PLAN COMMISSION
Wednesday, May 10, 2017
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: March 22, 2017

3. NEW BUSINESS
   
   A. Zoning Ordinance Text Amendment 17PLND-0015
      Generators
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to establish
      regulations for allowed location of generators.

   B. Zoning Ordinance Text Amendment 17PLND-0031
      Public Notice Requirements
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to establish
      responsibility for mailed noticing requirements for Planning and Zoning cases.

   C. Zoning Ordinance Text Amendment 17PLND-0030
      Determination of Front Yard
      A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning to establish
      regulations to establish staff authority to determine the front yard of a parcel.

4. DISCUSSION

   A. Regulations for Drone Use
      Discussion, per City Council referral, on the establishment of regulations for drone use
      within the City of Evanston.

5. PUBLIC COMMENT

6. ADJOURNMENT

The next regular meeting of the Plan Commission is scheduled for WEDNESDAY, June 14, 2017 at
7:00 P.M. in JAMES C. LYTLE CITY COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at:
http://www.cityofevanston.org/plancommission. Questions can be directed to Meagan Jones, Neighborhood and Land Use
Planner, at 847-448-8170 or via e-mail at mmjones@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).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las
quienes no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a
847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, March 22, 2017
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Jim Ford (Chair), Patrick Brown, Terri Dubin, Peter Isaac, Colby Lewis, Andrew Pigozzi, Jolene Saul

Members Absent: Simon Belisle, Carol Goddard

Associate Members Present: none

Associate Members Absent: Scott Peters

Staff Present: Meagan Jones, Neighborhood and Land Use Planner
Scott Mangum, Planning and Zoning Administrator

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: March 8, 2017

Chair Ford requested changes to the minutes regarding motions made for the text amendment and Planned Development. Commissioner Pigozzi made a motion to approve the minutes from March 8, 2017 with the suggested changes. Commissioner Dubin seconded the motion.

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

3. OLD BUSINESS

A. PLANNED DEVELOPMENT

831 Emerson Street
Tim Anderson, CA/Focus Evanston JV, LLC, has applied for a Planned Development with a rezoning from C1 Commercial and R5 General Residential to C1a Commercial Mixed Use and Special Use for a Convenience Store to construct a 9-story, 242-unit residential building with a 3,300 square foot ground floor commercial space and 174 parking spaces.
The applicant seeks site development allowances for: number of dwelling units, building height (103 feet), floor area ratio (4.66), number of parking spaces, 0-foot rear and side yard setbacks for open parking along the north, east, and west property lines, no landscaping buffer along the rear (north) property line, a loading berth in the front yard which is open to the sky and within 30 feet of an intersection, and reduced setback and screening for transformers located within 2 feet of a building. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development.

Ms. Jones provided a brief presentation reviewing the plan details for the proposed development and outlining the Standards for Approval which would be reviewed and discussed by the Commission during deliberation.

Chair Ford opened the hearing to public testimony, allowing Ms. Wolan, who requested the continuance, to speak first. Ms. Wolan expressed concerns about the timeline for the proposed environmental remediation of the site and precautions that would be in place for removal of contaminants. Steve Newlin of Apex Companies, which will be handling the remediation process, explained environmental tests and research previously done on the property and provided the process and likely timeline for remediation of the site. Matt Otto later provided additional information regarding any possible remediation procedures for the existing building.

One additional member of the public spoke with comments including:
- The number of site development allowances.
- Concerns about construction noise and traffic as well as the state of the building in the future.
- Clarification on specific measures that will be taken in consideration of migratory birds.
- Concern regarding how Inclusionary Housing Fund money will be used.

Angela Spadoni, of BkL Architecture, provided some additional information regarding measures that will be taken to mitigate harm to migratory birds including fritting on amenity space railing and tinting of building windows. Katriina McGuire, of Thompson Coburn LLP, then made a closing statement.

Chairman Ford closed the public hearing portion and asked for comments from the Commission. The Commissioners discussed several items including:
- Referencing items required by ordinance as public benefits.
- Clarification on remediation procedures and consideration of additional notifying for Sherman Gardens residents prior to different phases commencing.
- Location and use of the loading berth.
- A contingency for loading and parking should the license between the applicant and the CTA become void.
The effect of the proposed development on the school districts. This also included discussion on how to incorporate determination of potential impact on school districts into the general review process for larger projects.

The Commission then reviewed the standards for approval of the Special Use, Rezoning and overall Planned Development project. Commissioner Isaac moved that the item be continued so that additional information could be obtained regarding possible effects of the project on the school districts. Due to a lack of a second, the motion failed. Additional discussion occurred regarding addressing the concerns above within the conditions for approval of the planned development.

Commissioner Lewis made a motion that the proposed planned development meets the established Standards for a Special Use, Map Amendment/Rezoning and Planned Development. Commissioner Dubin seconded the motion. A roll call vote was taken and the motion was approved 6-1.

Commissioner Dubin moved to recommend approval of the planned development including conditions as recommended by staff (below) with the added condition that adequate notice is provided to Sherman Gardens residents prior to various phases of demolition and environmental remediation of the subject property.

1. The proposed planned development shall substantially conform to the plans and documents attached to this report.
2. The building residents will not be eligible for residential on-street parking permits in the area.
3. The applicant must agree to a Construction Management Plan (CMP) before issuance of the building permit.
4. Any change in use must be approved as an amendment to the Planned Development.
5. Within one year of the issuance of the final Certificate of Occupancy for the building, the applicant must submit a traffic study analyzing the turning movements at the western access drive including analysis of any traffic incidents adjacent to the site. Based on the analysis of the traffic study, the City reserves the right to restrict movements in or out of the proposed western access drive.
6. Prior to issuance of the Final Certificate of Occupancy, the applicant must submit an approval letter from the Illinois Environmental Agency that any environmental contamination on site has been remedied.
7. The delivery hours for the on-site commercial use are prohibited during 7 AM – 9 AM and 4 PM – 6 PM Monday through Friday.
8. Prior to issuance of the building permit, the applicant must provide an executed copy of the access agreement from the CTA for the use of CTA property adjacent to the railroad tracks.
The motion was seconded by Commissioner Pigozzi.

A roll call vote was taken and the motion was approved 6-1.
Ayes: Brown, Dubin, Ford, Isaac, Pigozzi, Saul
Nays: Isaac

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

Commissioner Saul made a motion to adjourn the meeting. Commissioner Isaac seconded the motion.

A voice vote was taken and the motion was approved by voice call 7-0.
The meeting was adjourned at 8:55 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
Plan Commission

CASE# 17PLND-0015

Zoning Text Amendment

Establishment of Regulations for Allowed Location of Generators
To: Chair and Members of the Plan Commission

From: Scott Mangum, Interim Director of Community Development
Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Establishment of Regulations for Allowed Location of Generators
17PLND-0015

Date: May 2, 2017

Request
Staff recommends amending the Zoning Ordinance to establish regulations for allowed location of generators.

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

Analysis
Update Since March 8, 2017 Meeting
At the March Plan Commission meeting, the Commission began a review of the text amendment to establish regulations for allowed location of generators. During discussion, Commissioners raised concerns about regulating generators and air conditioners the same way despite differences in how they operate. Additional concerns were raised regarding the possible noise related nuisances associated with generator use and how those could possibly be mitigated. The Commission voted to return the text amendment to staff for additional research and revisions.

Planning and Zoning staff has looked at several comparison cities (Wilmette, Skokie, Lincolnwood, Chicago, Pasadena, Ann Arbor and Oak Park) and consulted with the Building and Inspections Division regarding current practices and recommendations. In the majority of the comparison cities there was little to no regulation within the zoning ordinance. In several, there were more extensive regulations, specifically in the case of Wilmette which regulated setbacks, decibel levels, and permitted times for standby
generator testing among other items. Staff provides the revisions outlined below, primarily increasing the setback of generators, allowing additional discretion over the location of portable generators which can be louder and restricting testing of standby generators to a specific time period.

**Background**
Currently, generators are not listed within the zoning ordinance. However, for purposes of permit approvals, staff uses regulations established for air conditioning equipment when determining setbacks and screening requirements for generators. The Zoning Ordinance lists regulations specific to air conditioners in Subsection 6-4-6-9 *Special Regulations Applicable To Air Conditioning Equipment*:

Air conditioning equipment requirements are as follows:

**Required Yard**
Front yard: Prohibited.

Interior side yard: Eight-foot setback required; or six-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping.

Interior side yard abutting an alley of at least eight (8) feet in width: Eight-foot setback required; or four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping.

Street side yard: Four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping.

Rear yard (rearmost thirty (30) feet of yard): Three-foot setback from all property lines (the same as other accessory structures in the required rear yard).

Air conditioning equipment is also briefly referenced in Section 6-17-2-3. *Scope of Landscape Guidelines in the Manual of Design Guidelines* and Section 6-4-6-3. *Allowable Accessory Uses and Structures (Detached from Principal Structure)* both of which are included as attachments.

**Proposal Overview**
Staff is proposing to establish regulations for allowed location of generators by adding a section explicitly addressing this equipment use. Specifically staff will amend the zoning ordinance as described below:
6-4-6-10. Special Regulations Applicable To Generators:

Requirements for both permanently installed standby and portable generators are as follows:

**Required Yard**

Front yard: Prohibited.

Interior side yard: A minimum eight-foot setback required; or six-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

Interior side yard abutting an alley of at least eight (8) feet in width: A minimum eight-foot setback required; or four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

Street side yard: A minimum four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

Rear yard (rearmost thirty (30) feet of yard): A minimum three-foot setback from all property lines (the same as other accessory structures in the required rear yard). For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

**Testing**

Permanent standby generators may be operated for testing purposes weekdays (Monday through Friday) between 10:00 a.m. and 1:00 p.m.


The Manual of Design Guidelines shall contain guidelines that address the following landscape elements:

(A) **Landscape Elements of General Applicability:**

1. Prohibited trees.
2. Minimum plant sizes.
3. Plant variety.
5. Building foundation landscaping.
6. Design and planting of retention and detention ponds.
7. Front yard coverage in live landscaping.

(B) Landscape Elements of Specific Applicability:
1. Perimeter landscaping for residential and nonresidential uses.
2. Perimeter and interior site landscaping for parking lots, parking decks, and loading areas.
3. Screening for refuse disposal areas, satellite dishes, air conditioners, generators, electrical equipment and mechanical equipment.
4. Screening for ground signs and ground lights.
5. Parkway trees.

Additionally, generators will be added to Table 4-A in Section 6-4-6-3. Allowable Accessory Uses and Structures (Detached from Principal Structure) clarifying that locations for generators would be permitted in the side and rear yards of both residential and non-residential districts.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to establish regulations for the allowed location of generators meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the objective of the Comprehensive Plan to maintain the appealing character of Evanston’s neighborhoods and policy action of maintaining high property standards.

Adding zoning regulations for generators will provide specific guidance in how location and screening of this equipment is determined and will help align staff interpretation with zoning regulations. The proposed text amendment will not have any adverse effects on the values of the properties in the area.

Recommendation
Staff believes the proposed text amendment to establish regulations for allowed location of generators meets the standards of approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council regarding for the proposed text amendment.

Attachments
- Ordinance 7-O-17
- Section 6-17-2-3 Scope of Landscape Guidelines in the Manual of Design Guidelines
- Section 6-4-6-3 Allowable Accessory Uses and Structures (Detached from Principal Structure)
- Section 4-6-4 Permit Fees
AN ORDINANCE
Amending Portions of the City of Evanston Zoning Code Regulating Generators

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

SECTION 1: Table 4-A of Subsection 6-4-6-3(B), “Permitted accessory buildings, structures and uses,” of the Evanston City Code of 2012, as amended, is hereby further amended to include the following:

<table>
<thead>
<tr>
<th>33. Generators</th>
<th>Yard</th>
<th>District</th>
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<tbody>
<tr>
<td></td>
<td>S</td>
<td>R</td>
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<tr>
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<td>Both</td>
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</tbody>
</table>

SECTION 2: Section 6-4-6, “Accessory Uses and Structures,” of the Evanston City Code of 2012, as amended, is hereby further amended to add the following subsection:

6-4-6-10. - SPECIAL REGULATIONS APPLICABLE TO GENERATORS.

Requirements for both permanently installed standby and portable generators are as follows:

**Required Yard**

Front yard: Prohibited.

Interior side yard: A minimum eight-foot setback required; or six-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning
Administrator reserves the right to require additional setback from neighboring properties.

Interior side yard abutting an alley of at least eight (8) feet in width: A minimum eight-foot setback required; or four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

Street side yard: A minimum four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

Rear yard (rearmost thirty (30) feet of yard): A minimum three-foot setback from all property lines (the same as other accessory structures in the required rear yard). For portable generator units, the Zoning Administrator reserves the right to require additional setback from neighboring properties.

**Testing**

Permanent standby generators may be operated for testing purposes weekdays on any given Monday through Friday between the hours of 10:00 a.m. and 1:00 p.m.

**SECTION 3:** Subsection 6-17-2-3(B) of the Evanston City Code of 2012, as amended, is hereby further amended and revised as follows:

(B) Landscape Elements of Specific Applicability:
1. Perimeter landscaping for residential and nonresidential uses.
2. Perimeter and interior site landscaping for parking lots, parking decks, and loading areas.
3. Screening for refuse disposal areas, satellite dishes, air conditioners, generators, electrical equipment and mechanical equipment.
4. Screening for ground signs and ground lights.
5. Parkway trees.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect
without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 6**: The findings and recitals 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 7**: This Ordinance 7-O-17 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced:_________________, 2017

Adopted:___________________, 2017

Approved:_________________________, 2017

______________________________

Stephen H. Hagerty, Mayor

Attest:_______________________________

Devon Reid, City Clerk

Approved as to form:______________________________

W. Grant Farrar, Corporation Counsel
6-17-2-3. - SCOPE OF LANDSCAPE GUIDELINES IN THE MANUAL OF DESIGN GUIDELINES.

The Manual of Design Guidelines shall contain guidelines that address the following landscape elements:

(A) *Landscape Elements of General Applicability:*
1. Prohibited trees.
2. Minimum plant sizes.
3. Plant variety.
5. Building foundation landscaping.
6. Design and planting of retention and detention ponds.
7. Front yard coverage in live landscaping.

(B) *Landscape Elements of Specific Applicability:*
1. Perimeter landscaping for residential and nonresidential uses.
2. Perimeter and interior site landscaping for parking lots, parking decks, and loading areas.
3. Screening for refuse disposal areas, satellite dishes, air conditioners, electrical equipment and mechanical equipment.
4. Screening for ground signs and ground lights.
5. Parkway trees.
6-4-6-3. - ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE).

(A) **Detached accessory buildings, structures and uses:** Accessory buildings, structures or uses shall be permitted as provided in Table 4-A of this Section and detached accessory buildings, structures, or uses in a residential district shall:

1. Cover no more than forty (40) percent of a rear yard when located in a rear yard. However, in no case shall the maximum lot coverage requirement for the zoning district be exceeded.
2. Not be located in a side yard abutting a street or interior side yard between the principal structure and the side lot line.
3. Not be located between the building line and the principal structure (except as permitted in front yards).

(B) **Table 4-A — Permitted accessory buildings, structures and uses:**

Table 4-A includes yard obstructions (see Subsection 6-4-1-9(B) of this Chapter) attached to the principal or a secondary structure as well as freestanding accessory buildings, structures, and uses.

(Ord. 35-0-08)

**KEY:**

<table>
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<tr>
<th>Required Yards:</th>
<th>Districts:</th>
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<tbody>
<tr>
<td>Front and side yards abutting a street ..... <strong>F</strong></td>
<td>Residential district ..... <strong>Rsd</strong></td>
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<td>**Side yards ..... <strong>S</strong></td>
<td>Nonresidential district ..... <strong>N-Rsd</strong></td>
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<tr>
<td>**Rear yards ..... <strong>R</strong></td>
<td>Residential and nonresidential districts ..... <strong>Both</strong></td>
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<tr>
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<th>Yard</th>
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<tr>
<td><strong>1. Accessory dwelling units to single-family detached homes</strong></td>
<td><strong>S</strong></td>
<td><strong>R</strong></td>
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<td><strong>2. Air conditioning equipment subject to Section 6-4-6-9 of this Chapter</strong></td>
<td><strong>S</strong></td>
<td><strong>R</strong></td>
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<td><strong>3. Antennas greater than 1 meter (3 feet 3¼ inches) in diameter, or such other dimensions as may be established by 47 CFR 1.4000, as it may be amended (subject to</strong></td>
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4. Arbors and trellises
5. Awnings and canopies (projecting no more than 5 feet from an exterior wall)
6. Balconies (projecting no more than 3 feet from an exterior wall)
7. Basketball backboard hoops, backboards and supporting posts
8. Bay windows (projecting no more than 2 feet from an exterior wall)
9. Compost pile/structures
10. Decks, patios and outdoor facilities
11. Doghouses
12. Driveway pavement (see the manual of design guidelines for required percentage of front yard in live groundcover)
13. Fences subject to Section 6-4-6-7 of this Chapter (fence regulations)
14. Fire escapes (open) and fire towers
15. Flagpoles
16. Garages (detached), coach houses, and carports (subject to garage regulations, Section 6-4-6-4 of this Chapter)
17. Gazebos
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<tr>
<td>18. Open off-street parking (however, in a residential district open off-street parking shall be within 30 feet of the rear lot line or alley)</td>
<td>F</td>
<td>S</td>
<td>R</td>
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<td>19. Laundry drying equipment</td>
<td>R</td>
<td>Rsd</td>
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<td>20. Ornamental light standards</td>
<td>F</td>
<td>R</td>
<td>Both</td>
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<td>21. Solar collectors (active and passive) subject to Section 6-4-6-8 of this Chapter</td>
<td>F</td>
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<td>R</td>
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<td>22. Permanently anchored lawn furniture (garden furniture and decorations such as benches, sundials, birdbaths, statues, sculpture and artwork)</td>
<td>F</td>
<td>R</td>
<td>Both</td>
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<td>23. Playground equipment and playhouses (provided they are no closer than 5 feet from any property line)</td>
<td>R</td>
<td>Rsd</td>
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<td>24. Porte-cochere (projecting no more than 10 feet from an exterior wall in a residential district and no more than 15 feet in a nonresidential district)</td>
<td>F</td>
<td>S</td>
<td>R</td>
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<td>25. Sheds and storage structures for garden equipment (sheds for propagation or keeping of birds, poultry (except hens), or livestock are prohibited)</td>
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<td>Rsd</td>
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<td>26. Steps, open (shall not be less than 1 foot from a lot line)</td>
<td>F</td>
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<td>R</td>
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<td>27. Storage of any vehicles (provided they are no closer than 10 feet from any property line)</td>
<td>R</td>
<td>N-Rsd</td>
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<td>28. Storage of boats and recreational vehicles. (In residential, RE, transitional, and university districts, not more than 1 truck with a gross weight of 8,000 pounds or less, or 1 trailer with a gross weight of 5,000 pounds or less, and not more than 1 motorized mobile camping unit, boat, and/or boat trailer may be parked within a building or in a rear yard, but not in a front or side yard or in any court area that opens toward a public street.)</td>
<td>R</td>
<td>Rsd</td>
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<td>29. Swimming pools (provided they are no closer than 10 feet from any property line)</td>
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<td>Rsd</td>
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<tr>
<td>30. Tennis courts (provided they are no closer than 10 feet from any property line)</td>
<td>R</td>
<td>Both</td>
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<tr>
<td>31. Terraces at grade</td>
<td>F</td>
<td>S</td>
<td>R</td>
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<tr>
<td>32. Transformers</td>
<td>R</td>
<td>Rsd</td>
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(Ord. 35-0-08; amd. Ord. 66-0-09; Ord. No. 23-O-10, § 4, 9-27-10)
4-6-4. - PERMIT FEES.

Fees for electrical constructions, reconstructions, alterations or installations as required by the 2011 National Electrical Code adopted hereby, shall be those established from time to time by ordinance of the City Council. The fee for the installation of standby generators shall be the same as the fee for that size of service. All standby generators shall be inspected and operated every six (6) months in the presence of a City electrical inspector. The fee for this inspection shall be the minimum permit fee.

(Ord. No. 111-O-13, § 5, Exh. D, 10-28-2013)
Plan Commission

CASE# 17PLND-0031

Zoning Text Amendment

Establishment of Responsibility for Mailed Noticing Requirements for Planning and Zoning Cases
Memorandum

To: Chair and Members of the Plan Commission

From: Scott Mangum, Interim Director of Community Development
       Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
         Establishment of Responsibility for Mailed Noticing Requirements for
         Planning and Zoning Cases
         17PLND-0031

Date: May 4, 2017

Request
Staff recommends amending the Zoning Ordinance to establish applicant’s
responsibility for mailed noticing requirements for planning and zoning cases requiring a
250 foot notification radius. The proposal allows the City to contract the mailing of
notices for planning and zoning cases to a third party service and makes the applicant
responsible for cost of mailing service.

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

Analysis

Background
In June of 2016, the Plan Commission reviewed and recommended approval of a text
amendment which established applicants’ responsibility for mailed noticing
requirements of planning and zoning cases. City Council approved ordinance 49-O-16
(attached) in July 2016 for cases requiring a mailed notice within a radius of 500 feet
and 1,000 feet. Cases with a required mailing radius of 250 feet were excluded and
mailed notices for these cases have remained City staff responsibility.

Planning and zoning applications are required by ordinance to utilize a number of
methods to inform neighboring property owners of pending cases. These include
newspaper and City website posting of the case, posting a sign at the location, email
notification of hearing agendas and mailed notices. Distance requirements vary by
application type, with mailed notices being sent to property owners within radii distances
of 250 feet, 500 feet, and 1,000 feet. The ordinance also stipulates that a failure of delivery of such mailed notices will not automatically invalidate a hearing or application due to the additional forms of notice given.

The current procedure for providing mailed notice for cases with a 250 foot mailing radius involves a number of steps. Staff first generates a list of taxpayers to be noticed using information from the City’s Geographic Information System (GIS) software. Staff then prepares a letter/notice to be mailed to each owner of property located within the specified radius of the subject property, which typically ranges from approximately 25 to 50 letters/notices for 250 foot radius. Once the letters/notices are printed, folded and placed in envelopes, they are sent to the City Clerk’s Office for postage placement and mailing. There are approximately 60 of these cases per year, each requiring two mailings (one to notify neighbors that an application has been received, the second to provide notification of a decision regarding that case).

The mailing process for cases currently using the third party system (attached) has been simplified. This process still requires that the City generate the mailing list and provide it, along with project and applicant information, to the vendor. At that point in the process, the vendor prepares a proof of the postcard for staff review and, once approved, prepares the postcards for mailing. After the postcards are sent to the post office to be mailed out, the vendor mails and emails an invoice to the project applicant, copying the City. The applicant then pays the vendor and a receipt is sent to both the applicant and the City.

After doing initial research on third party mailing services, the City released a request for qualifications seeking vendors to assist in creating and mailing notification postcards to property owners on an ongoing basis. Three vendors responded including The Blueprint Shoppe, Inc. which was awarded the contract. The contract with The Blueprint Shoppe was entered into on December 19, 2016. To date, the third party mailing process has been used for 8 planning and zoning cases without any known complications.

Proposal Overview
Staff is proposing to amend the zoning ordinance to allow the City to contract the mailing of notices for planning and zoning cases requiring a notification radius of 250 ft. to a third party mailing service and make the applicant responsible for cost of mailing service. Specifically the following changes will be made to the Zoning Ordinance:

Subsections 6-3-8-6(A) and 6-3-8-6(C) regarding minor variations and fence variations:

(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, through use of a third party service, by first class mail 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 whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.

(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.

Subsection 6-3-8-7(A) regarding family necessity variations:

(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 whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.

Additionally, in order to clarify that staff will retain the ability to provide mailings should the need arise, staff is proposing to amend sections 6-3-4-6(C), 6-3-5-7(C), 6-3-5-16(C), 6-3-6-8(C), 6-3-7-5(D), and 6-3-8-10(B) (all previously amended through ordinance 49-O-16). More specifically the sections will be updated similar to the following:

Mailed Notices Required for Redistricting or Rezoning: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first...
class mail where the Zoning Administrator finds it necessary. The failure of
delivery of such notice, however, shall not invalidate any such amendment. In
addition, a sign must 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 is sufficient notice for the initial hearing, as well as any
continuances of the same hearing, if any.

Similar to the current process, staff will initiate a work order, providing the list of property
owners within the specified radius of the subject property and project information to the
third party service. The company would then print and mail the notices and generate an
invoice. The invoice would then be sent to the applicant for payment (see attached
mailing process). Cases requiring two mailings will have a single invoice whenever
possible.

The specification in the Ordinance that a failure to provide mailed notice will not
automatically invalidate a hearing/application will remain unchanged. Additionally, the
existing planning and zoning fees paid to the City would remain unchanged. The
proposed text amendment is intended to further increase staff efficiency. The proposed
changes will also provide more consistency by using a third party system and mailing of
a more noticeable postcard rather than a letter notice.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to contract the mailing of notices for
planning and zoning cases to a third party service with mailing cost responsibility by the
applicant meets the standards for approval of amendments per Section 6-3-4-5 of the
City Code. The proposal is consistent with the goals, objectives, and policies of the
Comprehensive General Plan through its promotion of increased efficiency related to
application processing and review. The proposal will have no effect on the overall
character of existing development, presence of adverse effects on value of adjacent
properties, and adequacy of public facility and services.

Recommendation
Staff believes the proposed text amendment meets the standards of approval as
outlined above. Staff recommends the Plan Commission make a positive
recommendation to the City Council regarding the proposed text amendment.

Attachments
- Ordinance 44-O-17
- Ordinance 49-O-16 (Adopted July 25, 2016)
- Current Third Party Mailed Noticing Process
AN ORDINANCE

Amending Various Parts of Evanston City Code Section 6-3-8 Modifying Notice Requirement Provisions

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

SECTION 1: That Subsection 6-3-8-6(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(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 whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.

SECTION 2: That Subsection 6-3-8-6(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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

SECTION 3: That Subsection 6-3-8-7(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:
(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 the City will provide notice, through use of a third party service, by first class mail 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 whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.

SECTION 4: That Subsection 6-3-4-6(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required for Redistricting or Rezoning: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign must 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 is sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

SECTION 5: That Subsection 6-3-5-7(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail.
where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such amendment. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 6: That Subsection 6-3-5-16(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary.

SECTION 7: That Subsection 6-3-6-8(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one-thousand-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such hearing. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 8: That Subsection 6-3-6-12(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Major Adjustments: Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, is considered to be a major adjustment. The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand foot radius of the property lines of the planned development, inclusive of public roads, streets, alleys and other public ways from the planned development site whose addresses appear on the current tax assessment list. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to
this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. Upon providing such notice, the Plan Commission may approve an application for a major adjustment to the development plan not requiring a 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 9: That Subsection 6-3-7-5(D) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(D) Mailed Notices Required: Notice shall also be given by the applicant. The City will provide notice, through the use of a third party service, by first class mail to all property owners within one thousand (1,000) feet of the property lines 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 City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.

SECTION 10: That Subsection 6-3-8-10(B) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(B) Mailed Notices Required: Notice shall also be given by the applicant. The City will provide, through the use of a third party service, by first class mail to all property owners within a five-hundred-foot radius of the property lines 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 City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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.
hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 11: 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 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

SECTION 14: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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: _______________, 2017

Adopted: _________________, 2017

Attest:

Devon Reid, City Clerk

Approved: _________________, 2017

____________________________

Stephen H. Hagerty, Mayor

Approved as to form:

____________________________

W. Grant Farrar, Corporation Counsel
49-0-16

AN ORDINANCE

Amending Various Parts of Title 6, Chapter 3 of the Evanston City Code
Modifying Notice Requirement Provisions

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Subsection 6-3-4-6(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required for Redistricting or Rezoning: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign must 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 is sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

SECTION 2: That Subsection 6-3-5-7(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The failure of delivery of such notice, however, does not invalidate any such
amendment. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

**SECTION 3:** That Subsection 6-3-5-16(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section.

**SECTION 4:** That Subsection 6-3-6-8(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one-thousand-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The failure of delivery of such notice, however, does not invalidate any such hearing. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

**SECTION 5:** That Subsection 6-3-6-12(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, is considered to be a major adjustment. The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand foot radius of the property lines of the planned development, inclusive of public roads, streets, alleys and other public ways from the planned development site whose addresses appear on the current tax assessment list. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. Upon providing such notice, the Plan Commission 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. The aforementioned notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any. If the commission determines that a major adjustment is not in substantial conformity with the final development plan as approved, then the commission must review the request in accordance with the procedures set forth in Section 6-3-6-8 of this Chapter.

SECTION 6: That Subsection 6-3-7-5(D) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(D) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand foot radius of the property lines 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. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The failure of delivery of such notice, however, does not invalidate any such hearing. In addition, a sign must 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 is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 7: That Subsection 6-3-8-10(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(A) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five-hundred-foot radius of the property lines 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 City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The failure of delivery of such notice, however, does not invalidate any such hearing. In addition, a sign must 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 is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
SECTION 8: 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 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

SECTION 11: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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: July 11, 2016
Adopted: July 25, 2016

Approved:

July 27, 2016
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene, City Clerk

Approved as to form:

Michelle Masonney, Acting City Attorney

W. Grant Farrar, Corporation Counsel
EXHIBIT A: Mailed Noticing Process

1. Applicant Submits Application

2. Staff Determines Application Completion (will alert applicant of process, meeting dates, any additional fees)

3. Staff Prepares Mailing List and Project Information for Postcard

4. Mailing List, Project Information and Applicant Contact Information Sent to Vendor

5. Vendor Prepares Proof of Postcard – Staff Approves Proof

6. Vendor Prepares Postcards for Mailing (always mail one copy to City staff)

7. Postcards Sent to Post Office for Mailing within 5 days of receipt of information from Staff

8. Invoice Mailed and Emailed to Applicant (City Copied)

9. Applicant Pays Vendor*

10. Receipt of Payment Sent to Applicant (City Copied)

*Should applicant not pay fees for mailings, staff reserves the right to hold the issuance of permits or delay the hearing for the applicant's project.
Plan Commission

CASE# 17PLND-0030

Zoning Text Amendment

Regulations to Establish Staff Authority to Determine the Front Yard of a Parcel
To: Chair and Members of the Plan Commission

From: Scott Mangum, Interim Director of Community Development
Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Regulations to Establish Staff Authority to Determine the Front Yard of a Parcel
17PLND-0030

Date: May 3, 2017

**Request**
Staff recommends amending the Zoning Ordinance to establish staff authority to determine the front lot line of a parcel.

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

**Analysis**

**Background**
Per Aldermanic request, staff was asked to look at revising the authority in place to determine front lot lines of parcels within the City. Currently, the front lot line is considered, by definition, to be the street lot line. In the cases of corner lots or through lots with more than one street frontage, the front lot line is determined by the property owner. Section 6-4-1-9(A)4 explains in further detail how the front lot line is determined:

Determining of Front Lot Line for Vacant Through Lots, or Corner Lots: On a vacant through lot, or corner lot, any street lot line may be established as its front lot line; except that where two (2) or more through lots are contiguous, and a front lot line has been duly established on at least one (1) such lot, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along both street lot lines.
In some cases, the location of a parcel’s front line can increase the effects a building or larger development has on neighboring properties. This can be more evident in zoning districts which allow for denser development and accessory structures (such as garages) or open parking that can be located closer to side and rear property lines.

Proposal Overview
Staff is proposing to amend zoning regulations to give staff the authority to determine the front lot line for parcels. Specifically staff will amend the zoning ordinance as described below:

Section 6-18-3. – Definitions

| LOT LINE, FRONT: | A lot line that is a street lot line. Any street lot line of a corner lot may be established by the owner Zoning Administrator as the front lot line. |

Section 6-4-1-9. – Yards.

(A) General Yard Requirements: The following provisions set forth the requirements for required yards and for determining or interpreting unusual yard situations:

4. Determining of Front Lot Line for Vacant Through Lots, or Corner Lots: On a vacant through lot, or any corner lot, any street lot line may be established as its front lot line; except that where two (2) or more through lots are contiguous, and a front lot line has been duly established on at least one (1) such lot, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along both street lot lines. The Zoning Administrator has the authority to determine the front lot line for a corner lot giving consideration to any existing improvements on the lot and the proportions of the lot line dimensions, as well as to the pattern of existing development within the neighborhood.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to establish staff authority to determine the front line of a parcel meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the objective of the Comprehensive Plan to maintain the appealing character of Evanston’s neighborhoods and policy action of encouraging new developments to complement existing street and sidewalk patterns.

Enabling staff to have the authority to determine the front lot line of a parcel will assist in
preventing buildings and other developments from having a negative effect on adjacent properties. The proposed text amendment will not have any adverse effects on the values of the properties in the area but will instead seek to maintain or enhance the values of the properties.

**Recommendation**

Staff believes the proposed text amendment to establish staff authority to determine the front lot line of parcels meets the standards of approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council regarding for the proposed text amendment.

**Attachments**

- Ordinance 45-O-17
45-O-17

AN ORDINANCE

Amending Evanston City Code Section 6-4-1-9(A)(4) and 6-18-3, “Definitions,” Granting the Zoning Administrator Authority to Establish the Front Lot Line

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

SECTION 1: Subsection 6-4-1-9(A)(4) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

4. Determining of Front Lot Line for Vacant Through Lots, or Corner Lots: On a vacant through lot, or corner lot, any street lot line may be established as its front lot line; except that where two (2) or more through lots are contiguous, and a front lot lien has been duly established on at least one (1) such lot, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along both street lot lines. The Zoning Administrator has the authority to determine the front lot line for a corner lot giving consideration to any existing improvements on the lot and the proportions of the lot line dimensions, as well as to the pattern of existing development within the neighborhood.

SECTION 2: The definition of “Front Lot Line” in Section 6-18-3, “Definitions,” of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

| LOT LINE, FRONT: | A lot line that is a street lot line. Any street lot line of a corner lot may be established by the owner as the front lot line. |
SECTION 3: 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 Complied Statues and the courts of the State of Illinois.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 6: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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: ________________, 2017
Adopted: ________________, 2017

Approved: ____________________________, 2017

__________________________________
Stephen H. Hagerty, Mayor

Attest: 

______________
Devon Reid, City Clerk

Approved as to form:

W. Grant Farrar, Corporation Counsel
Plan Commission

Discussion

Establishment of Regulations for Drone Use
Memorandum

To: Chair and Members of the Plan Commission

From: Scott Mangum, Interim Director of Community Development
       Meagan Jones, Neighborhood and Land Use Planner

Subject: Establishment of Regulations for Drone Use

Date: April 28, 2017

Background
During the April 10, 2017 City Council meeting, Council referred the topic of drone use within City Parks to the Plan Commission. Drone use is currently regulated by state and federal law. This includes a Federal Aviation Administration (FAA) registry for drones, limitation on the maximum height a drone can fly and where they are prohibited from flying and privacy protections. A 2013 Resolution (27-R-13) established a two year moratorium on the use of unregulated drone technology which has since expired. Existing regulations regarding aviation apparatus in public parks and prohibition on the use of model airplanes are found within Title 7, Public Ways and Title 9, Public Safety of the City Code. There are no regulations within Title 6, Zoning. The Law Department is currently drafting regulations for introduction at the May 22, 2017 City Council meeting.