08)

- **6-15-14-6. - PROHIBITED USES.**

Uses shown in Table 2 of this Section shall be prohibited in the indicated subarea. This prohibition supersedes any permitted uses identified in the base zoning district.

**TABLE 2: PROHIBITED USES**

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Prohibited Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>4</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>5</td>
<td>Drive-through facility</td>
</tr>
</tbody>
</table>
| 6       | Drive-through facility (except at 2628 Gross Point Road  
|         | per Ordinance 69-O-12)                              |
| 7       | Drive-through facility                              |
6-15-14-7. - ACTIVE GROUND FLOOR USES.

In subareas 3, 4, 5, 6 and 7, active uses shall occupy the ground floor level for a minimum depth of fifty (50) feet along the primary street frontage. “Active uses” are hereby defined in the table below along with the matter in which they are allowed in each subarea as either Permitted Use “P” or Special Use “S”: as retail goods establishments, retail service establishments, food store establishments, hotels, restaurants type 1, restaurant type 2, specialty food store, indoor commercial recreation, performance entertainment venue, cultural facility.

<table>
<thead>
<tr>
<th>Uses:</th>
<th>B1A (Subareas 4, 5 and 6)</th>
<th>O1 (Subarea 3)</th>
<th>C2 (Subarea 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Active Uses:</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>retail goods establishments</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>retail service establishments</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>food store establishments</td>
<td>P</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>hotels</td>
<td>-</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>restaurants type 1</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>restaurants type 2</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>specialty food store</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>indoor commercial recreation</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>performance entertainment venue</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>cultural facility</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Proposed Additional Active Uses:</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dormitory</td>
<td>-</td>
<td>S</td>
<td>-</td>
</tr>
<tr>
<td>Automobile body repair</td>
<td>-</td>
<td>-</td>
<td>S</td>
</tr>
</tbody>
</table>
establishment.

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Type</th>
<th>Size</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile repair service establishment</td>
<td>-</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Automobile Service Station</td>
<td>S</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Animal Hospital</td>
<td>S</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Artist's Studios and accessory dwelling units</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Animal Hospital</td>
<td>S</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Daycare Center - Adult</td>
<td>S</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Daycare Center-Child</td>
<td>S</td>
<td>S</td>
<td>-</td>
</tr>
<tr>
<td>Daycare Center - Domestic Animal</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Resale Establishment</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Educational Institution - Private</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Educational Institution - Public</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>S</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Government Institution</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office</td>
<td>S</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling-Multiple Family</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Micro-Distillery</td>
<td>S</td>
<td>-</td>
<td>S</td>
</tr>
</tbody>
</table>

(Ord. 5-0-08)

- 6-15-14-8. - BUILDING HEIGHT.

(A) Maximum Building Height: The maximum building height in the oCSC district, without bonuses, is shown under "maximum building height (the shorter of)" in Table 3, "Building Height," of this Section in both feet and number of stories. The maximum height is the shorter of the two.

TABLE 3: BUILDING HEIGHT
### Maximum Building Height (The Shorter Of)

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Feet</th>
<th>Stories</th>
<th>Transitional Height Plane&lt;sup&gt;1&lt;/sup&gt;</th>
<th>10% Required Stepback</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>35</td>
<td>2.5</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>45</td>
<td>4</td>
<td>R1, R2, R3, R4</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>52</td>
<td>5</td>
<td>R1, R2, R3, R4</td>
<td>3rd story and above</td>
</tr>
</tbody>
</table>
| 4       | 35   | 3       | R1, R2, R3, R4                       | 10%: 2nd story and above  
                                  |                       | 15%: 3rd story and above<sup>Cj. 2.2</sup> |
| 5       | 45   | 4       | R1, R2, R3, R4                       | 2nd story and above   |
| 6       | 45   | 4       | R1, R2, R3, R4                       | 3rd story and above   |
| 7       | 45   | 4       | R1, R2, R3, R4                       | 3rd story and above   |

**Notes:**

1. Applies to properties adjacent to the districts listed.
2. See Subsection (C) of this Section, regarding the location of the additional 15 percent setback.

(B) Transitional Height Plane: A transitional height plane shall apply in those subareas as indicated under "transitional height plane" in Table 3 of this Section, for properties adjacent to or abutting the districts listed. See Chapter 18 of this Title for details on determining the transitional height plane. This height plane shall be used in place of any transitional height plane height restricting device required by the base district zoning code (for example, the O1 district, Section 6-15-2-9 of this Chapter).

(C) Required Stepback: As indicated under "10% required setback" in Table 3 of this Section, a setback from the required pedestrian area of ten percent (10%) of the lot
width or depth, as applicable, or five (5) feet whichever is greater, is required for upper stories, with a minimum setback of five (5) feet. Ten percent (10%) of the lot depth or five (5) feet, whichever is greater, is required for building front stepback. Ten percent (10%) of the lot width or five (5) feet, whichever is greater, of the lot width is required for building side stepbacks.

1. An additional stepback of fifteen percent (15%) of the lot depth or width from the required pedestrian area is required for 3rd Story and above in subarea 4 from Hartrey Street in the west to the north leg of Prairie Avenue in the east.

2. Buildings with front or side facades of seventy-five (75) feet or more are required to meet this requirement for sixty-five percent (65%) of the second floor front or side facade. Buildings with front or side facades less than seventy-five (75) feet must meet this requirement for one hundred percent (100%) of the second floor front or side facade. The requirements must be met for one hundred percent (100%) of the front or side facade for the third story and above.

3. Stepbacks are required only for building facades that are adjacent to street rights of way.

(D) Prohibition Of Sheet Walls: No more than twenty-five (25) feet of width of any building facade shall from a “sheer wall” from ground level to the topmost floor. A “sheer wall” is defined as a vertical unbroken plane of facade that is unarticulated in depth.

(Ord. 5-0-08)

6-15-14-9. - FLOOR AREA RATIO.

(A) The maximum floor area ratio in the oCSC district without bonuses is shown by subarea under "maximum FAR without bonuses" in Table 4 of this Section.

(B) The maximum floor area ratio in the oCSC district with bonuses is shown by subarea under "maximum FAR with bonuses" in Table 4 of this Section.

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Maximum FAR Without Bonuses</th>
<th>Maximum FAR With Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
(Ord. 5-0-08)

- **6-15-14-10. - SITE DEVELOPMENT ALLOWANCES.**

Sections 6-3-6-5 and 6-3-6-6 and Subsections 6-8-1-10(C), 6-9-1-9(C) and 6-10-1-9(C) of this Title, and Subsection 6-15-1-9(C) of this Chapter notwithstanding, site development allowances for any overall building height increase, FAR increase or density (number of dwelling units) increase for planned developments in the oCSC district are not permitted, in the oCSC district.

(Ord. 5-0-08)

- **6-15-14-11. - DEVELOPMENT BONUSES.**

Floor area ratio (FAR) bonuses are available and may be approved for developments in the subareas identified in Table 5, "Development Bonuses," of this Section:

**TABLE 5: DEVELOPMENT BONUSES**

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Maximum FAR Without Bonuses</th>
<th>Maximum FAR With Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>4</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>5</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>6</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>7</td>
<td>1.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>
(A) Bonus For Extra Parking:

1. Bonus Formula: A floor area bonus may be approved for qualifying parking in excess of that required, in accordance with the following standards:

   \[ \text{Bonus FAR} = \left( \frac{\text{number of qualified parking spaces in excess of requirement} \times 350 \text{ square feet}}{\text{lot area}} \right) \times 0.40 \]

2. Design Standards And Guidelines: A parking space is qualified if it meets the following standards:

   (a) It is located on site, specifically identified in the development plan, and legal text indicating that the parking space shall be made available to the general public regardless of whether they are visiting any of the on-site uses shall be recorded with the property deed.

   (b) It is in excess of the number of on-site spaces required by the zoning ordinance.

   (c) It is made available for use to the general public, as well as to on-site users.
(d) If parking spaces are posted as available for a limited time per user, the time period available to general public users shall not be less than the time period for on-site users.

(e) Aboveground parking garages must be concealed from public view.

(f) Pedestrian access to the garage must be provided from the public sidewalk.

(B) Bonus For Underground Parking:

1. Bonus Formula: A floor area bonus may be approved for qualifying underground parking in subareas as shown under "underground parking" in Table 5 of this Section, in accordance with the following formula:

   \[ \text{Bonus FAR} = \left( \frac{\text{number of qualified underground parking spaces} \times 350 \text{ square feet}}{\text{lot area}} \right) \times 0.20 \]

2. Standards And Guidelines: An underground parking space is qualified if it meets the following standards:

   (a) Parking spaces must be located entirely below the lowest grade level of any adjacent street frontage.

   (b) Parking spaces must comply with all parking dimension and access requirements.

   (c) Vehicular access to the parking garage must be located off an alley.

(Ord. 5-0-08)

6-15-14-12. - PEDESTRIAN AREA REQUIREMENTS.

(A) Location: A pedestrian area shall be located between the front facade of all buildings and the curb along Central Street, Green Bay Road, Gross Point Road and Crawford Avenue and along all intersecting streets for properties occupied by nonresidential uses. Each pedestrian area shall consist of two (2) zones parallel to the curb: a sidewalk clear zone and a parkway/street furniture zone. In addition to satisfying all setback and required yard requirements of the underlying zoning district, each subarea zone shall have a minimum width of the Pedestrian Area as specified in Table 6, "Pedestrian Area Requirements," of this Section.

TABLE 6: PEDESTRIAN AREA REQUIREMENTS
<table>
<thead>
<tr>
<th>Subarea</th>
<th>(A) Clear Zone</th>
<th>(B) Parking/Street Furnitue Zone</th>
<th>(C) Minimum Pedestrian Area Width ((A) + (B))</th>
<th>(D) Clear Zone</th>
<th>(E) Parkway/Street Furniture Zone</th>
<th>(F) Minimum Pedestrian Area Width ((D) + (E))</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>2</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>3</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>4</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>5</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>6</td>
<td>15 feet</td>
<td>15 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>7</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>
(B) Sidewalk Clear Zone Requirements:

1. The sidewalk clear zone shall be a minimum width as specified in Table 6 of this Section, shall be located immediately contiguous to the parkway/street furniture zone and shall be continuous.

2. This zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.

3. Building entryway doors shall not open in a manner that causes them to swing into or in any way obstruct the sidewalk clear zone.

(C) Parkway/Street Furniture Zone Requirements: The parkway/street furniture zone shall have a minimum width as specified in Table 6 of this Section. This zone shall be located immediately adjacent to the curb and shall be continuous. This zone shall be landscaped or hardscaped, and may be used for the placement of trees, street furniture, benches, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

(D) Vehicle Sightlines And Visibility: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2 1/2) feet and eight (8) feet above grade.

(E) Utilities: Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

(F) Relationship Of Building To Pedestrian Area: Each building with at least one (1) facade adjacent to the pedestrian area shall have a pedestrian entrance located on the ground floor of that facade and opening directly onto the pedestrian area. Such entrance shall be unlocked and accessible during business hours.

(G) Optional Sidewalk Setback Area: Buildings may be set back an additional distance up to ten (10) feet from the sidewalk. The resulting area between the front facade and the sidewalk may be used for landscaping, seating, public art, street furniture, outdoor dining, outdoor display of merchandise during business hours, or other similar uses, provided they are permissible for that location otherwise.

(H) The Front Yard and Street Side Yard requirements by the Underlying Zoning District in Subareas 3, 4, 5, 6 and 7 is hereby replaced with the Pedestrian Area requirement and does not have to be satisfied.

(Ord. 5-0-08)

- 6-15-14-13. - MINIMUM BICYCLE PARKING REQUIREMENTS.
(A) All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.

(B) Multi-family developments shall provide said interior bicycle parking facilities for building residents at a ratio of at least one bicycle parking space for every five (5) one and one-half (1.5) multi-family units. Such bicycle parking facilities must be provided near the building entrance accessible to the street. Multi-family developments shall also provide bicycle parking facilities for visitors/public at a ratio of at least one bicycle parking space for every ten (10) automobile parking spaces provided and shall meet the location criteria under subsection (D) of this section.

(C) No development, except a one- or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of ten (10) such spaces.

(D) Bicycle parking spaces facilities for nonresidential developments and bicycle parking facilities provided for the visitors/public shall be located within the parkway/street furniture zone a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.

(E) Each space bicycle parking facility shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user supplied lock.

(Ord. 5-0-08)

6-15-14-14. - FENESTRATION.

(A) Ground level retail and office nonresidential uses that face a public way shall provide a minimum linear fenestration of sixty-five percent (65%), measured along the length of the street frontage. Corner buildings shall continue such fenestration around the corner of the building for at least forty (40) feet or the length of the building, whichever is shorter.

(B) Qualifying frontage shall meet the following conditions:

1. Lower edge of lite (sill) is no higher than three (3) feet above grade.
2. Upper edge of lite (header) is no lower than ten (10) feet above grade.

(C) Fenestration shall utilize clear glass. Painted glass, reflective glass or other similarly treated or opaque windows are not eligible. Entrances with glass elements may be counted towards fenestration requirement, as long as qualifying fenestration extends above the entrance to the minimum height specified above.

(Ord. 5-0-08)
• 6-15-14-15. - BUILDING FACADE ARTICULATION.

For all building facades facing public streets:

(A) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.

(B) Building floors from ground level to third story above ground level shall be delineated through the use of windows, belt courses, cornice lines or similar architectural detailing.

(C) Facades wider than twenty-five (25) feet shall be vertically articulated to give the appearance of being composed of multiple buildings. Such articulation shall be accomplished by using projections, recesses, material changes, parapets, cornices, varying roof heights/lines, or other similar architectural features.

(D) Prohibition Of Sheet Walls: No more than twenty-five (25) feet of width of any building facade shall form a "sheet wall" from ground level to the topmost floor. A "sheet wall" is defined as a vertical unbroken plane of facade that is unarticulated in depth.

(Ord. 5-0-08)

• 6-15-14-16. - ALLEY ACCESS.

New nonresidential or mixed use construction in the oCSC overlay district on zoning lots that abut a public alley narrower than eighteen (18) feet in width must provide a clear area immediately abutting and parallel to the public alley extending to a depth of eighteen (18) feet from the opposite edge of the existing alley. This area may not be used for parking and is to remain free of all obstructions, including, but not limited to, fences, posts, bollards, retaining walls, dumpsters, garbage cans, etc. Relief from this requirement based on exceptional site conditions or other practical difficulties may be granted by approval of the Zoning Administrator and the director of public works.
EXHIBIT F
Proposed Central Street Overlay District: oCSC
West Corridor
EXHIBIT F
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East Corridor