ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, August 20, 2014
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2403

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. MINUTES: Approval of the May 21, 2014 Meeting Minutes

3. NEW BUSINESS

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

   B. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0106
      Daycare Center-Child and Daycare Center-Adult in C1 and C2 Districts
      Specifically consider a text amendment, pursuant to City Code Title 6 – Zoning, regarding § 6-10-2-3 Special Uses in C1 Commercial District and § 6-10-4-3, Special Uses in C2 Commercial District, to add Daycare Center – Adult (subject to the general requirements of Section 6-4-3 of this Title) and Daycare Center – Child (subject to the general requirements of Section 6-4-2 of this Title).

3. ADJOURNMENT

The next Zoning Committee of the Plan Commission meeting is scheduled for **WEDNESDAY, September 17, 2014** at 7 P.M. in room 2403 of the Lorraine H. Morton Civic Center.

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

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TTY).
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

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

Commissioner Lewis motioned to approve the minutes as presented.

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

3. NEW BUSINESS

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

Mr. Latinovic presented the staff report memo.

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

Chairman Shure invited the members of the public to speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Dubin seconded the motion

The motion was approved by a voice call: 3-0.
B. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0044

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

Mr. Latinovic presented the staff report memo.

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

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

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

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

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

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

Peggy Gregory, 1419 Brown Ave, asked how any interested residents can find out if they are on the mailing list.
Mr. Latinovic stated they can contact him or someone else in the planning and zoning division of the Community Development Department and staff can check the database that is generated based on the latest tax bills received from the County.

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

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

Commissioner Dubin seconded the motion.

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

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

Mr. Latinovic presented the staff report memo.

Commissioner Galloway stated the proposed amendment is a great idea. Retail uses would activate the areas and would make the districts more attractive.

Chairman Shure brought up the case from a few years ago about nail salon uses in the B3 district. He confirmed the proposal would promote uses that activate foot traffic.

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

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

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

Commissioner Lewis cautioned not to regulate too much to discourage some uses and make them go away that could otherwise fill in vacant spaces. But he is in favor of moving the proposal through to the Plan Commission. He asked how can we notify these business owners to get their input?
Mr. Latinovic stated the notice was provided via newspaper and via the email blast. He noted that staff can try to identify merchant associations and notify them to get their input.

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

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

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

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

Chairman Shure also confirmed that any existing office use will be able to remain in their existing locations.

Commissioner Dubin agreed that B3 district should be looked at.

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

Commissioner Lewis seconded the motion.

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

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

4. **ADJOURNMENT**

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

The next meeting of the Zoning Committee of the Plan Commission is scheduled for **Wednesday, June 18, 2014** at 7:00 pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.
Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
Zoning Committee
of the
Plan Commission

CASE # 14PLND-0045

Zoning Ordinance Text Amendment

Office and Financial Institution Uses in B1 and B2 Districts
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 and B2 Districts  
14PLND-0045

Date: August 12, 2014

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

Background
Zoning Committee of the Plan Commission Review
The Zoning Committee of the Plan Commission first reviewed a similar proposal at its May 21, 2014 meeting. Staff initially proposed allowing office and financial institution uses as Special Uses in B1, B1a and B2 districts. Based on the discussion at the May 21, 2014 meeting, the Zoning Committee determined that allowing such uses as special uses only on the ground floor would encourage more retail uses and would make the areas more vibrant and active. The Committee noted that office and financial uses on floors above the ground floor should be encouraged rather than discouraged by the Special Use approval process. As a result, the Committee unanimously forwarded a positive recommendation to the Plan Commission to allow office and financial institution uses as Special Uses only on the ground floors of all B districts (including the B3 District).

Plan Commission Review
The Plan Commission reviewed the proposed text amendment at its June 11, 2014 meeting. The Commission heard testimony from the owner of the property located at 1319-1321 Emerson Street (zoned B1) who expressed concern that not all B districts in the City are the same and should not adhere to the same restrictions for office uses on the ground floor. The Commission also noted that many uses which are currently
classified as office uses, including yoga studios and real estate offices, do not necessarily present a detriment to the pedestrian character of the districts. The Commission unanimously recommended to return the proposed text amendment to the Zoning Committee for further refinement.

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

The B districts primarily serve daily shopping needs for the surrounding neighborhood. They are surrounded by residential areas and often include less intense uses than the Commercial (C) districts such as drugstores, cleaners, corner grocery stores and restaurants. Due to the scale of the developments in these areas, the commercial storefronts can also attract specialty goods stores that serve a larger market area.

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

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

**Summary of Research Analysis**
In order to enhance these B districts, staff has researched ways the Zoning Ordinance can play a role in minimizing the impact of office uses while promoting the small scale limited shopping and retail uses. Based on staff’s research, the following are possible ways the Zoning Ordinance could enhance the pedestrian-oriented business districts:

1. **Overlay districts**
   An overlay district can be created in those B Districts where there is a concern about too many office uses and a lack of retail establishments (such as for Main Street and Dempster Street). An overlay district is placed over an area with multiple underlying districts without the need to rezone each property. The
overlay district supersedes the underlying district and can include any type of use or bulk regulations.

2. **Limit uses based on size/location on the ground floor**
   a. Office uses could be limited based on the square footage of the ground floor. For example, up to 25% of total ground floor commercial space of a building can be leased to office uses as a Permitted Use. Beyond that, Special Use approval would be required.
   b. Office uses could be limited based on the amount of street frontage they occupy. For example, up to 25% of building’s street frontage can be leased to an office use as a Permitted Use. Beyond that, Special Use approval would be required.
   c. Office uses could also be allowed as Permitted Uses only in those locations where they do not have direct frontage along a street (i.e. rear units on ground floors). Beyond that, Special Use approval would be required.

3. **Limit office uses based on size**
   Small office and financial uses up to a certain size could be allowed as Permitted Use. Larger office uses would require Special Use approval.

Both options 2 and 3 could include a distance separation provision that would require office uses to be a certain minimum distance apart from each other to avoid undesirable congregation of passive pedestrian uses.

4. **TOD overlay districts**
   Incorporate the office and financial institution uses restriction within TOD overlay districts that will include other unique restrictions such as relaxed parking requirements, increased height and density allowances, etc.

5. **Define separate Office uses**
   Definitions for different types of office uses could be developed and then assigned as permitted or special uses in all districts (not just B districts), i.e. inpatient medical service, outpatient medical service, trade contractor offices, professional offices, health/fitness facilities (yoga studios and other type of fitness studios), etc.

6. **Establish a maximum number of Office Uses within certain districts**
   A maximum number of allowable office and financial institutions can be defined for any B district. Up to that maximum, proposed office uses would be allowed as by-right permitted uses. Office uses in excess of the defined maximum for any district would then be allowed only as a Special Use.

7. **Limit based on location**
   Office uses within properties along certain streets (Main Street, Dempster Street, etc.) could be allowed as Special Uses, while office uses in properties not fronting on such streets would be allowed as Permitted Uses.
8. Keep previous proposal
Move forward with the proposal to allow all office uses on ground floors in all B districts as special uses, while office uses on floors above the ground floor would continue to be allowed as permitted uses.

Proposal Summary
Based on our research, Staff has determined that limiting the office and financial institution uses based on their location is the most effective option to address the increased number of office uses in the B districts along Dempster Street and Main Street. Specifically, staff is recommending amending the Zoning Ordinance to allow office and financial institution uses on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and with frontage along Main Street between Elmwood Avenue and Hinman Avenue as Special Use. Office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

The proposed text amendment is summarized in the table below:

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<th>Use:</th>
<th>Zoning District</th>
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<td>B1</td>
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<tr>
<td><strong>Existing Uses</strong></td>
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<tr>
<td>Office</td>
<td>P</td>
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<td>Financial Institution</td>
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<td><strong>Proposed Uses</strong></td>
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<tr>
<td>Office – ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
<td>S</td>
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<tr>
<td>Office – excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
<td>P</td>
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<tr>
<td>Financial Institution - ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with</td>
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allowing office and financial institution uses as special uses on the ground floors of properties within dempster street and main street business districts requires review by the 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 use and its proposed location to assure the use is consistent with the surrounding area, the comprehensive general plan and general policies of the city council. each application must demonstrate that it will not cause a cumulative negative effect when it is considered in conjunction with other existing special uses in the area. in other words, a small number of appropriately dispersed office uses on ground floors may be approved. however, a concentration of such uses in one area is not desirable and may not be consistent with the intent and character of the b districts.

additionally, staff has investigated incorporating incentives within the zoning ordinance to encourage more retail uses locate within targeted b districts. the following are possible changes to the municipal code that were identified and could encourage retail uses in b districts:

1. allow more commercial signage for retail uses in specific b-districts.
2. allow office uses in more districts so that they do not concentrate in b districts.
3. reduce off-street parking requirements for retail uses in b districts.

staff, however, has determined that such zoning changes are not feasible. the city’s commercial sign ordinance is already permissive and most businesses do not capitalize on all sign ordinance allowances. office uses are already allowed as a permitted use in the rp, o1, and all c, d, l and m districts. finally, reducing the parking requirement to encourage new retail developments in the b districts would have little impact. the b districts contain primarily very small commercial lots and the zoning ordinance already allows an exemption from the parking requirements for first 2,000 square feet of commercial space and for existing buildings.

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

Standards of Approval
The proposed Zoning Ordinance Text Amendment to allow office and financial institution uses as Special Uses on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The amendment is in line with the Plan’s specific call for action/policy to encourage new uses that complement the existing neighborhood character and pedestrian environment. By limiting the ground floor office and financial institutions as Special Uses within the Dempster Street and Main Street Business Districts, the amendment will encourage more retail establishments which are more desirable in these districts. The proposal will not have any adverse effect on the property values of the adjacent properties.

Recommendation
Staff believes the proposed text amendment to allow office and financial institution uses as Special Uses on the ground floors within Dempster Street and Main Street Business Districts is necessary to preserve the City’s oldest shopping areas for primarily neighborhood oriented commercial and retail uses. The intent of the proposal is to encourage more retail establishments which will have a positive effect on the character of the neighborhood. The office and financial institution uses on the ground floors within these districts may still be allowed provided the proposed use meets the standards for approval of special uses. Office and financial institution uses on floors above the ground floor will remain to be allowed as permitted uses.

Staff recommends the Zoning Committee make a positive recommendation to the Plan Commission regarding for the proposed text amendment.
Attachments
Plan Commission Meeting Minutes 06.11.2014
Zoning Committee of the Plan Commission Draft Meeting Minutes 05.21.2014
Zoning Map of Dempster Street Business District
Zoning map of Main Street Business District
B1, B1a, B2 and B3 Zoning Districts Map of City of Evanston
Goods’ Letter of Support
MEETING MINUTES
PLAN COMMISSION
Wednesday, June 11, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Andrew Pigozzi, Colby Lewis, Richard Shure

Associate Members Present: David Galloway

Associate Members Absent: Seth Freeman, Stuart Opdycke

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

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

…

C. TEXT AMENDMENT TO THE ZONING ORDINANCE

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

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

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

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

Commissioner Asaro asked about concerns with vacancy if retailers are not interested in the spaces. He comments because he lives in the area and tries to frequent the businesses when he can. However, there is a lot to be desired as far as what can go there. He spoke to one of the business owners one day who noted that there is not a lot to draw people to the area. He is concerned that there is not enough outside demand for retail in that area and that changing the zoning will not address that. He did not see the tension in use between retail and office to warrant a change in zoning. Mr. Latinovic found that to be a valid point and noted that it was discussed internally. This “dead zone” has been described by area business owners based on property owners who are looking to lease to more stable financial institutions rather than other retail establishments. But the proposed change is based on feedback from the business community who have been there 15 to 20 years. Because the office uses will still be a special use, in the case of a vacancy, City Council can still approve them. Chairman Peters noted that it is fairly common for office uses to go to retail. However, in this case there is not a definitive study. Still allowing office as a special use is important to minimize the vacancy concern.
Commissioner Ford seconded Commissioner Asaro’s concern. This works when there is competition between retail and non-retail uses for a property; however, alone it does not provide an incentive for retail to come in. He questioned if it would have the desired impact. He noted that he lives near a commercial space with a recent retail vacancy. An office use would be preferable to a vacancy when retail is not an option. Commissioner Goddard reminded everyone that with the special use it would still be allowed. Commissioner Ford agreed but still felt the change is less than perfect.

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

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

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

There being no further comments, Chairman Peters invited comments from the public. David Roberts, an Evanston business/property owner at 1319-1321 Emerson Street, came forward and promised to tell the truth. He stated he was disappointed to hear that staff determined they could not notify property owners in business districts of the...
Mr. Latinovic responded if the proposal is approved, the architect and construction office would not be allowed by right on the first floor, and the other uses would require him to look at the list to see if those specific uses are listed. If the specific uses are not listed, staff would determine which listed use is most similar.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Asaro seconded the motion.
A voice vote was taken and the motion was approved by voice call 6-0.

... 

2. ADJOURNMENT

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

The meeting was adjourned at 8:40 pm.

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

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

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

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

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

Commissioner Lewis motioned to approve the minutes as presented.

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

3. NEW BUSINESS

...

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

Mr. Latinovic presented the staff report memo.

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Lewis seconded the motion

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

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

4. ADJOURNMENT

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

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

Respectfully Submitted,

Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
B1, B1a, B2 and B3 Zoning Districts

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

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

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

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

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

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

Regards,

Shaun Chinsky
President
Zoning Committee of the Plan Commission

CASE # 14PLND-0106

Zoning Ordinance Text Amendment

Daycare Center - Child and Daycare Center - Adult in C1 and C2 Districts
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
         Daycare Center – Child & Daycare Center – Adult in C1 and C2 Districts
         14PLND-0106

Date: August 14, 2014

Proposal Overview
Staff recommends adding Daycare Center – Child and Daycare Center – Adult as Special Use in C1- and C2- Commercial Districts.

Background
On June 23, 2014 staff received an application for a daycare center for children to be located at 1909-1911 Howard Street. The property, commonly known as 1909-1911 Howard Street, is zoned C1-Commercial. Daycare centers for children are not currently allowed as Permitted or Special Uses in the C1 District.

Upon further investigation, staff found that a Daycare Center – Child is allowed as a Special Use in the C1a District but not in C1 and C2 Districts. The same is the case for Daycare Center – Adult, which is allowed as a Special Use in the C1a District but not in C1 and C2 Districts. In fact, Daycare Center – Child and Daycare Center – Adult are allowed in the same manner either as Permitted Use or Special Use across all zoning districts, except in the D2-Downtown Transition District where the Daycare Center – Child is allowed as a Special Use but Daycare Center – Adult is not permitted at all.

The table below summarizes the existing and proposed zoning regulations for Daycare Centers- Child and Daycare Center - Adult:
<table>
<thead>
<tr>
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<th>Current Regulations</th>
<th>Proposed Regulations</th>
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<tbody>
<tr>
<td>Daycare Center – Child</td>
<td>Permitted Use in: RP</td>
<td></td>
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<tr>
<td></td>
<td>Special Use in: R1, R2, R3, R4, R4a, R5, R6, C1a, B1, B1a, B2, B3, D1, D2, D3, D4, O1, T2, U1, U1a, oH</td>
<td>Add as Special Use: in C1 and C2</td>
</tr>
<tr>
<td>Daycare Center - Adult</td>
<td>Permitted Use in: RP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Special Use: R1, R2, R3, R4, R4a, R5, R6, C1a, B1, B1a, B2, B3, D1, D3, D4, O1, T2, U1, U1a, oH</td>
<td>Add as Special Use: in C1 and C2</td>
</tr>
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Both uses are not permitted in all M, all I, U2, U3 and T1 districts. Daycare Center – Adult is not allowed in the D2 District.

Additionally, all Daycare Centers – Child are subject to the general requirements of Section 6-4-2 “Child Day Care Homes”, while all Daycare Centers – Adult are subject to the general requirements of Section 6-4-3. Both sections require that all daycare centers apply for and obtain a license from the City Department of Health and Human Services. Staff’s proposal to allow Daycare Centers – Child and Daycare Centers – Adult as Special Use in C1 and C2 Districts will also include the same requirement that the uses must comply with Sections 6-4-2 or 6-4-3 respectively.

Per the Zoning Ordinance, the C1-Commercial District is intended to provide appropriate locations for contemporary shopping developments. Uses such as commercial strips and shopping centers characterized by large parking areas and multiple tenants are encouraged. Dempster/Dodge shopping area and Target/Best Buy shopping center on Howard Street are typical examples of C1 districts, but smaller C1 districts are found throughout the City.

The C2-Commercial District is intended to provide suitable locations for general business and commercial activities including automobile vehicle sales and services and other similar establishments that due to their nature may have larger impacts on surrounding properties. As a result, C2 areas are concentrated along railroad lines or heavily travelled commercial arterial roadways such as Green Bay Road north of Central Street.

There is only one C1a-Commercial District in the City located along Chicago Avenue located between South Boulevard and Lee Street. The intent of the C1a district is to allow development of multiple family residential buildings or mixed use buildings consisting of retail and office uses on the ground level and office uses and/or residential dwellings located above. Higher FAR and height allowances are permitted within the C1a district.

Based on the locations of the commercial districts and the typical layout and operation of daycare centers (child or adult), staff believes C1 and C2 districts are equally suitable if not more appropriate to accommodate daycare centers when compared to the C1a district along Chicago Avenue. Due to the nature of the business operation, adequate
parking and pick-up/drop-off areas are very important for daycare centers. Properties and shopping centers in C1 and C2 Districts along busy arterials typically do have large parking areas where drop-off areas can be designed or parking spaces can be devoted to short term pick-up/drop-off use. Those properties also tend to be larger and may accommodate outside play areas for children.

Allowing daycare centers for children or adults in all commercial districts will increase the amount of commercial space eligible for such uses. This is particularly important considering that Evanston is a popular destination for young families and millennials. It is also important to recognize the need for adult daycare centers will increase with the aging baby boomer population.

It is worth noting that both C1 and C2 districts allow Daycare center – Domestic animal (such as doggy daycare facilities) as a Special Use, but do not allow daycare centers for children or adults. It is fair to assume that a daycare center for children or adults would likely cause less negative impact to the surrounding uses than a use such as doggy daycare.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to allow Daycare Centers – Child and Daycare Centers – Adult as Special Uses in C1 and C2 Districts 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. The proposal will increase the number of potential commercial properties where daycare centers for children or adults could locate which is consistent with the goal of the Plan to maintain a diverse range of businesses and commercial areas. Daycare centers for children or adults are compatible with other uses and businesses typically found within shopping centers along busy arterials where C1 and C2 districts are located.

The proposal will not have a negative effect on property values in C1 and C2 districts. In fact, the proposed text amendment increases the number of potential businesses that could locate in C1 and C2 areas which may result in lower vacancy rates and have a positive effect on property values in their immediate vicinities. By allowing the uses as Special Use, any application for a daycare center must be reviewed by the Plan Commission and is approved by the City Council whereby staff assures adequate public facilities and services exist for the proposed use.

Recommendation
Based on the analysis above, staff believes the proposed text amendment to allow Daycare Center – Child and Daycare Center – Adult as Special Uses in C1 and C2 districts is appropriate and meets the standards of approval. Staff recommends the Zoning Committee of the Plan Commission make a positive recommendation to the Plan Commission regarding the proposed Zoning Ordinance Text Amendment.

Attachments
Map of C1, C1a and C2 Commercial Districts
Section 6-4-2 Child Daycare Homes
Section 6-4-3 Adult Daycare Homes
Commercial Zoning Districts C1, C1a and C2
6-4-2. CHILD DAYCARE HOMES.

6-4-2-1. DISTRICTS AUTHORIZED.

A child daycare home shall be a permitted use in all residential districts.

(Ord. 43-0-93)

6-4-2-2. ACCESSORY USE STATUS.

Such child daycare homes shall be accessory uses to dwelling structures, churches, and schools.

(Ord. 43-0-93)

6-4-2-3. LICENSE APPLICATION.

Applications for a license to operate a child daycare home shall be made to, and permits issued by, the City department of health and human services.

(Ord. 43-0-93)

6-4-2-4. APPEALS.

Appeals from a decision made by the department of health and human services to suspend, revoke, or refuse to issue a permit for a child daycare home shall be made to the City Manager or his designee. The decision of the City Manager shall be final.

(Ord. 43-0-93)
6-4-3. ADULT DAYCARE HOMES.

6-4-3-1. DISTRICTS AUTHORIZED: An adult daycare home shall be a permitted use in all residential districts.

(Ord. 43-0-93)

6-4-3-2. ACCESSORY USE STATUS. Such adult daycare homes shall be accessory uses to dwelling structures and churches.

(Ord. 43-0-93)

6-4-3-3. LICENSE APPLICATION. Applications for a license to operate an adult daycare home shall be made to, and permits issued by, the City department of health and human services.

(Ord. 43-0-93)

6-4-3-4. APPEALS. Appeals from a decision made by the department of health and human services to suspend, revoke, or refuse to issue a permit for an adult daycare home shall be made to the City Manager or his designee. The decision of the City Manager shall be final.

(Ord. 43-0-93)