ZONING COMMITTEE OF THE
PLAN COMMISSION

Wednesday, May 21, 2014
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. MINUTES: Approval of the February 19, 2014 Meeting Minutes

3. NEW BUSINESS

A. MAP AMENDMENT TO THE ZONING ORDINANCE 14PLND-0043

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

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

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

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

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

4. ADJOURNMENT

The next Zoning Committee of the Plan Commission meeting is scheduled for WEDNESDAY, June 18, 2014 at 7 P.M. in room 2403 of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Zoning Committee of the Plan Commission is available online at: http://www.cityofevanston.org/government/boards-commissions/zoning-committee-of-the-plan-commission/index.php

Questions can be directed to Damir Latinovic, Neighborhood and Land Use Planner, at 847-448-8675 or via e-mail at dlatinovic@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, February 19, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

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

Members Absent: none

Other Plan Commission Members Present: Stuart Opdycke

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Mario Treto, Assistant City Attorney I

Presiding Member: Richard Shure, Chairman

Public present: Jessica Feldman, 450 Davis St.

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 November 20, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Chairman Shure stated that he wants the minutes to reflect that he opened the meeting and turned it over to Commissioner Peters.

Commissioner Peters motioned to approve the minutes as amended. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 5:0.

3. NEW BUSINESS

A. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0006

Consider a text amendment, to City Code § 6-18-1 Definitions to discuss the zoning definition and land use regulations for Micro-Breweries.

Mr. Latinovic presented the staff report.

Upon a question from Commissioner Ford, Mr. Latinovic explained that the production level of nano-breweries varies from business to business because of their small scale, tendency to experiment with beers and do custom orders. The proposed
business at 825 Chicago Ave anticipates that their production will not exceed 21,000 gallons per year.

Chairman Shure pointed out that Micro-breweries could also have negative effects associated with odor and fumes, but acknowledged that Fire Prevention and Health Department inspect such facilities regularly. It is also important not to keep the timeline for the approval process very long.

Chairman Shure asked for the State of Illinois maximum for Micro-Distilleries, to which Mr. Latinovic explained the limit with the State of Illinois manufacturer’s license is 35,000 gallons.

Upon a question, Mr. Latinovic explained the Liquor license regulates the amount of beer produced in a BrewPub-type of restaurant that can be sold to outside distributers. Per City’s Liquor Code that amount is 50,000 gallons per year.

Upon a question by Commissioner Ford, Commissioner Peters stated the amount produced by a typical brewery like Sam Adams is probably tens of millions of gallons.

Commissioner Peters asked if it made sense to put in the definition that the applicant can ask for the Special Use application while they are waiting for the liquor license from the State and Federal Government.

Mr. Treto added that the City will not issue a Liquor License until the applicant receives the license from the State of Illinois.

Discussion followed.

Upon a question, Mr. Latinovic stated only one application for 825 Chicago Ave has been received, but staff anticipates other micro-breweries could come up in the near future.

Commissioner Lewis asked if staff thought about just amending the Micro-Distillery definition to allow for beer production, to which Mr. Latinovic stated staff did indeed discuss this, but opted not to do that as the intent of the Micro-Distillery regulation is just to allow for alcohol and other sprits which again matches the City’s Liquor Code and State Liquor Code. The proposed Micro-Brewery regulations also match the City’s Liquor Code for craft-breweries.

Upon a question on regulating the alcohol level of the product that is being produced, Commissioner Peters said that is not a land use question. Commissioner Peters also asked if it made sense to also define a typical regional brewery.

Discussion followed on the amount of water usage such facilities generate and how and where they could locate in Evanston.

Commissioner Ford stated he is concerned about adding addition regulations. Mr. Latinovic stated that a regional brewery is currently allowed as a light-manufacturing use such as Temperance Brewery on Dempster St.
Commissioner Lewis stated that the Sam Adams brewery produces 2,500,000 barrels a year.

Commissioner Opdycke stated he is in favor of confining the amendment to the proposal in front of the Commission.

Mr. Latinovic stated any brewery is currently allowed as a light-manufacturing use in the industrial districts.

Commissioner Lewis asked if the proposed use at 825 Chicago Ave is allowed to get commercial access off of the alley, which Mr. Latinovic confirmed.

Discussion followed on the tenants of the building.

There being no further discussion Chairman Shure invited a motion.

Commissioner Peters made a motion to approve the proposed text amendment as presented by staff.

Commissioner Ford seconded the motion.

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

4. ADJOURNMENT

Commissioner Peters motioned for adjournment and Commissioner Ford seconded the motion. With all commissioners in favor, the meeting was adjourned at 7:50 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for Wednesday, March 19, 2013 at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

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

1409 Dodge Avenue and 1825 Greenwood Street
l2 to R4

13PLND-0043
Memorandum

To: Zoning Committee of the Plan Commission Members

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

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

Date: May 11, 2014

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

Background
The subject property, commonly known as 1409 Dodge Avenue (north lot) and 1825 Greenwood Street (south lot) is located at the northeast corner of Dodge Avenue and Greenwood Street. The 7,542-square foot property is currently zoned I2, General Industrial district. The north lot (1409 Dodge Avenue) is improved with a vacant one-story commercial building previously occupied by an automobile repair service establishment. The south lot (1825 Greenwood Street) is improved with a vacant single family home building.

The properties immediately to the north and east are zoned R3, Two-Family Residential district and are improved with single family homes. The property immediately to the south is zoned I2, General Industrial and is improved with a multi-tenant two-story office building. The property to the west is zoned R4, General Residential and is part of the West Evanston Overlay District. That property is improved with a single family structure that was previously home to a roofing contractor business and is currently vacant.

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

Because the applicant is proposing to keep and modify the existing structures on the property and because the existing structures do not meet setback requirements of the Zoning Ordinance, the applicant must receive approval for several zoning variations prior to the start of construction. If the City Council approves the proposed rezoning, the applicant will move forward with an application to the Zoning Board of Appeals (ZBA) for zoning variations to accommodate the proposed construction and renovation of the existing structures.

The applicant must receive the approval from the ZBA and the City Council for the following variations:

1. Allow expansion of the two existing nonconforming principal buildings on one zoning lot.
2. Front yard setback variation to construct a second floor addition to the existing single family home 14.4 feet from the front (south) property line where 27 feet is required by Code.
3. Street-side setback variation to construct the garage addition to the single family home 8.5 feet from the west property line along Dodge Avenue where 15 feet is required by Code.
4. Side yard setback variation to construct the second floor addition to the single family home 1.9 feet from the side (east) property line where minimum five feet is required by Code.
5. Side yard setback variation to construct the second floor addition to the two-family dwelling on the north lot 1.7 feet from the side (east) property line where minimum five feet is required by Code.
6. Rear yard setback variation to construct a second floor addition to the two-family dwelling on the north lot 6.6 feet from the rear (north) property line where minimum 25 feet is required by Code.
7. A parking variation to allow a total of two parking spaces for the proposed two-family dwelling (one per unit) where a minimum of three parking spaces is required per Code (1.5 parking spaces per dwelling unit).

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

The applicant is proposing to rezone the property from I2 to R4 to accommodate the construction of three dwelling units on the property. The multiple-family use on the property is an appropriate use that will provide a transitional density buffer between the more intense industrial uses to the west and southwest of the subject site and the surrounding single and two-family residential uses to the north and east.
Historically, more intense industrial and manufacturing uses and zoning districts were established along the old railroad right-of-way in west Evanston that entered the City near Oakton Street and North Shore Channel and terminated at the Metra railroad right-of-way near Simpson Street and Green Bay Road. Over the years, as industrial uses moved out, less intense commercial and residential uses and zoning classifications were established along the same corridor. The R4 residential district is present on the east side of Dodge Avenue north of Greenwood Street and south of Dempster Street.

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

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

The existing and proposed area zoning map is provided below. The list of permitted uses in the I2 and R-4 zoning districts is attached.
Standards for Approval of Rezoning
Staff believes the proposed rezoning classification of the property from I2 to R4 meets the standards of approval outlined below:

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

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

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

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

The proposed rezoning will not have any adverse effect on the value of adjacent properties. The proposal will instead improve the value of adjacent properties through the construction of a two-family dwelling on the site that previously housed an automobile repair service establishment which was a detriment to the surrounding neighborhood. The property will continue to be adequately served by public facilities and services. The applicant is proposing to maintain a vehicular access on Dodge Avenue for both the two-family home on the north lot and for the new attached garage of the single family home on the south lot.
Recommendation
Staff believes the proposed Zoning Ordinance Map Amendment to rezone the property commonly known as 1409 Dodge Ave and 1825 Greenwood Street from I2-General Industrial to R4, General Residential meets the standards of approval. The proposal is consistent with surrounding uses and land use classifications and is consistent with the General Comprehensive Plan of the City.

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

Attachments
Aerial Map of the Property
Existing Zoning Map of the Property
Proposed Zoning map of the Property
List of Permitted Uses in I2 and R4 districts
Rezoning Application for 1409 Dodge Avenue and 1825 Greenwood Street
Plat of Survey for 1409 Dodge Avenue and 1825 Greenwood Street.
<table>
<thead>
<tr>
<th>List of allowable uses</th>
<th>Existign</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Assisted living facility</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Automobile and recreational vehicle sales</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Automobile body repair establishment</td>
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<td>Y</td>
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<tr>
<td>Automobile repair service establishment</td>
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<tr>
<td>Automobile service station</td>
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<td>Y</td>
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<tr>
<td>Automobile storage lot</td>
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<td>Y</td>
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<tr>
<td>Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, &quot;Bed and Breakfast Establishments,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Car wash</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Child residential care home</td>
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<td>Y</td>
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<tr>
<td>Commercial major recreation</td>
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<td>Y</td>
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<tr>
<td>Commercial parking garage</td>
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<td>Commercial parking lot</td>
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<td>Community center-parks</td>
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<tr>
<td>Congregate Housing</td>
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<td>Y</td>
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<tr>
<td>Cultural facility</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Daycare home-adult (subject to the general requirements of Section 6-4-3, &quot;Adult Daycare Homes,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Daycare home-child (subject to the general requirements of Section 6-4-2, &quot;Child Daycare Homes,&quot; of Title 6)</td>
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<td>Y</td>
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<tr>
<td>Daycare center-adult (subject to the general requirements of Section 6-4-3, &quot;Adult Daycare Homes,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Daycare center-child (subject to the general requirements of Section 6-4-3, &quot;Child Daycare Homes,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Daycare Center—Domestic Animal</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Dwelling-multiple-family</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Dwelling single-family detached</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Dwelling single-family attached</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Dwelling two-family</td>
<td>Y</td>
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<td>Educational Institution — public</td>
<td>Y</td>
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<td>Educational Institution — private</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Funerals services excluding on site creation</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Government Institution</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Heavy cargo and freight terminal</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Heavy manufacturing</td>
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<td>Y</td>
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<tr>
<td>Home Occupation (subject to the general requirements of Chapter 5, &quot;Home Occupations&quot;, of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Independent Living Facility</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Industrial service establishment</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Kennel</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Light manufacturing</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Long Term Care Facility</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Media broadcasting tower</td>
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<td>Y</td>
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<tr>
<td>Membership organization</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Office</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Office (subject to the general requirements of Section 6-8-1-11, &quot;Special Conditions of Office Uses,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Open sales lot</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Park</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Pharmaceutical manufacturing</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Planned developments (subject to the requirements of Sections 6-16-1-10, &quot;Planned Developments,&quot; of Title 6 and Section 6-3-6, &quot;Planned Developments,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<td>Planned developments (subject to the requirements of Sections 6-3-6, &quot;Planned Developments,&quot; of Title 6 and Section 6-8-1-10, &quot;Planned Developments,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Playground</td>
<td>Y</td>
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<td>Public transportation center</td>
<td>Y</td>
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<tr>
<td>Public utility</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Recreation Center — public</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Recycling center</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Religious Institution</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Retirement community</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Retirement Home</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Retirement Hotel</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Residential care home - category I (subject to the general requirements of Sections 6-4-4, &quot;Residential Care Homes,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Residential care home - category II (subject to the general requirements of Sections 6-4-4, &quot;Residential Care Homes,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Restaurant — type 1</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Restaurant — type 2</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Retail goods establishment</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Retail service establishment</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Rooming House</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Shelter care home</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Shelter for abused persons</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Trade contractor</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Transitional Shelter (subject to the requirements of Section 6-3-5-11, &quot;Additional Standards for a Special Use for Transitional Shelters,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
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<td>Transitional treatment facility - Category I (subject to the general requirements of Section 6-4-6, &quot;Transitional Treatment Facilities,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Transitional treatment facility - Category II (subject to the general requirements of Section 6-4-6, &quot;Transitional Treatment Facilities,&quot; of Title 6)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Warehouse establishment</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Wholesale goods establishment</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Yard waste transfer facility</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>
1. PROPOSAL DESCRIPTION:
   (A) Applicant’s name: Tom Heskin
   (B) I am filling this application in relationship to the property at this address or location (if no address):
       1825 Greenwood / 1409 Dodge
       Zip:_______
   (C) The current zoning designation of this property is: I2
   (D) I am requesting that the City change the zoning designation of this property to: R4

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

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

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

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

YES THERE ARE RESIDENTIAL HOMES SURROUNDING IT.

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

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

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

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

Applicant’s signature                                      Date

Applicant’s signature                                      Date

Applicant’s signature                                      Date

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Zoning Ordinance Text Amendment

Notice Requirements for Zoning Applications

13PLND-0044
Memorandum

To: Zoning Committee of the Plan Commission

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

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

Date: April 30, 2014

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

Background
The Zoning Ordinance restricts and regulates location, construction, reconstruction, alteration and use of any building, structure and land for any type of use for the purpose of promoting the public health, safety, comfort, morals, convenience, general welfare and the objectives and policies of the Comprehensive General Plan. The Zoning Administrator administers the Zoning Ordinance by issuance of the Certificate of Zoning Compliance. A Certificate of Zoning Compliance must be obtained to occupy or use any property or construct, reconstruct, enlarge or structurally alter any new or existing building on any property.

A majority of Certificate of Zoning Compliance applications are reviewed and processed by staff during standard building permit application review. However, some applications require more stringent zoning review and approval prior to the standard building permit review process because they require a variation from the Zoning Ordinance or are deemed to have a significant impact on surrounding properties (i.e. Special Uses, Planned Developments, etc.). The following are the type of applications that require a separate zoning approval first:

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

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

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

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

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

Additionally, the Zoning Ordinance is silent on the need for additional notices when a particular zoning application is continued to a second or third public hearing.

**Summary of Proposal**
Staff is proposing a Zoning Ordinance Text Amendment to Chapter 3 – Implementation and Administration to clarify all notice requirements for all types of zoning applications. As proposed, the Zoning Ordinance would specifically require the following notices for each zoning application:

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

Additionally, the proposed amendment includes the following language in various sections of the Zoning Ordinance to clarify that a second notice of a public hearing is not required to be provided for any proposals that are continued to subsequent hearings:
“The initial hearing notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.”

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

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

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

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

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

**Attachments**
Ordinance 68-O-14: Proposed Amendments to Chapter 3 – Implementation and Administration
AN ORDINANCE

Amending Various Portions of the City Code
Relating to Notice Requirements

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

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

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

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

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

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

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

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

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

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

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

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

(F) City Council Action: The City Council shall either adopt or reject the recommendation of the Plan Commission or adopt some modification of the recommendation of the Plan Commission. Except as provided in Section 6-3-4-7, no amendment to the Zoning Ordinance shall be adopted except by a vote of the majority of the Council.
SECTION 4: Section 6-3-5-7 of the City Code is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(f) Any other information requested by the commission or board, as the case may be; and

(g) A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.

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

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

6-3-5-16: SUBSTITUTION FOR AN EXISTING SPECIAL USE:
(A) Review Procedure: The Zoning Administrator, pursuant to his authority to render interpretations prescribed by Section 6-3-9 of this Chapter and subject to the procedures, standards and limitations contained herein, shall have the authority to review and grant applications for the substitution of a special use for an existing special use.

(B) General Notice And Opportunity To Comment: After receipt of a completed application for the substitution of a special use for an existing special use, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the Zoning Administrator's decision.

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

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

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

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

(B) Zoning Administrator Decision: Within twenty (20) working days of receipt of a completed application for the substitution of a special use, the Zoning Administrator shall, by written order, render his interpretation that the
special use proposed to be substituted is either: 1) similar in nature and intensity to the existing special use and presents no differing or additional impact; or 2) substantially different in nature, intensity and impact from the existing special use. If the Zoning Administrator determines the special use proposed to be substituted is similar in nature and intensity to the existing special use and presents no differing or additional impact, he shall grant the application for a substitution of a special use. If the Zoning Administrator determines the special use proposed to be substituted is substantially different in nature, intensity and impact from the existing special use he shall deny the application for a substitution of a special use.

(C)(E) Conformance With The General Standards: Any special use proposed to be substituted for an existing special use pursuant to this Section shall be required to meet the general standards for special uses as set forth in Section 6-3-5-10 of this Chapter.

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

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

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

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

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

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

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

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

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

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

(A) Review Procedure: All applications for planned developments will be given priority review by the Zoning Administrator. Upon the review of an application for a planned development, the Zoning Administrator shall, pursuant to Section 6-3-3-1, notify the developer of any deficiencies and or modifications necessary to perfect the planned development application.

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

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

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

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

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

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

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

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

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

(g) A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Staff Review Procedure: The Zoning Administrator shall schedule and conduct a staff review conference to review the comments received from the various departments and boards pursuant to Subsection 6-3-7-4(A) of this Chapter. Following the staff review conference, the Zoning Administrator shall forward staff's written report to the Plan Commission.
(C) General Notice Of Public Hearing: Notice of the public hearing required in Subsection (A) of this Section shall be given by the Plan Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

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

(E) Content Of Published And Mailed Notices: Published and mailed notice shall contain the time, date and place of the public hearing.

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

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

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

2. To present witnesses on their behalf.

(H) Objection Of Property Owners: Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the commission.
SECTION 9: Section 6-3-8-6 of the City Code is hereby amended to read as follows:

6-3-8-6: PROCEDURE FOR MINOR VARIATIONS AND FENCE VARIATIONS:

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

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

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

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

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

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

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

6-3-8-7: PROCEDURE FOR FAMILY NECESSITY VARIATION:
Applications for family necessity variations shall be reviewed and decided in accordance with the following procedure:

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

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

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

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

6-3-8-10: PROCEDURE FOR DECISIONS ON MAJOR VARIATIONS:
Applications for major variations shall be reviewed and decided in accordance with the following procedure:

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

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

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

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

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

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

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

SECTION 14: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced:___________________, 2014  Approved:__________________________, 2014
Adopted:___________________, 2014  ____________________________ , 2014

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

Approved as to form: W. Grant Farrar, Corporation Counsel
Zoning Ordinance Text Amendment

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

13PLND-0045
Memorandum

To: Zoning Committee of the Plan Commission  
From: Mark Muenzer, Director of Community Development  
        Lorrie Pearson, Planning and Zoning Administrator  
        Damir Latinovic, Neighborhood and Land Use Planner  
Subject: Zoning Ordinance Text Amendment  
Amendment to Office and Financial Institution Uses in B1, B1a and B2 Districts – 14PLND-0045  
Date: May 7, 2014

Proposal Overview
Staff recommends amending the Zoning Ordinance to allow office and financial institutions as special uses in B1, B1a and B2 Business districts. The office and financial institution uses are currently allowed as by-right permitted uses in B1, B1a and B2 Business districts. The intent of the amendment is to preserve the commercial spaces within the districts for primarily retail goods and retail service establishments to enhance the character of the neighborhoods that service the surrounding residents.

Background
The B1, B1a and B2 zoning districts are older business districts found primarily near the intersections of minor and major arterial roadways and near the train stations (the City of Evanston map of Business Districts is attached). The districts represent the City’s oldest shopping areas characterized by pedestrian building orientation and character. The established physical pattern in these districts is buildings typically built to or near the front lot line.

The B1, B1a and B2 districts are neighborhood oriented business districts that primarily provide daily shopping needs to the surrounding residents in the neighborhood. As such, they are often surrounded by residential areas. Uses found in these areas are less intense and typically include drugstores, cleaners, corner grocery stores and restaurants. Due to the scale of the developments in these areas, the commercial storefronts can also attract specialty goods stores that can attract a larger market area which also contributes to the neighborhood’s distinctive character.

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

Over the past several years, the City has experienced an influx of office and financial institution uses into the B1, B1a and B2 districts. Examples of such uses include professional offices such as attorneys, architects, engineers, etc., financial advisers, banks and other similar office uses. Such office uses do not depend on the pedestrian traffic that distinguishes the districts. As such they do not contribute to the vibrancy of the neighborhoods and instead occupy spaces that could otherwise be occupied by retail goods and retail service establishments that are better suited to cater the surrounding residents.

Summary of Proposal
In order to preserve and promote the small scale limited shopping and commercial uses in B1, B1a and B2 districts, staff is proposing an amendment to the list of permitted and special uses in those districts. Specifically, staff is recommending that office and financial institution uses, currently listed as permitted uses in the B1, B1a or B2 districts, are allowed only as special uses in those districts.

The proposed text amendment is summarized in the table below:

<table>
<thead>
<tr>
<th>Use:</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B1</td>
<td>B1a</td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P-Permitted Use; S-Special Use

By allowing office and financial institution uses as special uses only, all applications for such uses must be reviewed by the Plan Commission and the City Council for compliance with the standards for approval of special uses. Both the Plan Commission and the City Council can evaluate each application and proposed locations to assure the use is consistent with the Comprehensive General Plan and general policies of the City Council. Each application must also demonstrate that, among others, it will not cause a cumulative negative effect when its effect is considered in conjunction with other existing special uses in the area. In other words, a small number of appropriately dispersed offices uses in such districts may be approved, however, a concentration of such uses in one area is not desirable and may not be consistent with the intent and character of the B1, B1a and B2 districts.

The B3 Business District differs from B1, B1a and B2 districts in both character and the types of uses typically found there and as such is not part of the proposed amendment. The B3 district is intended to provide for higher density business developments along Commercial Corridors adjacent to mass transit facilities. The B3 district typically caters to a larger market and is therefore more appropriate for a wider range of uses. The City of Evanston currently has only one B3 district along Howard Street between the CTA railroad on the east and Ridge Avenue on the west.
Nonconforming Uses
If the proposed amendment is approved by the City Council, any existing office or financial institution uses in the B1, B1a or B2 districts will be referred to as nonconforming uses. The following conditions apply for the nonconforming uses:

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

Standards of Approval
The proposed Zoning Ordinance Text Amendment to allow office and financial institutions as special uses in B1, B1a and B2 Business districts meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The Amendment is in-line with the Plan’s specific call for action/policy to encourage new uses that complement the existing neighborhood character and pedestrian environment. By allowing the office and financial institutions as special uses, the amendment will encourage more retail goods and retail service establishments which are more desired in the neighborhood business districts. By encouraging more retail oriented uses in the business districts, the proposal will not have any adverse effect on the property value of the adjacent properties.

Recommendation
Staff believes the proposed text amendment to allow office and financial institution uses as special uses in the B1, B1a and B2 zoning districts is necessary to preserve the City’s oldest shopping areas for primarily neighborhood oriented commercial and retail uses. By allowing the office and financial institution uses as special uses, the development of more retail oriented uses is encouraged, which will have a positive effect on the character of the neighborhood. The office and financial institutions may still be allowed provided the proposed uses meet the standards for approval which include no adverse effect on surrounding property values and no negative cumulative effect when considered with other established special uses in the area.

Staff recommends the Zoning Committee of the Plan Commission make a positive recommendation to the Plan Commission for the proposed Zoning Ordinance Text Amendment to allow office and financial institutions as special uses only in the B1, B1a, and B2 zoning districts.
Attachments
List of Uses in B1, B1a, B2 and B3 districts.
B1, B1a, B2 and B3 Zoning Districts Map of City of Evanston
Business Districts Maps 1-10
### List of permitted uses in B Districts

<table>
<thead>
<tr>
<th>Use</th>
<th>RI</th>
<th>R2e</th>
<th>RI</th>
<th>R4</th>
</tr>
</thead>
<tbody>
<tr>
<td>artists studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>artists studios and accessory dwelling units (when the accessory dwelling unit is located above the ground floor).</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cultural facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>dwellings (when located above the ground floor)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>educational institution—Private</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>educational institution—Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>financial institution</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>food store establishment (with hours of operation between 6:00 a.m. and 12:00 midnight)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>government institution</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Religious institution</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>residential care home—Category I</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(when located above the ground floor and subject to the requirements of Section 6-4-4, &quot;Residential Care Homes and Child Residential Care Homes,&quot; of this Title)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>restaurant—Type 1</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>retail goods establishment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>retail services establishment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>animal hospital</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Automobile Service Station</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>banquet hall</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>bar with liquor establishment</td>
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<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>boarding house</td>
<td>S</td>
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<td>S</td>
<td>S</td>
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<tr>
<td>Commercial Indoor Recreation</td>
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<tr>
<td>Commercial Outdoor Recreation</td>
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<tr>
<td>Commercial parking lot</td>
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<td>S</td>
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<tr>
<td>convenience store</td>
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<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>daycare center—Adult (subject to the general requirements of Section 6-4-3, &quot;Adult Daycare Homes,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>daycare center—Child (subject to the general requirement of Section 6-4-2, &quot;Child Daycare Homes,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>daycare center—Domicile Animal</td>
<td>S</td>
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<td>S</td>
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</tr>
<tr>
<td>drive through facility (accessory or principal)</td>
<td>S</td>
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<td>S</td>
<td>S</td>
</tr>
<tr>
<td>dwelling—Multi-family</td>
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<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>dwelling—Single-family detached</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Food store</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Funeral services excluding on-site cremation</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Government institution</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Independent Living Facility</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Kennel</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Long-term care facility</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Membership organization</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Microdistillery</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Open sales lot</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Planned development</td>
<td>S</td>
<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Planned development (subject to the requirements of Section 6-9-1-9, &quot;Planned Developments,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>public library</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Recording Studio</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Religious institution</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Religious institution</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residential care home—Category II</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>(subject to the requirements of Section 6-4-4, &quot;Residential Care Homes and Child Residential Care Homes&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Restaurant—Type 2</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>restaurant—Type 2 (excluding accessory drive-through facilities)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Retirement home</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Retirement Hotel</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>sheltered care home</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>trade contractor (provided there is no outside storage)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Transitional Shelters (subject to the requirements of Section 6-3-5-11, &quot;Additional Standards for Special use for Transitional Shelters,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Transitional Treatment Facility—Category I (subject to the requirements of Section 6-4-5, &quot;Transitional Treatment Facilities,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Transitional Treatment Facility—Category II (subject to the requirements of Section 6-4-5, &quot;Transitional Treatment Facilities,&quot; of this Title)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Uses permitted pursuant to Section 6-9-5-2 and 6-9-5-3 exceeding seven thousand five hundred (7,500) square feet</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Uses permitted pursuant to Section 6-9-5-2 and 6-9-5-3 exceeding seven thousand five hundred (20,000) square feet</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

- **P** - Permitted Use,  
- **S** - Special Use