PLAN COMMISSION
Wednesday, December 4, 2013
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: October 9, 2013

3. NEW BUSINESS

   A. TEXT AMENDMENT TO THE ZONING ORDINANCE
      13PLND-0103
      Specifically consider text amendments, pursuant to City Code §6-4-7, Bed & Breakfast
      Establishments, to discuss the zoning regulations of Bed & Breakfast Establishments.

4. DISCUSSION

   A. COMPREHENSIVE PLAN UPDATE

5. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, JANUARY 8, 2013 at 7:00 P.M. in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to Melissa Klotz, Zoning Planner, at 847-448-8153 or by e-mail at mklotz@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TTY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, October 9, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: David Galloway (Associate), Kwesi Steele, Jim Ford, Stuart Opdycke (Associate), Melanie Johnson

Staff Present: Melissa Klotz, Mark Muenzer, Ken Cox

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM
Chairman Peters called the meeting to order at 7:08 P.M.

2. APPROVAL OF July 17, 2013 MEETING MINUTES
Commissioner Ledesma motioned for approval of the July 17, 2013 meeting minutes. Commissioner Shure seconded the motion.

A voice vote was taken and the minutes were approved 6-0.

3. TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0087
Specifically consider text amendments, pursuant to City Code §6-9-4, B3 Business District, to discuss the zoning regulations of parking lots as permitted and special uses.

Melissa Klotz, Interim Zoning Administrator, described the proposed text amendment as recommended by staff and the Zoning Committee of the Plan Commission.

Commissioner Freeman noted he has an issue with allowing private parking lots, and asked if there is a per-space fee payable to the City for private lots.

Chairman Peters noted the City Code states there is a $144 fee per parking space each year, providing the space is regularly occupied.

Commissioner Asaro noted the area in question is already densely built up, and it likely is not economically feasible for anyone, including the City, to demolish multiple buildings to create surface parking lots.
Chairman Peters responded that it may be economically feasible to do so because as more businesses come in, property values should go up.

Commissioner Freeman noted that it seems like bad policy. If there is a need for parking in that area, the City should make it, not rely on private market forces.

Commissioner Ledesma asked if the City could make a parking lot in this district without the text amendment, and Ms. Klotz responded yes, through a municipal exemption, thought that is generally not the desirable way to go about land use changes.

The Standards were then addressed:

1. Yes
2. Yes
3. Yes
4. Yes

Chairman Peters motioned to approve the proposed text amendment, and Commissioner Shure seconded the motion. The text amendment was recommended to City Council with unanimous approval.

4. ADJOURNMENT

Commissioner Freeman motioned to adjourn, and Commissioner Shure seconded the motion. The meeting adjourned at 7:30pm.

Respectfully Submitted,
Melissa Klotz
Interim Zoning Administrator, Community Development Department
Bed & Breakfast Establishments
Text Amendment

13PLND-0103
Memorandum

To: Chair and Members of the Plan Commission

From: Mark Muenzer, Community Development Director
Melissa Klotz, Interim Zoning Administrator

Subject: Discussion of Draft Text Amendment 2-O-14 for Bed & Breakfast Establishments, 13PLND-0103

Date: November 27, 2013

Proposal Overview
Following the approval of the City's first two Bed & Breakfast Establishments, an aldermanic reference was made to revisit the zoning regulations for B&B Establishments, specifically the undefined owner-occupancy requirement and lack of a distance requirement between such uses. The Zoning Ordinance currently allows Bed & Breakfast Establishments as special uses in all residential districts, with an undefined requirement of owner-occupancy, and no distance requirement between such establishments. Modifications to the current B&B regulations could address the aldermanic concerns and reinforce the original intent of the Zoning Ordinance.

Recommendation
City staff recommends amending the Zoning Ordinance to establish Type 1 and Type 2 Bed & Breakfast Establishments. A Type 1 Bed & Breakfast Establishment would be a moderate impact use limited to no more than two rentable bedrooms, a defined owner-occupancy requirement, and special use approval. A Type 2 Bed & Breakfast Establishment would be a higher impact use that would allow up to five rentable bedrooms, no owner-occupancy requirement, a distance requirement between such establishments, and special use approval.

Following the October 16, 2013 Zoning Committee meeting, the Zoning Committee of the Plan Commission recommended regulations for Type 1 Bed & Breakfast Establishments as permitted uses with no more than two rentable bedrooms and undefined owner-occupancy, and Type 2 Bed & Breakfast Establishments as special uses with up to five rentable bedrooms and no owner-occupancy requirement.

Summary
The aldermanic reference specified concerns over the current owner-occupancy requirement that is not defined within the Zoning Ordinance. Although owner-occupancy is currently required for all B&Bs, the lack of what constitutes owner-occupancy leaves the regulation largely ineffective. For example, a person or a corporation can own a B&B and sell a one percent share of the property to the person who will manage the B&B. With a one percent share, the manager would technically
qualify as an owner-occupant and be compliant with the zoning requirement without meeting the actual intent of the requirement. The original intent of this requirement was to ensure anyone operating a Bed & Breakfast Establishment has a vested interest in the property and therefore the community as a whole. In order to return to the intent of the regulation, a specific amount of ownership should be established.

The aldermanic reference also specified concerns over the lack of a distance requirement, or buffer radius, between B&Bs. The two Bed & Breakfast Establishments that have approved special use permits are located on the same residential block, and are separated by only one property. A distance requirement would stop a negative cumulative effect from occurring since B&Bs would be prohibited from clustering together in close proximity to each other.

Although blocks throughout the city are not always standard, a distance requirement between Type 2 Bed and Breakfast Establishments of 1,500 feet would allow one establishment approximately every two and a half to three major blocks. For example, the distance from Roslyn Place at the far northeast edge of the city to Lincoln Street along the northern edge of Northwestern's campus measures about 3,865 feet. A 1,500 foot buffer would allow a maximum of three Type 2 Bed and Breakfast Establishments along this section of the lakeshore. Additionally, the distance from Clark Street to South Boulevard at the eastern edge of the city just south of Northwestern's campus measures approximately 7,885 ft, or about 1 ½ miles. A 1,500 foot buffer would allow a maximum of six such establishments along this stretch of the lakeshore without factoring the two currently approved Bed and Breakfast Establishments that are in this area. The implications of a maximum of six Type 2 Bed and Breakfast Establishments with five rentable bedrooms each in this area are, at capacity, 30 rentable bedrooms with an approximate total of 60 guests that could come and go each day and would likely utilize private vehicles that may park on neighborhood streets. Although the lakefront area is primarily discussed, the distance regulation would apply throughout the entire city. The Zoning Ordinance currently uses distance regulations for Transitional Treatment Facilities and Residential Care Homes, both of which also require special use approval for the more intense subcategories of the uses.

Proposed Regulations
City staff reiterates the point that the aldermanic reference was specifically related to the current owner-occupancy requirement and lack of a distance requirement for Bed & Breakfast Establishments.

<table>
<thead>
<tr>
<th>Staff Recommendation</th>
<th>Zoning Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type 1 (moderate intensity)</td>
</tr>
<tr>
<td>Maximum Guest Rooms</td>
<td>2</td>
</tr>
<tr>
<td>Special Use Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Owner-Occupancy</td>
<td>Yes, 33%</td>
</tr>
<tr>
<td>Distance Requirement</td>
<td>No</td>
</tr>
</tbody>
</table>

Shaded cells point out differences in recommendations between City staff and the Zoning Committee.
Draft Ordinance 2-O-14 reflects the recommendations made by the Zoning Committee.

Other Communities
Other communities regulate Bed and Breakfast Establishments in various ways. Regulatory methods in communities that were reviewed involve special use approval, use categorization and subcategories, parking, and distance buffers:

<table>
<thead>
<tr>
<th>City</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlottesville, VA</td>
<td>Permitted in all districts; three categories of Bed and Breakfast Establishments - determined according to intensity of use and ownership.</td>
</tr>
<tr>
<td>Madison, WI</td>
<td>Permitted in certain districts; must be approved by Health Department; 1000' distance requirement between establishments; one parking space required per guest room in addition to off-street parking spaces for owner.</td>
</tr>
<tr>
<td>Urbana, IL</td>
<td>Permitted in Business Districts; B&amp;B owner-occupied permitted in Residential Districts as with special use approval; one parking space required per living/sleeping room in addition to two parking spaces for owner.</td>
</tr>
<tr>
<td>Louisville, KY</td>
<td>Two categories of Bed &amp; Breakfast, distinguished by owner-occupancy.</td>
</tr>
</tbody>
</table>

These communities' regulations are further detailed in the attached research documents.

Attachments
Draft Ordinance 2-O-14
Existing B&B Regulations – Zoning Ordinance §6-4-7
Buffer Map
B&B City Council Packet – August 13, 2012 (includes past Plan Commission minutes regarding B&Bs from 2011-2012 discussions)
City Council Meeting Minutes Excerpt – August 13, 2012
Other Community B&B Regulations
Zoning Committee of the Plan Commission Meeting Minutes – October 16, 2013
2-O-14

AN ORDINANCE

Amending Various Portions of the City Code Relating to Bed and Breakfast Establishments

WHEREAS, on October 16 and December 4, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0103 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “City Code”), relating to the “Bed and Breakfast Establishment” Use; and

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

WHEREAS, at its meeting of January 13, 2014, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0103 and recommended City Council approval thereof; and

WHEREAS, at its meetings of January 13 and January 27, 2014, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 2: Section 6-4-7 of the City Code is hereby amended to read as follows:

6-4-7: BED AND BREAKFAST ESTABLISHMENTS:

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

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

(B) Maximum Bedrooms Allowed: Subject to the special use provisions in each zoning district, up to a maximum of two (2) bedrooms may be provided for registered guests of a Type 1 Bed and Breakfast Establishment and five (5) bedrooms may be provided for registered guests of a Type 2 Bed and Breakfast Establishment. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a Bed and Breakfast Establishment.

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

(D) Cooking Limitations: Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guestrooms.

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

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

(G) Licensing: The resident owner operator shall obtain a license for the operation of a Bed and Breakfast Establishment from the City of Evanston Health Department of Health and Human Services. The license shall be granted for a period of one (1) year commencing on the date of issuance. Thereafter, the license may be renewed for a one (1)-year period subject to a review by the City Council, through its Health and Human Services Committee.

(H) Revenue Collection: The resident owner shall comply with all the revenue collection ordinances of the City.
(I) Signage and Lighting: All signage and special lighting shall comply with the Sign Ordinance of the City.

SECTION 3: Subsection 6-8-2-2 of the City Code, “Permitted Uses” in the R1 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 4: Subsection 6-8-2-3 of the City Code, “Special Uses” in the R1 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 5: Subsection 6-8-3-2 of the City Code, “Permitted Uses” in the R2 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 6: Subsection 6-8-3-3 of the City Code, “Special Uses” in the R2 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 7: Subsection 6-8-4-2 of the City Code, “Permitted Uses” in the R3 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 8: Subsection 6-8-4-3 of the City Code, “Special Uses” in the R3 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2
(subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

SECTION 9: Subsection 6-8-5-2 of the City Code, "Permitted Uses" in the R4 District, is hereby amended to include "Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title)."

SECTION 10: Subsection 6-8-5-3 of the City Code, "Special Uses" in the R4 District, is hereby amended to include "Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title)."

SECTION 11: Subsection 6-8-6-2 of the City Code, "Permitted Uses" in the R4a District, is hereby amended to include "Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title)."

SECTION 12: Subsection 6-8-6-3 of the City Code, "Special Uses" in the R4a District, is hereby amended to include "Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title)."

SECTION 13: Subsection 6-8-7-2 of the City Code, "Permitted Uses" in the R5 District, is hereby amended to include "Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title)."
SECTION 14: Subsection 6-8-7-3 of the City Code, “Special Uses” in the R5 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 15: Subsection 6-8-8-2 of the City Code, “Permitted Uses” in the R6 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 16: Subsection 6-8-8-3 of the City Code, “Special Uses” in the R6 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 17: Subsection 6-9-2-2 of the City Code, “Permitted Uses” in the B1 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 18: Subsection 6-9-2-3 of the City Code, “Special Uses” in the B1 District, is hereby amended to include “Bed and Breakfast Establishment, Type 2 (subject to the general requirements of Section 6-4-7, “Bed And Breakfast Establishments,” of this Title).”

SECTION 19: Subsection 6-13-2-2 of the City Code, “Permitted Uses” in the T1 District, is hereby amended to include “Bed and Breakfast Establishment, Type 1
(subject to the general requirements of Section 6-4-7, "Bed And Breakfast
Establishments," of this Title)."

**SECTION 20:** Subsection 6-13-2-3 of the City Code, "Special Uses" in the
T1 District, is hereby amended to include "Bed and Breakfast Establishment, Type 2
(subject to the general requirements of Section 6-4-7, "Bed And Breakfast
Establishments," of this Title)."

**SECTION 21:** Subsection 6-13-3-2 of the City Code, "Permitted Uses" in
the T2 District, is hereby amended to include "Bed and Breakfast Establishment, Type 1
(subject to the general requirements of Section 6-4-7, "Bed And Breakfast
Establishments," of this Title)."

**SECTION 22:** Subsection 6-13-3-3 of the City Code, "Special Uses" in the
T2 District, is hereby amended to include "Bed and Breakfast Establishment, Type 2
(subject to the general requirements of Section 6-4-7, "Bed And Breakfast
Establishments," of this Title)."

**SECTION 23:** The portion of Section 6-18-3 of the City Code that defines
"Bed and Breakfast Establishment" is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>BED AND BREAKFAST ESTABLISHMENT, TYPE 1</th>
<th>An owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. Type 1 Bed and Breakfast Establishments shall have no more than two (2) bedrooms for guests.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BED AND BREAKFAST ESTABLISHMENT, TYPE 2</td>
<td>An operator-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. Type 2 Bed and Breakfast Establishments shall have no more than five (5) bedrooms for guests.</td>
</tr>
</tbody>
</table>

**SECTION 24:** Section 1, "Definitions," of Chapter 19, "Bed and Breakfast
Establishments," of Title 8, "Health and Sanitation," of the City Code is hereby amended
to read as follows:

~6~
### 8-19-1: DEFINITIONS:

| **BED AND BREAKFAST ESTABLISHMENT:** | An owner operator-occupied, single-family or two-family dwelling providing accommodations for a charge to the public with no more than five (5) Guest Rooms for rent, in operation more than ten (10) nights in a twelve (12) month period. Only the breakfast meal may be provided to registered Bed and Breakfast Guests. The service of food to the public for a charge is otherwise prohibited. Bed and Breakfast Establishments shall not include motels, hotels, boarding houses, or food service establishments. |
| **BED AND BREAKFAST GUEST:** | Person or persons staying in a Bed and Breakfast Guest Room overnight, but not to exceed four (4) consecutive weeks, and having a permanent residence at an address other than the address of the Bed and Breakfast Guest Room temporarily occupied. A Bed and Breakfast Guest may not stay overnight in any portion of the dwelling unit not designated as a Guest Room. |
| **GUEST ROOM:** | A sleeping room within a residential dwelling unit Bed and Breakfast Establishment intended to be used for living and sleeping but not for cooking purposes, by no more than two (2) transient guests per night for a continuous period not in excess of four (4) consecutive weeks per guest. |
| **OPERATOR:** | The owner of the Bed and Breakfast Establishment, or the owner’s agent, who is required to reside in the Bed and Breakfast Establishment, or on contiguous property. |

#### SECTION 25: Subsection (B) of Section 8-19-4 of the City Code, "Standards" for Bed and Breakfast Establishments," is hereby amended to read as follows:

(B) **Owner Operator Occupied:** All buildings containing Guest Rooms must be occupied by the owner Operator whenever Bed and Breakfast Guests are present.

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

#### SECTION 27: All ordinances or parts of ordinances in conflict herewith are hereby repealed.
SECTION 28: 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 29: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: ______________, 2014

Adopted: ______________, 2014

Approved: ______________, 2014

__________________________
Elizabeth B. Tisdahl, Mayor

Attest:

__________________________
Rodney Greene, City Clerk

Approved as to form:

__________________________
W. Grant Farrar, Corporation Counsel
6-4-7. BED AND BREAKFAST ESTABLISHMENTS.

A bed and breakfast establishment is an owner occupied single-family or two-family dwelling where short term lodging and morning meals are provided for compensation. The following general requirements shall apply to bed and breakfast establishments:

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

(B) Maximum Bedrooms Allowed: Subject to the special use provisions in each zoning district, up to a maximum of five (5) bedrooms may be provided for registered guests. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a bed and breakfast establishment.

(C) Maximum Stay: The maximum stay by any one (1) guest shall be four (4) consecutive weeks.

(D) Cooking Limitations: Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guestrooms.

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

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

(G) Licensing: The resident owner shall obtain a license for the operation of a bed and breakfast from the City of Evanston department of health and human services. The license shall be granted for a period of one (1) year commencing on the date of issuance. Thereafter, the license may be renewed for a one (1) year period subject to a review by the City Council, through its health and human services committee.

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

(I) Signage And Lighting: All signage and special lighting shall comply with the sign ordinance of the City.

(Ord. 43-0-93)
Memorandum

To: Honorable Mayor and Members of the City Council

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

Subject: Modifications for Ordinance 38-O-12, Amending Various Portions of the City Code Relating to Bed & Breakfast Establishments (B&B’s) based on Planning and Development Committee meeting of June 11, 2012

Date: July 3, 2012

Summary
During its meeting of June 11, 2012, the Planning and Development Committee made the following three amendments to Ordinance 38-O-12. The amended ordinance was moved for Introduction by the Committee, but held at City Council. At the June 18, 2012 City Council meeting this ordinance was held for action until the July 9, 2012 meeting. On July 9, 2012, it was continued until the August 13, 2012 City Council meeting.

1. In Section 2 of the Ordinance, 6-4-7(A), "or two family" dwelling was deleted. Only owner occupied single family dwellings will be eligible to be a bed and breakfast establishment.
2. In Section 2, 6-4-7(F), the clause "or along the curb abutting the lot" was deleted.
3. In Section 2, 6-4-7(M), the distance requirement between bed and breakfast establishments was increased from 500' to 750'.

Attached is an enhanced distance example map that includes a 750' distance example, as well as 250', 500', and 1000'.

Legislative History
6/11/12 – The Planning and Development Committee amended Ordinance 38-O-12 and moved for Introduction. The City Council held the ordinance.
5/14/12 – The Planning and Development Committee discussed Ordinance 38-O-12 and voted to table the item to allow staff to clarify and revise the Ordinance.
4/23/12 – The Planning and Development Committee discussed Ordinance 38-O-12 and voted to table the item to allow Staff to provide further information.

Attachments
Revised Ordinance 38-O-12
6/13/12 Map concerning distance requirements for Bed and Breakfasts
B&B related materials from previous meetings
38-0-12

AN ORDINANCE
Amending Various Portions of the City Code
Relating to Bed and Breakfast Establishments

WHEREAS, on October 26, November 30, and December 13, 2011, and January 17, February 15, March 14, and March 21, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 11PLND-0026 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the “Bed and Breakfast Establishment” Use; 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 meetings of April 23, 2012, May 14, 2012, and June 11, 2012, the Planning and Development Committee of the City Council considered, amended, and adopted the findings and recommendation of the Plan Commission in case no. 11PLND-0026 and recommended City Council approval, as amended; and

WHEREAS, at its meetings of May 14, 2012, June 11, 2012, and June 18, 2012, the City Council considered and adopted the records and recommendations of 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 6-4-7 of the Zoning Ordinance is hereby amended
to read as follows:

6-4-7: BED AND BREAKFAST ESTABLISHMENTS:

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

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

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

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

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

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

(F) Guest Parking: Guest parking may be provided either on site, off site pursuant to a lease that the resident owner-operator(s) shall maintain for as long as he/she/they operate the Bed and Breakfast Establishment, and/or in the rear off a public alley or along the curb abutting the lot, but at no time shall guest parking be permitted in any front or side yard.
(G) Licensing: The resident owner-operator(s) shall obtain a license for the operation of a Bed and Breakfast Establishment from the City of Evanston Department of Health and Human Services. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license may be renewed for a one year period subject to a review by the City Council, through its Health and Human Services Committee.

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

(I) Signage and Lighting: All signage and special lighting shall comply with the Sign Ordinance of the City.

(J) Special Events: No special events may be held at any Bed and Breakfast Establishment in a Residential district unless the resident owner-operator(s) first obtain(s) a Certificate of Zoning Compliance from the Zoning Administrator pursuant to Section 6-4-8 of this Code, as amended.

(K) Ownership: Any Bed and Breakfast Establishment shall be operated by an owner or owners who shall reside therein and maintain it as his/her/their primary residence. Said resident owner-operator(s) shall:

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

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

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

(M) Distance: No Bed and Breakfast Establishment shall be permitted within seven hundred fifty feet (750') of another Bed and Breakfast Establishment.

SECTION 3: Subsection 6-4-8-3-(A) of the Zoning Ordinance is hereby amended by the enactment of a new Subsection 7 thereof, to read as follows:

7. Special Events in Bed and Breakfast Establishments: Events attended by residents and guests and other persons, and for which the resident owner-operator(s) receive(s) compensation, shall be allowed in Bed and Breakfast Establishments, provided that no more than one (1) such event shall be held in any quarter of the calendar year. Breakfast for residents and guests shall not be considered a Special Event.
SECTION 4: Subsection 6-16-1-2 of the Zoning Ordinance is hereby amended to read as follows:

6-16-1-2: EXEMPTION FROM OFF-STREET PARKING AND LOADING REQUIREMENTS FOR EXISTING BUILDINGS AND USES:

Changes in the use or intensity of use of a building and/or land area, which do not include construction of a new building, or building addition (i.e., increase in gross floor area), shall be exempt from the parking and loading requirements of this Chapter, except in the following cases:

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

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

(C) Changes in use to Bed and Breakfast Establishment in any district.

SECTION 5: The portion of Subsection 6-16-3-5, Table 16-B of the Zoning Ordinance, “Schedule of Minimum Off-Street Parking Requirements,” that relates to Bed and Breakfast Establishments is hereby amended to read as follows:

| BED AND BREAKFAST ESTABLISHMENT | 1 space per guest room plus 1 space for the resident owner-operator(s). For the purpose of satisfying this requirement, on-street parking along the curb of the specific property may be counted. |

SECTION 6: The portion of Section 6-18-3 of the Zoning Ordinance that defines “Bed and Breakfast Establishment” is hereby amended to read as follows:

| BED AND BREAKFAST ESTABLISHMENT | An owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. |

SECTION 6 7: Section 1, “Definitions,” of Chapter 22, “Bed and Breakfast Establishments,” of Title 8, “Health and Sanitation,” of the City Code is hereby amended to read as follows:

443 of 660
8-22-1: DEFINITIONS:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>BED AND BREAKFAST ESTABLISHMENT:</td>
<td>An owner-operator-occupied, single-family or two-family dwelling providing accommodations for a charge to the public with no more than five (5) Guest Rooms for rent, in operation more than ten (10) nights in a twelve (12) month period. Only the breakfast meal may be provided to registered guests. The service of food to the public for a charge is otherwise prohibited. Bed and Breakfast Establishments shall not include motels, hotels, boarding houses, or food service establishments.</td>
</tr>
<tr>
<td>BED AND BREAKFAST GUEST:</td>
<td>Person or persons staying in a Bed and Breakfast Guest Room overnight, but not to exceed four (4) consecutive weeks, and having a permanent residence at an address other than the address of the Bed and Breakfast Establishment Guest Room temporarily occupied. A Bed and Breakfast Guest may not stay overnight in any portion of the dwelling unit Bed and Breakfast Establishment not designated as a Guest Room.</td>
</tr>
<tr>
<td>GUEST ROOM:</td>
<td>A sleeping room within a residential dwelling unit Bed and Breakfast Establishment intended to be used for living and sleeping but not for cooking purposes, by no more than two (2) transient guests per night for a continuous period not in excess of four (4) consecutive weeks per guest.</td>
</tr>
<tr>
<td>OPERATOR:</td>
<td>The owner(s) of the Bed and Breakfast Establishment, or the owner's agent, who is/are required to reside in the Bed and Breakfast Establishment, or on contiguous property as set forth in Section 6-4-7 of this Code, as amended.</td>
</tr>
</tbody>
</table>

SECTION 78: Section 3, "License Application Requirements," of Chapter 22, "Bed and Breakfast Establishments," of Title 8, "Health and Sanitation," of the City Code is hereby amended to read as follows:

8-22-3: LICENSE APPLICATION REQUIREMENTS:

(A) Each initial application and renewal application for the license required shall be written upon forms furnished by the Director of Health and Human Services, shall be filed with said Director, and shall accurately state the following:

1. The full name and address of the Operator(s) in whose name(s) such license is to be issued;

2. The full name and address of the owner(s) of the building where such use is proposed to be carried on;

3. The number of rooms in such building and which of such rooms in the building are to be occupied as Guest Rooms; and
4. The number of persons Bed and Breakfast Guests proposed to be accommodated or allowed in each Guest Room; and

5. The type of ownership (e.g., sole proprietorship; LLC) and percentage thereof held by the Operator(s).

(B) Upon receipt of the application and information required by this Chapter, it shall be the duty of the Director to submit a copy of the application to each of the following:

Fire Chief
Director of Community and Economic Development
Public Health Director
Assistant Director of Zoning
Assistant Director of Planning

(C) Each of the above Departments or Divisions and the Health Department shall cause an inspection to be conducted, and no such license shall be issued or renewed until the Director has received written approval from each Department or Division. The written approval from the Assistant Directors of Planning and Zoning shall document of compliance with all applicable zoning requirements.

SECTION 8 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9 10: 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 49 11: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 49 12: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.
Introduced: _____________, 2012

Adopted: _____________, 2012

Approved:

Attest:

Elizabeth B. Tisdahl, Mayor

Approved as to form:

Rodney Greene, City Clerk

W. Grant Farrar, Corporation Counsel
Memorandum

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

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

Subject: Additional Research and Modifications for Ordinance 38-O-12, Amending Various Portions of the City Code Relating to Bed & Breakfast Establishments (B&B’s)

Date: May 31, 2012

Summary
During its meeting of May 14, 2012, the Planning and Development Committee requested that staff further research and clarify the following issues.

Discussion
1. Clarify the draft Ordinance (Ordinance 38-O-12) language concerning the prohibition of additional kitchens.

   Language has been revised and added to make it clear that an existing kitchen may be replaced, but a second kitchen may only be added for religious reasons. See Section 2-D: Cooking limitations.

2. Clarify the language regarding the definition of special events.

   Language has been revised (Section 3, #7) and added to clarify the definition and to exclude special events solely for persons who are neither guests nor residents of the B&B.

3. Include a distance requirement of 500 feet between B&B’s.

   This was done by amendment by the Committee on a 3-2 vote (Section 2-M).

4. Determine how the Fire Department regulates capacity for special events.

448 of 660
The Fire Department determines maximum occupancy by calculating the square footage of the property and the appropriate exiting paths. If exiting paths and square footage permit, up to 50 people may be allowed for an assembly or special event.

5. Determine if a B&B would need a one day liquor license for a special event.

A one day liquor license is required if liquor is being sold.

Legislative History
5/14/12 The Planning and Development Committee discussed Ordinance 38-O-12 and voted to table the item to allow staff to clarify and revise the Ordinance.
4/23/12 The Planning and Development Committee discussed Ordinance 38-O-12 and voted to table the item to allow Staff to provide further information.

Attachments
Revised Ordinance 38-O-12
Proposed Ordinance 38-O-12 including all 4/23/12 B&B related materials
5/4/12 Map concerning distance requirements for Bed and Breakfasts
MEETING MINUTES

PLAN COMMISSION
Wednesday, March 21, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Stuart Opdycke, Patricia Ledesma

Staff Present: Melissa Klotz, Ken Cox, Dennis Marino

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. APPROVAL OF MARCH 14, 2012 MEETING MINUTES

Commissioner Freeman motioned for approval of the March 14, 2012 meeting minutes as corrected. Commissioner Gallaway seconded the motion. A voice vote was taken and the minutes were approved with one correction.

3. ZONING TEXT AMENDMENT

Continued discussion from the March 14, 2012 Plan Commission meeting. A consideration to amend portions of 6-4-7 “Bed and Breakfast Establishments” of the Zoning Ordinance of the Municipal Code, as proposed by the Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission.

Commissioner Ford motioned to require one parking space per guest room. Commissioner Putta seconded the motion. The motion was approved 4-3, with Commissioners Gallaway, Freeman, and Asaro voting nay.

Commissioner Freeman motioned to change Section (F) so that guest parking shall be provided on either on site, in the rear off a public alley or along the curb abutting the lot, but at no time shall guest parking be permitted in any front or side yard, or through a contract for off-site for the remainder of the parking requirement. Commissioner Ford seconded the motion. The motion was approved 6-1, with Commissioner Asaro voting nay.

Commissioner Putta motioned that off-site leased spaces must be within 1000 feet of the B&B property. Commissioner Steel seconded the motion. The motion failed 3-4, with Commissioners Ford, Galloway, Freeman and Asaro voting nay.

450 of 660
Commissioner Ford motioned to approve all changes to Section 6-4-7 as previously discussed and noted in the Plan Commission packet. Commissioner Shure seconded the motion. The motion was approved 6-0, with Commissioner Asaro abstaining due to Section (F).

4. ZONING TEXT AMENDMENT

Continued discussion from the March 14, 2012 Plan Commission meeting. Consideration of the proposed zoning text amendment to Home Occupations as defined in Section 6-5-1 of the Zoning Ordinance.

Commissioner Ford motioned to add a new (L) to the proposed ordinance for construction and/or landscaping businesses when chemicals/equipment/supplies are stored on the premises. The motion died.

Commissioner Freeman disagreed with the previous motion because it would exclude handymen from legal home occupations.

Chairman Peters requested staff obtain a report from the Fire Department on the safety of storing such equipment and chemicals. Commissioner Galloway added that he would like the report to note at what point does such equipment and chemicals become more hazardous than typical homeownership.

Commissioner Asaro motioned to approve the revisions shown, with (L) amended to add: and other uses that impair the integrity of the residential district in which they are located or exert a negative influence on the residential neighborhood in which they are located. Commissioner Ford seconded the motion. The motion was approved 7-0.

Commissioner Putta motioned to approve (J) as proposed. Commissioner Ford seconded the motion, which was approved 7-0.

Commissioner Putta motioned to approve (K) for swimming pool cleaning/supply (not landscaping) as proposed. Commissioner Ford seconded the motion, which was approved 7-0.

Commissioner Ford motioned to prohibit landscaping if any chemicals/supplies are stored on the premises. Commissioner Ford amended to motion to prohibit landscaping if any chemicals/supplies are stored in the open. The motion was seconded by Commissioner Freeman. The motion failed 3-5, with Commissioners Putta, Galloway, Shure, Asaro, and Chairman Peters voting nay.

A motion was made to prohibit landscaping when equipment/supplies are stored on the premises. The motion was approved 4-2, with Commissioners Freeman and Putta voting nay, and Commissioners Steel and Asaro abstaining.

Commissioner Galloway motioned to approve (K) as proposed. Commissioner Shure seconded the motion, which was approved 7-0.

Commissioner Ford motioned to approve (H) as proposed. Commissioner Putta seconded the motion, which was approved 7-0.
5. PLAN COMMISSION WORK PLAN

Commissioner Putta noted that the Work Plan is quite ambitious, and proposed eliminating Goal 5 due to the two year timeframe.

Chairman Peters explained that he would let the Rules Committee know that public hearings come first and the Work Plan goals are ambitious and depend on the overall workload of the Plan Commission.

6. ADJOURNMENT

Commissioner Freeman motioned for adjournment, and Commissioner Shure seconded the motion.

The meeting adjourned at 9:26 P.M.

Respectfully Submitted,
Melissa Kotz
Zoning Planner, Community and Economic Development Department
MEETING MINUTES
PLAN COMMISSION
Wednesday, March 14, 2012
10 minutes following the adjournment of the Joint Meeting of the Plan Commission and Zoning Board of Appeals (Joint Meeting begins at 7:00 P.M.)
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Patricia Ledesma

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

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM
With a quorum present, Chairman Peters called the meeting to order at 9:20 P.M.

2. APPROVAL OF FEBRUARY 08 and FEBRUARY 15, 2012 MEETING MINUTES
Commissioner Ford motioned for approval of the February 08, 2012 meeting minutes
Commissioner Shure Seconded the motion.
A voice vote was taken and the minutes were approved as written.

Commissioner Galloway motioned for approval of the February 15, 2012 meeting minutes
Commissioner Shure Seconded the motion.
A voice vote was taken and the minutes were approved as written.

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

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

Craig Sklenar, General Planner, informed the applicant, Edgemark Development LLC, had written a request for a continuance concerning Agenda Item 3. They have requested a continuance to the April 11, 2012 meeting of the Plan Commission.
Commissioner Ford motioned to continue the matter to the April 11, 2012 meeting of the Plan Commission.

Commissioner Shure Seconded the Motion.

A voice vote was taken and the motion passed unanimously.

4. ZONING TEXT AMENDMENT 11PLND-0026

A consideration to amend portions of 6-4-7 "Bed and Breakfast Establishments" of the Zoning Ordinance of the Municipal Code, as proposed by the Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission.

Craig Sklenar, General Planner, provided an overview of the proposed zoning text amendment as it pertains to Bed and Breakfasts in the Zoning Ordinance. The current text presented represents changes made at the February 15, 2012 meeting of the Plan Commission.

Alderman Judy Fiske spoke before the Plan Commission. She urged the Plan Commission to provide a distance requirement of 900' radius between each individual Bed and Breakfasts to help prevent clustering of B&B in a particular neighborhood.

David Reynolds, resident at 204 Davis Street reiterated that a distance requirement would alleviate potential clustering that is showing evidence of potentially happening in his neighborhood. Mr. Reynolds also recommended that the Plan Commission re-examine Part K of the proposed ordinance that defines Owner-occupant-operator.

Plan Commissioners deliberated concerning the distance requirements and all commissioners felt that the City Council who is the determining body for all special uses will have the discretion to determined whether a special use application before the Council is in fact negative concerning cumulative effect when considered on a case-by-case basis.

Commissioner Galloway motioned to not add any distance requirements to the Bed and Breakfast regulations.

Commissioner Ford Seconded the Motion.

A voice vote was taken and the motion passes unanimously.

Commissioner Putta motioned to revise Item K to read as follows:

Any Bed and Breakfast Establishment shall be operated by an owner(s) who resides therein, as his/her/their primary residence.

Commissioner Ford Seconded the Motion.

A voice vote was taken – the motion passes unanimously.

Commissioner Ford motioned to continue the matter to the March 21, 2012 meeting of the Plan Commission to begin at 7:00PM.
Commissioner Shure Seconded the Motion.

A voice vote was taken – the matter will continue at the March 21, 2012 meeting of the Plan Commission.

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

Commissioner Ford Motioned to continue Agenda Item 5 to the March 21, 2012 Plan Commission meeting due to a lack of time at the March 14, 2012 meeting.

Commissioner Shure Seconded the Motion.

A voice vote was taken and the motion passes unanimously.

This item will be heard at the March 21, 2012 meeting of the Plan Commission.

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

Commissioner Peters opened discussion concerning the proposed text amendment that defined Payday Loan Establishments, and allows such establishments in C2 Commercial Districts only as a special use.

Commissioner Opdyke and Shure asked why we cannot just ban such institutions outright.

City staff responded that Payday Loan Establishments are not defined currently in the Zoning Ordinance and currently are defined with lending institutions that are allowed in multiple zones. Defining the use and allowed zones is required to ensure constitutionality of restrictions as well.

Commissioner Shure wanted to know if Tax Preparers who offer refunds in advance of the actual return would be considered a Payday Loan Establishment.

Staff said that since the primary use is of tax preparations and that the refund is an advance rather than an actual loan that these types of institutions would not be considered a Payday Loan Establishment.

Commissioner Ford Motioned to recommend to the City Council the proposed text amendment establishing a definition of Payday Loan Establishments and the proposed recommendation to allow only in the C2 Commercial Districts as a Special Use.

Commissioner Galloway Seconded the Motion.

Yea: 5
Ney: 1 (Commissioner Steele opposed the motion)
Commissioner Steele would like Council to consider expanding the Special Use in B1 and B1 Business Districts in Evanston as well.

7. PLAN COMMISSION WORK PLAN

Due to time constraints this agenda item was tabled and will be addressed at the March 21, 2012 meeting of the Plan Commission.

8. COMMITTEE REPORTS

No Reports

9. ADJOURNMENT

10. ADJOURNMENT

Commissioner Ford motioned for adjournment

Commissioner Galloway Seconded the motion.

Meeting Adjourned at 11:02 PM

The next meeting of the Plan Commission held on Wednesday, March 21, 2012 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Council Chambers.

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

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

Members Absent: David Galloway, Lenny Asaro

Staff Present: Craig Sklenar, Ken Cox, Dennis Marino

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. ZONING TEXT AMENDMENT

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

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

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

Commissioners expressed concern of percentage of ownership.

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

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

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

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

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

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

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

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

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

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

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

The proposed language for a special event is:

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

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

The current parking requirement proposed is:

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

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

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

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

3. ADJOURNMENT

Commissioner Freeman motioned for adjournment

Commissioner Ledesma Seconded the motion.

Meeting Adjourned at 9:20 PM

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

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
MEETING MINUTES
BED AND BREAKFAST SUBCOMMITTEE
OF THE ZONING COMMITTEE
OF THE PLAN COMMISSION
Wednesday, January 17, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Richard Shure, Stuart Opdycke (Chair), David Galloway, Seth Freeman

Members Absent: Kwesi Steele

Staff Present: Craig Sklenar, Dennis Marino, Ken Cox

Alderman Present: Melissa Wynne, Judy Fiske

Presiding Member: S, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. APPROVAL OF DECEMBER 13, 2011 MEETING MINUTES

Commissioner Shure motioned for approval of the December 13 meeting minutes.

Commissioner Peters Seconded the motion.

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

1. BED AND BREAKFAST DISCUSSION

Chairman Opdycke began the discussion of items relating to Bed and Breakfast regulation defined in the Zoning Ordinance. He felt that the subcommittee should go item by item as discussed at the December meeting. Those items included:

- Definition of a Bed and Breakfast
- Ownership
- Signage
- Parking: On-site parking requirements
- Special Events
- Allowable Guest Rooms:
- Allowable Guest Rooms:
- Additional Kitchens
- Maximum Days of Operation
- Special Use Permit
• Proximity between Bed and Breakfast

**Definition of a Bed and Breakfast**
Chairman Opdycke began discussions first concerning the definition of Bed and Breakfast. He asked Alderman Fiske what she would like to see the definition of the bed and breakfast to be defined.

Alderman Fiske felt that the current definition as defined in the Zoning Ordinance 6-4-7 is acceptable, but rather the regulations were what needed to be discussed for proposed changes.

Decision: Subcommittee members agreed that the definition in the Zoning Ordinance is appropriate.

**Ownership**
The general concern expressed about ownership centers around the percentage the operator owns that resides within the Bed and Breakfast.

Commissioner Freeman proposes that ownership should be 51% or greater.

Commissioner Opdycke felt that ownership should be at least 30%

Alderman Fiske felt 51% should satisfy ownership issues concerning the operator of the Bed and Breakfast.

Commissioner Freeman motioned that the definition of owner for the purposes of a bed and breakfast shall be the owners of a single family or two family residence that have great than 50% ownership in the property.

Commissioner Shure Seconds the Motion.

A voice vote was taken and the motion was approved.

**Signage**
It was determined by the subcommittee that control over signage should be left as is currently stated in the ordinance now, relying on the sign ordinance to guide regulation.

**Parking: On-site parking requirements**
Currently there are no parking requirements in the Bed and Breakfast regulations.

Alderman Fiske felt that it should depend on the size of the B&B that will determine parking regulations.

Commissioner Galloway motioned to require one off-street parking space per dwelling unit, plus one off-street parking space per guest room to be used for the purposes of a bed and breakfast.

Commissioner Opdycke seconded the motion.
A voice vote was taken and the motion was approved.

Special Events
There is a concern about events not in the event itself but the frequency, currently can have as many as they wish.

There was also a concern about allowing special events in a bed and breakfast at all.

A suggestion was made to limit the number of special events to a bed and breakfast to no more than 3 per calendar year.

Decision: No motion made, split consensus for and against special events. Even vote either to allow up to three events a year or none. It will be up to the Plan Commission to provide a recommendation to City Council concerning special events at a bed and breakfast.

Allowable Guest Rooms:
Currently the zoning ordinance allows up to 5 bedrooms to be rented to registered guests in a bed and breakfast - this is the maximum allowed by Illinois state law.

Alderman Fiske proposed to restrict the number of guest rooms allowed in a home to be no more than 30% of the total number of bedrooms in a house, up to two rooms.

Alderman Wynne believed that allowing up to three or four bedrooms to be used in a home as guest rooms would be fair to a bed and breakfast operator.

Commissioner Opdycke motioned to allow no more than five guest rooms in any bed and breakfast. The owner of the property must reside in one of the bedrooms in the house.

Commissioner Freeman Seconded the motion.

A voice vote was taken and the motion was approved.

Decision: No more than five bedrooms to rent. Owner must occupy and must live in one of the bedrooms in the house. (e.g. a four bedroom house, only three of the rooms may be rented.)

Additional Kitchens
Alderman Fiske recommended to the subcommittee that only one primary kitchen should be allowed in a bed and breakfast.

Commissioner Galloway motioned to prohibit additional kitchens in a bed and breakfast other than what legally exists.

Commissioner Opdycke seconded the motion.

A voice vote was taken and the motion was approved.
Maximum Days of Operation
The subcommittee determined to not provide any new recommendations concerning maximum days of operation for a bed and breakfast.

Special Use Permit
Commissioner Opdycke motioned to tie the special use of a bed and breakfast with the owner of the property and not with the property itself.

Commissioner Shure Seconded the motion.

A voice vote was taken and the motion was approved.

Proximity between Bed and Breakfasts
Commissioner Opdycke Motioned to limit the proximity of a Bed and Breakfasts to no less than 900' lot line to lot line.

Commissioner Shure Seconded the motion.

A voice vote was taken and the motion was approved.

3. ADJOURNMENT

Commissioner Opdycke motioned for adjournment

Commissioner Freeman Seconded the motion.

Meeting Adjourned at 8:50 PM

The next meeting to consider these items of recommendation will be a Plan Commission held on Wednesday, February 15, 2012 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Council Chambers.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
I. DECLARATION OF QUORUM
Chair Opdycke called the meeting to order at 7:05 p.m.

II. INTRODUCTIONS
The Chair welcomed the members and requested self-introductions and stated the purpose of the meeting: to explore a wide-ranging discussion of bed and breakfast establishments and their regulation in Evanston.

III. BED AND BREAKFAST DISCUSSION

Background
An extensive discussion occurred regarding the City’s history with bed and breakfast (B & B) regulations, including current regulations in the Zoning Ordinance and the possible need for changes to this section of the Ordinance. There were no actions taken or recommendations made during the meeting.

Ald. Fiske and Wynne discussed with the Committee a range of concerns regarding the existing B & B regulations that they regard as inadequate in meeting the legislative intent of allowing B & B’s. They also indicated that the existing regulations do not sufficiently protect single family residential neighborhoods.

DISCUSSION
The following issues were discussed:
- Definition of a B & B
- Ownership definition/threshold: wide range discussed up to 51% ownership requirement
- Signage: should be minimal and iconic if allowed
- Parking: on site parking requirements
- Special events: research on special events permits to be done
Bed & Breakfast Subcommittee Meeting  
Minutes of 12-13-11  
Page 2 of 2

- Number of rooms to be allowed: Currently 5 bedrooms are allowed; range of restrictions discussed including 2 bedrooms or 30% of bedrooms in house; State of Illinois caps B & B's at 5 bedrooms
- No additional kitchens to be allowed
- Legislative intent of existing zoning regulations described by some members as long term home owners forming B & B's for two or more rooms
- Maximum days of operation per year: potential limits
- Special use should run with the operator, not the land
- Licensing of operator annually by Health Department but threshold of renewal based on different and lesser standards than a special use and does not include public participation
- Owner/operator should live in house for a certain period of time
- Other cities' regulations of B & B's discussed: Charlottesville, Virginia; Madison, Wisconsin; Spotsylvania County; Champaign County
- City's experience with the 300 Church Street B & B application
- Cumulative effect of too many B & B's in one neighborhood raised
- Advantages and disadvantages of a distance separation rule ranging from 500 feet to 1,500 feet, to address cumulative effect concerns
- Concerns about special events such as renting out a B & B for a wedding
- How to balance attractiveness of B & B's with need to insure they do not negatively impact residential neighborhoods, especially single family neighborhoods

IV. NEXT STEPS
The Committee agreed to continue the discussion at the next meeting on Tuesday, January 17th at 7:00 p.m. before determining what form of text amendment would be most appropriate for a future public hearing to possibly propose amendments of the Zoning Ordinance.

V. ADJOURNMENT
The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Dennis Marino
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, November 30, 2011
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), David Galloway (Vice Chair), Richard Shure, Seth Freeman, Patricia Ledesma, Kwesi Steele, Stuart Opdycke (Assoc.), David Galloway

Members Absent: Barbara Putta, Lenny Asaro

Staff Present: Craig Sklenar, Ken Cox

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:01 P.M.

2. OLD BUSINESS

   A.) 11PLND-0026 TEXT AMENDMENT TO THE ZONING ORDINANCE

   Continued discussion from the October 26, 2011 meeting of the Zoning Committee of the Plan Commission:
   "Discussion to amend the Bed and Breakfast definition in Chapter 18 of the Zoning Ordinance. The "owner-occupied" portion of the definition is the focus of further clarification by the committee."

   Alderman Judy Fiske (1st Ward), spoke to the Committee concerning her recommended changes to the existing regulations in the Zoning Code. These included:

   - Limiting the number of bedrooms for rental to 2 (or no more than 30% of the bedrooms on a property including outlying dwelling units like a coach house)
   - Requiring a minimum distance between B&Bs akin to spacing requirements in 6-4-4-4 of the Zoning Ordinance requiring Residential Care Homes in Residential Districts to be spaced no less than 900' from each other.
   - Clarify the definition of ownership
   - Require a license, inspection and charge a fee for these services
   - Prohibit basement apartments or rental units in conjunction with a B&B
   - Explore increased off-street parking requirements

   Her research included Madison, WI's zoning ordinance.

Commissioner Freeman had a concern with the limitation to 2 bedrooms
Commissioner Galloway thought that limiting rental of rooms should be tied to the number of off-street parking spaces an applicant can provide.
Mary Singh, community resident, discussed the original intent of the B&B regulations that they were to help keep residents in their homes by providing an opportunity for income to help offset costs of homeownership.

She suggested to place a time requirement for living at the property before an owner may apply for a B&B License.

Commissioner Freeman agreed that corporations shouldn’t be able to purchase a home and run a B&B, that it could potentially change the character of a neighborhood. He expressed concern on putting distance limitations on B&B as it could limit the number of homes that could be helped to offset taxation burdens on homes, in the spirit of the original intent of the ordinance.

Commissioner Peters suggested there might be more than one class of B&B. That the committee should consider the smaller and larger impacts of B&Bs. Smaller impacts included number of people that could visit a B&B. Larger impacts included parking, signage and number of people hanging out at the B&B (special events, etc).

Commissioner Opdyke recommended that a subcommittee be formed to discuss the issue of B&B in more detail. He recommended that they would present to the Zoning Committee a draft of recommendations.

Commissioners Galloway, Steele, Opdyke agreed to be on the subcommittee.

Commissioner Opdyke motioned to form a subcommittee for the purpose to examine the entire definition of Bed and Breakfast and the ordinance as it relates.

Commissioner Galloway Seconded the motion.

A voice vote was taken and the Motion passed unanimously.

Alderwoman Fiske expressed the desire to move this issue expeditiously to the City Council, urged the subcommittee to meet as soon as possible. She asked that herself and Alderman Melissa Wynn (3rd Ward) be invited to the meetings.

Other Business:

Commissioner Peters motions to elect Commissioner Shure as the Chair of the Zoning Committee of the Plan Commission.

Commissioner Galloway Seconded the motion.

A voice vote was taken and the Motion passed unanimously.

3. ADJOURNMENT

Commissioner Freeman motions to adjourn
Commissioner Galloway Seconded the Motion.

Meeting Adjourned at 9:50 PM.
The next meeting of the Plan Commission will be Wednesday, December 21, 2011 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Room 2200.

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

To: Members of the Zoning Committee of the Plan Commission

From: Craig Sklenar, General Planner

Subject: Continued Discussion of Zoning Regulations and Proposed Changes for Bed and Breakfast Enterprises that began during the October 26, 2011 meeting of the Zoning Committee of the Plan Commission

Date: November 23, 2011

November Update
Since the October 26, 2011 meeting of the Zoning Committee of the Plan Commission, Alderman Fiske has shared with Staff her additional comments concerning a change to the Ordinance that regulates the operation of a Bed and Breakfast. Her suggestions include:

- Limiting the number of bedrooms for rental to 2 (or no more than 30% of the bedrooms on a property including outlying dwelling units like a coach house)
- Requiring a minimum distance between B&Bs akin to spacing requirements in 6-4-4-4 of the Zoning Ordinance requiring Residential Care Homes in Residential Districts to be spaced no less than 900' from each other.
- Clarify the definition of ownership
- Require a license, inspection and charge a fee for these services
- Prohibit basement apartments or rental units in conjunction with a B&B
- Explore increased off-street parking requirements

Chairman Peters has also provided to me a copy of the City of Louisville, KY’s code that defines and regulations Bed and Breakfast Inns in the city. I have attached this to this memo for your review. The regulations begin on page 8 (Section 4.2.9) of the document.

For your records a copy of the October 22, 2011 Memo has been attached as well.

Attachments
October 22, 2011 ZPC Memo
Evanston Bed and Breakfast General Zoning Regulations
City of Louisville, Kentucky Bed and Breakfast Inn Regulations
Memorandum

To: Members of the Zoning Committee of the Plan Commission

From: Dominick Argumedo, Zoning Planner

Subject: Discussion of Property-Owner Pertaining to the Operation of a Bed and Breakfast

Date: October 24, 2011

Aldermanic Referral

Alderman Wynne referred the portion of owner-occupied in the Bed and Breakfast definition of Zoning Committee for further clarification. The Alderman felt the intent of the original Bed and Breakfast owner definition would be to allow a single person—or individual family who lived on site to operate a Bed and Breakfast. The current definition allows a partial owner of an LLC to satisfy the owner-occupied portion of the Bed and Breakfast definition. Alderman Wynne would like the definition to be amended to only allow existing, on-site owners to operate a Bed and Breakfast.

Background

Owner is defined in the Zoning Ordinance as follows:
"Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to the whole or to part of a structure or land."

The Bed and Breakfast Definition in the City of Evanston Zoning Code as follows:
"An owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation."

There is not a separate owner definition for a Bed and Breakfast "owner" in the Zoning Ordinance. It is covered by the general definition of owner. This definition allows a partial owner of a Bed and Breakfast entity to operate such an establishment.

Attachments

Bed and Breakfast General Zoning Regulations
CITY COUNCIL REGULAR MEETING

Minutes Excerpt
CITY OF EVANSTON, ILLINOIS
LORRAINE H. MORTON CIVIC CENTER
COUNCIL CHAMBERS
Monday, August 13, 2012

Roll Call:
Alderman Burrus
Alderman Fiske
Alderman Braithwaite
Alderman Wynne
Alderman Wilson

Alderman Holmes
Alderman Tendam
Alderman Grover
Alderman Rainey

Presiding:
Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the Regular Meeting of the City Council to order at 7:07 pm after a
Roll Call acknowledged a quorum was met. She then announced the Maker’s Fair that
was hosted by Carolyn Dellutri and the Tech Innovation Center went off smoothly and
hope year that it will be at a different time so that teachers could encourage classes to
attend. She also thanked everyone who came to the dialogue on race concerns and the
committee did a great job in organizing the event. She also acknowledged Scott Troop
929, who were present to earn their communication and citizenship in the community
merit badges.

Mayor Public Announcements
Presentation by Citizens’ Greener Evanston was given by a representative of the group,
thanking the Council for contracting for renewable energy for the city. She also spoke of
the energy savings that will be expected on the resident’s bills. She also passed out
memorable green shirts to mark the occasion to the members of the Dias.

City Manager Public Announcements
Public Technology Institute Web 2.0 Award was presented to the Mayor by Matt and
Adelita Hernandez for the city’s engagement in social media tools after the description of
the award by City Manager, Mr. Bobkiewicz.
Government Finance Officers Association Distinguished Budget Award for FY2012 was
presented to the Mayor by Marty Lyons, Assistant City Manager after his description and
reason for obtaining the award.
Labor Day Holiday Refuse Collections schedule was made by Superintendent of Streets
and Sanitation, James Maiworm. He stated there would be no collection on September
3rd due to the Labor Day Holiday.
Mr. Doug Gaynor came forward to announce the Community Picnic that will take place on
Sunday, August 26th from 12:00 noon until 5:00 pm. He stated he is still looking for
volunteers for the dunk tank.
August 13, 2012

Ms. Hernandez announced the Hispanic event that will be celebrating Spanish Heritage month, with a live mariachi, and fun for everyone with free admission. This will occur Thursday, August 30th from 5:00 pm until 9:30 pm at the Levy Center.

Communications: City Clerk
Clerk Greene announced the reopening of the Clerk's Office on September 4th back to its original time slot 8:30 am until 5:00 pm. Also early voting for the November election will begin October 22nd thru November 3, 2012. Petitions for those candidates running for office for the Consolidated Elections on April 9, 2013 your petitions can start circulating on or after September 25th. The Filing date in the Clerk's Office begins December 17th thru December 24th, but the clerks are attempting to get the final day of submissions changed.

Citizen Comment Agenda items:
The Mayor's son-in-law presented to the Council and public the idea of a "Burger War" a first for Evanston. This would be an opportunity for the public to vote for their favorite burger establishment, and prizes will be offered to participants as well. The voting will begin Wednesday and he thanked Leap Frog for designing their website. He then asked each Alderman to speak to the establishments in their perspective wards to participate. 

Junad Rizki, 2784 Sheridan stated the mid year budget does not deal with the complete picture, he mentioned the city's troubles with waste and sanitation, his belief of mismanagement of the capital program, and he wanted a true statement of taxes this time around. He also spoke of a $35,000 grant that was given to a business that has no return.

Jeff Smith, 2724 Harrison shared his concerns for items A15-A18 stating there are many unnecessary signage, and that small groups of people with their agendas push for the changes that affect others who are not consulted. He suggested to start over and not do all of the upgrades, that the City proposes.

Gary Riseborough, 1801 Crain St. his wife stated they had raised $170,000 and have $70,000 to go.

These citizens spoke concerning Bed & Breakfast:
Evanston History Center, 225 Greenwood St. Director Jan Helprin spoke in support of the Bed & Breakfast Ordinance. She stated the Center has a two fold interest in the issue: (1) Cultural Historic and (2) The economic benefits that will come to the City.

Frank Cicero, 222 Lake St. stated there was no need for this new Ordinance because the current Ordinance already has safe guards. He stated that section K1 already states the purpose of ownership. He also handed a memo to the Council and Clerk that outlined his presentation.

George Simon, 404 Church St stated he had remarks similar to the gentleman before him. He stated with this Ordinance it would be very easy to present a case to get around it, and that's what lawyers do for a living. He also stated this Ordinance was designed specifically for one person to be able to buy and own property to convert them into B&B properties. He asked that the Council redraft and think about the outcome.

David Reynolds, 204 Davis St. wanted the Council to consider the integrity of the neighborhood, and to use a 900 feet requirement.

Jeanne Lindwall, 625 Library stated the B&B special requests should be distributed evenly throughout the City's, as well as her support for off street parking, suggested distance, and special events proposals.
August 13, 2012

Linda Cooper, 420 Church stated there has been much talk about parking, but no consideration for the employees, vendors and the guests.

Armen Minasian, 1622 Forest came to ask the Council to vote against the pending Ordinance.

Alice Eably, 324 Davis read the current City Code concerning R1 residents, and so she also stated the B&B’s should be distributed throughout Evanston and not gathered in one particular area.

Non-Agenda items:

Priscilla Giles, 1829 Ashland, she thanked the city for the race dialogue, the lack of funds for replacing the turnaround at Fleetwood/Jourdain, monies for the library, computers. She asked the Council to be considerate of the handicapped who attend Fleetwood/Jourdain as she also passed out pictures of some of the attendees.

Padma Rao, 2246 Sherman Ave. stated seeing democracy in other counties that worked well, but the Council and the Mayor of Evanston are hell-bent on destroying democracy here in Evanston. She also states that the Mayor performs unconstitutional acts as well as being against her and her mother and she finally mentioned the trees at Kendall.

B.K. Rao, 2246 Sherman Ave. accused the Mayor of having a childish behavior in her ridiculous acts of turning off her microphone when talking. She shouted “I shall return” after mentioning the trees and calling the Mayor a dictator.

Betty Ester, 2031 Church St. spoke of the overlay district and what was included, but the plan changed. She also asked the Council not to do spot Ordinances.

Bonnie Wilson, gave an update report for what the Assessor’s office has been doing for the public. She asked those who would like assistance with their property tax to call her office and make an appointment.

Jeanne Lindwall, 625 Library Place thanked the Council for keeping citizen comments at the beginning of the meetings instead of placing them at the end. She stated it was time to move on because the Kendall process.

**SPECIAL ORDER OF BUSINESS**

(SP1) Evanston Water Conservation and Efficiency Plan

Staff recommends that City Council receive and file the Evanston Water Conservation and Efficiency Plan developed in partnership with the Chicago Metropolitan Agency for Planning and in support of the Evanston Strategic Plan and Evanston Climate Action Plan.

For Action

Katherine Hurley, Sustainability Coordinator

(SP2) Second Quarter Financial Report for Fiscal Year 2012 / Proposed Budget Calendar for Fiscal Year 2013

Staff recommends City Council receive the Second Quarter Financial Report for FY 2012 and place on file. Staff recommends City Council adopt the Fiscal Year 2013 Budget Calendar.

For Action
(A19)Ordinance 75-O-12, Amending Title 3, Chapter 15 of the City Code, “Secondhand, Junk and Antique Dealers”
Staff recommends consideration of Ordinance 75-O-12, which amends Title 3, Chapter 15 of the City Code to more thoroughly regulate Junk Dealers and Peddlers, including scrap metal scavengers. This ordinance was introduced at the July 23, 2012 City Council meeting.

For Action
Alderman Grover motioned for approval with a second from Alderman Holmes. It was motioned to hold by Alderman Braithwaite and seconded by Alderman Wynne.

(P1)Ordinance 38-O-12 Amending Various Portions of the City Code Relating to Bed & Breakfast Establishments
The Plan Commission recommends approval of Ordinance 38-O-12 amending the Zoning Ordinance to modify the regulations concerning bed and breakfast establishments. During its meeting of May 14, 2012, the Planning and Development Committee requested that staff further research and clarify certain issues. This ordinance was held in Committee on April 23, 2012 and May 14, 2012. At the June 18, 2012 City Council meeting this ordinance was held for action until the July 9, 2012 meeting. On July 9, 2012, it was continued until the August 13, 2012 City Council meeting.

For Action
Alderman Fiske motioned for approval and was seconded by Alderman Wynne. She then asked for amendment to the motion so no one person could own more than one B&B and seconded by Alderman Wynne. Alderman Rainey called for the question and the vote was 6-3. The motion to approve the Ordinance failed with a 7-2 vote against approval.

(H2)Approval of Harley Clarke Mansion Next Steps – Request for Proposal (RFP)
The Human Services Committee and staff recommend that the City Council authorize the City Manager to distribute the Harley Clarke Mansion Request for Proposal to the 4 respondents of the Request for Interest (RFI) for the potential purchase or lease of the Harley Clarke Mansion and Coach House facilities.

For Action
Alderman Tendam motioned for approval with a second from Alderman Grover. Alderman Wilson motioned to have the amendments to the original to include the suggestions to the final document. A Voice Vote was taken with an 8-1 decision to approve (Alderman Fiske voted nay).

(O1)Resolution 57-R-12 Authorizing the City Manager to Execute an Economic Development Grant Agreement with coLab Evanston, LLC
The Economic Development Committee and staff recommend approval of Resolution 57-R-12 authorizing the City Manager to execute a Funding Agreement with coLab Evanston and approval of a $32,400 grant to fund the delivery of a series of entrepreneurial programs during the period August 15, 2012 through December 31, 2012. Funding will be provided by the Economic Development Fund’s Economic Development Partnership Contribution Account ($300,62659).

For Action
August 13, 2012

FRANK CICERO, JR.,
222 LAKE STREET
EVANSTON, ILLINOIS 60201
AUGUST 13, 2012.

To Mayor and City Council:

The intent of the ordinance is that a B&B can only be owned and operated by an individual or family who live in the dwelling as their primary residence and cannot own and occupy more than one B&B.

That intent is accomplished in Section (K) 1 if the ownership is personal by the primary residence and 50% ownership requirements.

That intent can easily be evaded under the LLC provision as drafted in subsection (K) 2.

A person, or a trust, or a university, for example, can own a very small percentage, such as 1%, of many LLCs and be the Manager who controls all policy and practices of those LLCs.

That person or trust could have residents in place in numerous B & Bs who nominally own 50% of the LLC but have no control over its operations. With the flexibility allowed LLCs under the law, those “50% owners” could have put in much less than 50% of the necessary capital.

The LLC ownership provision should not be approved as written. It should be redrafted to state clearly that no person can have any ownership or controlling interest in more than one B&B.

Frank Cicero
Bed and breakfast (B&B) means a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a resident manager, having no more than eight (8) guest rooms, and wherein food service shall be limited to breakfast and light fare.

Bed and breakfast (in) means temporary lodging facility operated within a single-family residence which is owner occupied and managed or having a resident manager, having no more than five (5) guest rooms, and wherein food service shall be limited to breakfast and light fare for guests only.

Bed and breakfast (inn) means temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a resident manager, having no more than fifteen (15) guest rooms, and wherein food service may be provided.

Parking Requirements:
0.3 space per bedroom.

Sec. 34-935 - Bed and breakfast establishments

A bed and breakfast of any type, where allowed within a residential district, shall be subject to the following regulations:

1. A bed and breakfast homestay shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.

2. In addition to the resident of the dwelling, not more than one (1) other person may be engaged in the activities of a bed and breakfast homestay and no (2) other persons in all other bed and breakfast categories. There must be one off-street parking space available for each staff person in addition to bed and breakfast off-street parking requirements.

3. Deliveries of supplies associated with the bed and breakfast shall occur only between the hours of 6:00 a.m. and 5:00 p.m.

4. No mechanical or electrical equipment shall be employed within or on the premises other than that which is customary found in a residential dwelling.

5. No outside display of goods, and no outside storage of any equipment or materials used in the bed and breakfast shall be permitted.

6. There shall be no audible noise or any detectable vibration or odor from activities or equipment of the bed and breakfast beyond the confines of the dwelling, or any accessory building, including transmittal through vertical or horizontal party walls.

7. There shall be no sale of any goods other than goods that are accessory to a service delivered on premises to a customer or client of the business.

8. All parking in conjunction with the bed and breakfast (including without limitation, parking of vehicles marked with advertising or damage for the bed and breakfast) must be in the roadway, parking lot or garage areas on the premises.

9. Off-street parking shall be provided in accordance with section 34-984.

10. One (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the bed and breakfast. This sign may not be lighted. In all other respects the property from which the bed and breakfast is to be conducted must be in compliance with the sign regulations set forth within sections 34-1023 et seq. of this Code.
Except for the sign authorized by subparagraph (b) above, there shall be no evidence of
indication visible from the exterior of the dwelling that the dwelling is being utilized in
whole or in part for any purpose other than as a residential dwelling.

(12)

Bed and breakfast establishments shall obtain a city business license (or a statement
from the commissioner of revenue that no city business license is required) and a
certificate of occupancy or other written indication from the city's building code official that
use of the dwelling or accessory structure for the bed and breakfast is in compliance with
all applicable building code regulations.

(13)

The guest rooms shall be offered for rent or lease by the day, the maximum length of stay
is limited to ninety (90) days in a three hundred sixty-five-day period.

(14)

The owner or resident manager shall keep a current guest register, including names,
addresses, and the dates of occupancy of all guests.

(15)

Where bed and breakfast establishments are allowed by special use permit, the planning
commission may, for reasonable cause shown, grant an exception to expand or modify
the requirements above upon finding that strict application of these standards would not
further the purposes of this chapter or otherwise serve the public health, safety, welfare,
or that alternatives proposed by the owners would satisfy the purposes of these
regulations to at least an equivalent degree.
ZONING CODE

Awning. An awning is a rooflike cover, temporary in nature, which projects from the wall of a building. (Am. by Ord. 9061, 1-15-87)

A Zones. A Zones are those areas shown on the flood plain zoning maps which would be inundated by the “base flood” or “regional flood” as defined herein. Such areas may be numbered as AO, A1 to A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area. (Cr. by Ord. 7094, 9-12-80)

Bar. For the purpose of this code, the term “bar” shall mean a counterlike object, located in a tavern, with or without accessory seating for customers, over which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises. A cocktail service bar shall not be considered a bar. (Am. by Ord. 10,539, 11-23-92)

Base Flood. The base flood is a flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Cr. by Ord. 7094, 9-12-80)

Base Flood Elevation. The base flood elevation is equal to that which reflects the height of the base flood as defined above. (Cr. by Ord. 7094, 9-12-80)

Basement. A basement is that portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level. (Cr. by Ord. 10,774, 11-16-93)

Bathroom. A room with lavatory, water closet and tub or shower. (Cr. by Ord. 5983, 9-30-77)

Bed and Breakfast Establishments means any place of temporary lodging that provides four (4) or fewer rooms for rent for a length of stay not to exceed three weeks, is the owner’s personal residence, is occupied by the owner at the time of rental and while renters are on the premises, and in which the only meal served is breakfast. (Am. by Ord. 10,948, 7-30-94)

Bedroom. A bedroom is any room of a dwelling unit in excess of kitchens, bathrooms and one (1) living room, which meets the standards for habitability according to the Uniform Dwelling Code, Chapters ILHR 20-25, Wisconsin Administrative Code, or the Uniform Multifamily Dwelling Code, Chapter ILHR 66, Wisconsin Administrative Code. (Am. by Ord. 12,108, 5-4-98)

Bicycle-sharing Facility. See Sec. 10.33(3)(a), MGO. (Cr. by ORD-11-0069, 5-31-11)

Block. A block is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Boathouse. As defined in Section 30.121(1)(a), Wis. Stats., boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts. (Cr. by Ord. 8627, 7-2-85)

Brewpub. A brewpub is a restaurant which manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises, or off premises in hand-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. Wholesaling shall be permitted only where authorized within the zoning code. (Cr. by Ord. 11,639, 7-29-96)

Brewery. A brewery is a building or portion thereof used for the manufacture of more than five thousand (5,000) barrels per year of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability. (Cr. by Ord. 11,639, 7-29-96)

Building. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

Building, Completely Enclosed. A completely enclosed building is a building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
11. Accessory greenhouse and swimming pool roofs or domes which infringe on required usable open space. (Cr. by Ord. 4817, 12-24-74)
12. Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use subject to the following provisions:
   a. That the parking facilities conform to the parking facility regulations in Chapter 28 and Chapter 10 of the Madison General Ordinances.
   b. That a certificate of occupancy be issued by the office of the Director of the Building Inspection Division prior to commencing such use. (Am. by Ord. 8081, 7-29-83)
13. Parking lots, open, nonaccessory and publicly or privately owned and operated for the parking of private passenger automobiles only subject to the applicable provisions of Section 28.11 provided that such site was paved as of January 1, 1977, or owned by the Parking Utility as of January 1, 1977, and that no principal building is located on said zoning lot. (Cr. by Ord. 5948, 8-15-77)
14. Community living arrangements, except those which are permitted under Section 28.08(2)(b)11, provided:
   a. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility’s use permit.
   b. That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder.
   c. That the applicant disclose in writing the capacity of the community living arrangement.
      (Sec. 28.08(2)(c)14. Cr. by Ord. 5903, 7-7-77)
15. (R. by Ord. 9581, 9-14-88)
16. (R. by ORD-08-00122, 11-22-08)
17. Adult day care facility provided:
   a. That any use permit issued under this paragraph shall not be transferable to another location or another holder.
   b. That the facility pass the inspection of the Director of the Building Inspection Division and the Fire Prevention Division.
      (Sec. 28.08(2)(c)17. Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
18. Accessory buildings which exceed four (4) automobile stalls or 800 square feet. (Cr. by Ord. 8172, 12-15-83)
19. Bed and breakfast establishments provided:
   a. The establishment has a valid permit from the City Health Department.
   b. The only meal served is breakfast to registered guests.
   c. Off-street parking is available as required by Section 28.11(3)(j)6.d.
   d. No establishment shall be within 1000 feet of any other such establishment, measured lot line to lot line.
   e. Fire protection is approved by the Fire Department which may be more restrictive than State requirements.
   f. Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.
      (Sec. 28.08(2)(c)19. Am. by Ord. 10,948, 7-30-94)
Balcony: An upper-story platform open on at least one side and having a balustrade railing or other guard, which may either be recessed behind the face of the building or extend out from the building. The following are types of balconies:

A. Private Balcony: A balcony exclusively for the use of and accessible from only an individual dwelling unit.

B. Public Balcony: A balcony primarily for the use of ingress and egress, and accessible from two or more dwelling units and one or more vertical exitways. Public balconies shall meet minimum corridor width requirements of the building code and shall be limited in their use to that providing exit access.

Basement: That portion of a structure which is at least one-half below grade.

Bed and Breakfast Inn: A converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. A dining area that is open to both guests of the Inn and to the public as a restaurant and retail sales are permitted activities within a Bed and Breakfast Inn if they are subordinate to the use of the Inn for lodging. (Ord. No. 9596-57, 11-20-95)

Bed and Breakfast, Owner Occupied: An owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to the principal use as a single-family dwelling.

Block: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

Block Face: The total frontage measured in linear feet of lots on the same side of the street between the nearest intersecting streets. The concept being illustrated by the following:

The block face shall be considered to run from one cross street to the next cross street. A block face opposite of the cross street in a "T" intersection shall be considered to be a single block face and not two separate block faces. In the case of corner lots, the block face shall be measured using each individual frontage. In the case of a cul-de-sac, the block face shall be said to begin at the entrance to the cul-de-sac and continue along the same side of the street to the end of the cul-de-sac. (Ord. No. 9697-154, 6-16-97)
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation</td>
<td>2 for every lane, and 1 for every 2 employees</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>1 for every tee, plus 1 for every 4 employees</td>
</tr>
<tr>
<td>Country Club</td>
<td>4 for every tee</td>
</tr>
<tr>
<td>Driving Range or Miniature Golf</td>
<td>1 for every 2 bedrooms and 1 for every 50 sq. ft. of area used for assembly, dancing or dining</td>
</tr>
<tr>
<td>Golf Course</td>
<td>1 for every 2,000 sq. ft. of lot area</td>
</tr>
<tr>
<td>Indoor Movie Theater</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Lodge or Private Club</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Enterprises</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Private Indoor Fitness/Recreational Development or Similar Uses</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Transportation</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Motor Bus Station</td>
<td>1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces</td>
</tr>
<tr>
<td>Vehicular Sales and Service</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Automobile Accessories</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Gasoline Station</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>All Other Vehicular Sales and Service Uses</td>
<td>1 for every 400 sq. ft. of floor area, and 1 for every 3 employees</td>
</tr>
<tr>
<td>Miscellaneous Business</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Animal Hospital or Kennel</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Contractor Shop and Showroom</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Self-Storage Facility</td>
<td>1 for every 100 storage units, no less than 2; must be located next to main office</td>
</tr>
<tr>
<td>Warehouse or Similar Uses</td>
<td>1 for every 2,000 sq. ft. of lot area</td>
</tr>
<tr>
<td>Residential</td>
<td>1 for every living or sleeping room, plus 2 if owner-occupied</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 for every 2 residents</td>
</tr>
<tr>
<td>Boarding or Rooming House or Similar Uses</td>
<td>1 for every employee on maximum shift, and one for every 4 members of the service dependent population</td>
</tr>
<tr>
<td>Dormitory</td>
<td>1 for every 3 residents</td>
</tr>
<tr>
<td>Community Living Facility (any type) or Home for Adjustment</td>
<td>1 for every living or sleeping room</td>
</tr>
<tr>
<td>Hotel or Motel</td>
<td>1 for every living or sleeping room</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1 for every 6 beds, and 1 for every 3 employees on maximum shift</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>2 for every mobile home</td>
</tr>
<tr>
<td>Efficiency, One or Two Bedroom Multiple-Family Dwelling Unit</td>
<td>No less than 1 for every dwelling unit</td>
</tr>
<tr>
<td>Three Bedroom Multiple-Family Dwelling Unit</td>
<td>1.5 for every dwelling unit</td>
</tr>
<tr>
<td>Four Bedroom Multiple-Family Dwelling Unit</td>
<td>2 for every dwelling unit</td>
</tr>
<tr>
<td>More Than Four Bedroom Multiple-Family Dwelling Unit</td>
<td>2.5 for every dwelling unit</td>
</tr>
<tr>
<td>Single and Two-Family or Similar Uses</td>
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</tr>
<tr>
<td>Industrial</td>
<td>1 for every 1,000 sq. ft. of floor area</td>
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</table>

Notes: The intent for multi-family dwellings is to provide parking at a rate of one-half space per person. However, in no case shall a dwelling unit have less than one parking space.

Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V.3.G

Article VIII. Parking and Access
Page 99
4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.

B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.

D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board.

E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

4.2.10 Blood/Plasma Collection Center
Memo
To: Zoning Subcommittee
From: Scott Peters
Date: October 16, 2013
Re: Bed and Breakfast Issues

Unfortunately I am unable to attend the meeting this evening. Therefore I tried to put some suggestions in writing that others might consider. They follow.

From my perspective, I think the key to regulating B & B operations is to minimize adverse impacts.

Because the impact of different types of B & B operations is not the same, probably several types of B & B operations should be defined and different restrictions would apply to each type. The following illustrates how this might work.

1. I would suggest that the B & B regulations not be uniform for all B & B establishments. B & B operations with only one bedroom used by guests have a different impact than a one with 7 bedrooms and a large common area providing they do not host social events such as weddings. An example follows:
   a. From my perspective, B & B establishments having only one bedroom that operate in conformance with the following restrictions have little impact and should be permitted as major home occupations. This type of B & B should be subject to the following regulations:
      i. No social or other events are conducted at the B & B.
      ii. No meals or food shall be sold to anyone that is not a registered guest
      iii. Outdoor music and amplified music is prohibited.
      iv. There is off street parking for the vehicle of the guest in the B & B.
      v. At any time, the dwelling in which the B & B is located may be occupied by no more than two guests in addition to either a “type A family” or a “type B family” as these are defined in section 6-18-3 of the ordinance.
   b. I believe that a different class of B & B establishments might be those with 2 to 4 bedrooms which do not conduct any social events. The impact of these is still not great – though a special use for such operations should be required. Restrictions on occupancy similar to that suggested above might apply to these operations. For this type of use, the applicable standard should include a provision to ensure adequate parking and restrictions on outdoor activities by guests that might adversely impact neighbors.
   c. B & B operations which allow social events or which have more than 2 to 4 bedrooms should also be treated as a special use but they probably be subject to different regulations. The regulations suggested below might be part of those we should consider:
      i. The number of social events shall not exceed 24 a year with no more than 5 in any one month period. (I am not wedded to these numbers, but they seem reasonable)
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      ii. No event shall begin before 10:00 AM and all events shall end by 11:00 PM.
      iii. Outdoor music and amplified music (and voice?) shall be prohibited.
      iv. Guests of the bed and breakfast, including those attending a social event shall be provided with off street parking either by providing a parking space within __ feet of the bed and breakfast or by providing a valet parking service which must park cars in nearby garages and parking areas and not on the streets and alleys.
      v. The proprietors shall use their best efforts to ensure that the streets and alleys near the property are not blocked at any time by persons associated with the bed and breakfast.
   d. Maybe a spacing requirement should apply to some of the B & B operations. My initial thought about this is that there should be such a requirement for B & B operations that are permitted to conduct social events. Without such a requirement, even though the number of social events is limited, a property owner surrounded by many B & B operations might be subject to the impacts of social events every day with the various B & B operations scheduling such events on different days.
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         1. Social event: events or meetings of more than three persons but shall not include any events, meetings or gatherings of members of a Type A or Type B family as these are defined in Section 6-18-3 of the zoning ordinance.

         2. Social events may only be hosted by registered guests of the B & B

      ii. No event shall begin before 10:00 AM and all events shall end by 11:00 PM.

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Memo
To: Zoning Subcommittee
From: Scott Peters
Date: October 16, 2013
Re: Bed and Breakfast Issues

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MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, October 16, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Jim Ford, Seth Freeman, Patricia Ledesma, Stuart Opdycke

Members Absent: Kwesi Steele, Dave Galloway, Barbara Putta, Lenny Asaro, Scott Peters

Staff Present: Melissa Klotz, Mark Muenzer, Ken Cox

Presiding Member: Richard Shure, Chairman

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

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

2. **MINUTES**

Approval of September 18, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Ledesma motioned for approval of the September 18, 2013 meeting minutes. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved.

3. **UNFINISHED BUSINESS**

4. **NEW BUSINESS**

   A) **TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0103**

Specifically consider text amendments, pursuant to City Code § 6-4-7, Bed & Breakfast Establishments, to discuss the zoning regulations of Bed & Breakfast Establishments

Ms. Klotz explained the staff proposal to create a distinction of Type 1 and Type 2 Bed & Breakfast Establishments.

The Committee first discussed regulations pertaining only to Type 1 B&Bs: Commissioner Freeman felt Type 1 B&Bs should be 100% family owned, or else have a 33% ownership requirement. Commissioner Opdycke felt the current “owner-occupied” regulation was sufficient.
Commissioner Ford felt Type 1 B&Bs should be permitted uses rather than special uses since they would be of such low intensity. Commissioner Opdycke noted that would create community opposition.

Commissioner Opdycke asked why staff proposed a 2-year residency requirement, and Ms. Klotz explained it would mean Type 1 owners would have a vested interest in the community. Commissioners Freeman and Ledesma felt the 2-year residency requirement to be unnecessary.

Chairman Shure considered leaving the ownership requirement as is for Type 1s.

Commissioner Freeman noted his opposition to the 2 bedroom limit for Type 1s and instead suggested a 3 bedroom limit as a permitted use. Commissioner Opdycke suggested no bedroom limit and require a special use.

Ms. Klotz asked if the committee wanted to consider a requirement for written approval of adjacent property owners since there would not be a special use requirement. That would be similar to the hen coop regulations. The committee felt that was unnecessary.

Commissioner Ford motioned to recommend Type 1 B&Bs as permitted uses, with a 2 bedroom maximum, with an owner-occupied requirement. Commissioner Freeman seconded the motion, which was approved 5-0.

Ms. Klotz noted the City Council reference to discuss the B&B regulations was specific to ownership requirements and a distance requirement, neither of which the Zoning Committee recommended changing.

The Committee then discussed regulations for Type 2 B&Bs:
Commissioner Freeman suggested a distance requirement would not be necessary since Type 2s require special use approval. He also noted corporations should not be allowed to own/run B&Bs. Commissioner Ford felt corporations should be allowed.

Commissioner Ford asked about implementing a distance requirement that would be linear following streets instead of a radius.

Jessica Feldman stated a B&B is not corporate by nature so the regulations should not allow corporation ownership.

Commissioner Freeman felt a corporate B&B should be an Inn, not a B&B.

Commissioner Opdycke motioned to recommend Type 2 B&Bs as special uses, with a five bedroom maximum, with no owner-occupancy requirement, and no distance requirement. Commissioner Ford seconded the motion, which was approved 4-1 with Commissioner Freeman noting his dissention.

5. DISCUSSION

6. ADJOURNMENT

Evanston Zoning Committee of the Plan Commission Minutes
Commissioner Ford motioned for adjournment and Commissioner Ledesma seconded the motion. The meeting adjourned at 8:30pm.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, December 18, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community Development Department