



**AGENDA**  
**Planning & Development Committee**  
**Monday, January 11, 2021**  
**Lorraine H. Morton Civic Center, Virtual**  
**5:00 PM**

Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Administrative & Public Works Committee, Planning & Development Committee or City Council meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at [www.cityofevanston.org/government/city-clerk/public-comment-sign-up](http://www.cityofevanston.org/government/city-clerk/public-comment-sign-up) or by calling/texting 847-448-4311.

Community members may watch the City Council meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

Page

**(I) CALL TO ORDER/DECLARATION OF A QUORUM**

Q1. Suspension of the Rules Allowing for Remote Participation

Due to an executive order issued by Governor J.B. Pritzker, staff recommends a suspension of the rules regarding in-person attendance requirements for public meetings, allowing for City Council members and City staff to participate in this meeting remotely.

For Action

**(II) APPROVAL OF MINUTES**

PM1. Approval of the Minutes of the Regular Planning & Development Committee meeting of December 14, 2020 3 - 7

Staff recommends approval of the Minutes of the Regular Planning & Development Committee meeting of December 14, 2020

**For Action**

[Planning & Development Committee - Dec 14 2020 - Minutes - Pdf](#)

**(III) PUBLIC COMMENT**

**(IV) ITEMS FOR CONSIDERATION**

- P1. **Ordinance 3-O-21, Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to Modify the Zoning Definition and Regulations for Tattoo & Body Art Establishments.** 8 - 37

The Plan Commission and staff recommend City Council adoption of Ordinance 3-O-21, a text amendment to the Zoning Ordinance to modify the zoning definition and regulations for Tattoo & Body Art Establishments.

**For Introduction**

[Ordinance 3-O-21, text amendment to the Zoning Ordinance, Title 6 of the City Code, to modify the zoning definition and regulations for Tattoo & Body - Pdf](#)

- P2. **Ordinance 127-O-20, Amending Title 6, Chapter 5 of the Evanston Code to Permit the Establishment of Certain Home Occupations** 38 - 46

The Plan Commission and staff recommend the City Council adoption of Ordinance 127-O-20, Amending Title 6, Chapter 5 of the Evanston City Code to Permit the Establishment of Certain Home Occupations.

**For Introduction**

[Ordinance 127-O-20, Amending Title 6, Chapter 5 of the Evanston Code to Permit the Establishment of Certain Home Occupations - Attachment - Pdf](#)

**(V) ITEMS FOR DISCUSSION**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**



## Planning & Development Committee

Monday, December 14, 2020 @ 5:00 PM

Lorraine H. Morton Civic Center, Virtual

**COMMITTEE MEMBER  
PRESENT:**

Ann Rainey, 8th Ward Alderman, Eleanor Revelle, 7th Ward Alderman, Robin Rue Simmons, 5th Ward Alderman, Thomas Suffredin, 6th Ward Alderman, and Melissa Wynne, 3rd Ward Alderman

**COMMITTEE MEMBER  
ABSENT:**

Donald Wilson, 4th Ward Alderman and Judy Fiske, 1st Ward Alderman

**STAFF PRESENT:**

Johanna Nyden, Director of Community Development, Melissa Parker, Management Analyst, Sarah Flax, Housing & Grants Administrator, Peter Braithwaite, 2nd Ward Alderman, Kumar Jensen, Chief Sustainability & Resilience Officer, and David Stoneback, Public Works Agency Director

**(I) CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN WYNNE**

Alderman Wynne called the meeting to order at 5:01 p.m.

Q1. **Suspension of the Rules Allowing for Remote Participation**

Due to an executive order issued by Governor J.B. Pritzker, staff recommends a suspension of the rules regarding in-person attendance requirements for public meetings, allowing for City Council members and City staff to participate in this meeting remotely.

**For Action**

Moved by 5th Ward Alderman Robin Rue Simmons

Seconded by 7th Ward Alderman Eleanor Revelle

**Ayes:** 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Carried 5-0 on a recorded vote**

**(II) APPROVAL OF MINUTES**

M1. **Approval of the minutes of the regular meeting of November 9th, 2020**

**For Action**

Staff recommends approval of meeting minutes from November 9, 2020.

Moved by 7th Ward Alderman Eleanor Revelle

Seconded by 5th Ward Alderman Robin Rue Simmons

**Ayes:** 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Carried 5-0 on a recorded vote**

**(III) PUBLIC COMMENT**

Leslie Shad, a 3rd ward resident, is in support of the Natural Areas Ordinance.

Elizebeth Kinney, on behalf of the League of Women's Voters, is in strong support of the Natural Areas Ordinance.

Wendy Polluck, Co-Chair of the Environment Board, is in support of the Natural Areas Ordinance.

Mike Valsiko does not object to items P3 and P4 but wants confirmation that neither of the two projects would require any City funds, tax breaks, forgivable loans, etc. Alderman Wynne confirmed that is the case.

**(IV) ITEMS FOR CONSIDERATION**

P1. **Tenant-Based Rental Assistance Program Extension Funding**

Staff recommends approval by the Planning and Development Committee of up to \$160,000 in HOME funding to extend support for households currently in the Tenant-Based Rental Assistance (TBRA) program administered by Connections for the Homeless who have suffered loss of income or other hardships due to the coronavirus. One or more new households may be entered in the program as allowed based on funding availability. Funding is from the HOME Investment Partnerships Program, 240.21.5430.65538. Currently, the City has a total of \$159,574.70 in available uncommitted HOME entitlement funds. Funding will be increased to \$160,000 pending receipt of additional program income.

**For Action**

Alderman Rainey asked for clarification as to whether the extension funding was for \$1,000.

Sarah Flax, Housing and Grants Manager, responded that normally a new cohort of families is brought in every year for an allocation of home funding for the Tenant-Based Rental Assistance Program. This year we are asking instead for additional funding for families in the 2018 and 2019 cohort who have lost their income and therefore have lost their progress toward being self-sufficient. The additional money is an extension of the funding for those cohorts.

Alderman Revelle stated that this is a really important program that helps families that are really in need. The pandemic has further impacted those families and it is really important to approve this funding.

Alderman Wynne asked for a status update of the family from the materials that had fallen back into homelessness.

Jen Feuer-Crystal, Director of Housing Programs with Connections for the Homeless, indicated that this family is still engaged and currently sheltered. They would be brought back in with the extension money.

Moved by 5th Ward Alderman Robin Rue Simmons  
Seconded by 7th Ward Alderman Eleanor Revelle

**Ayes:** 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Abstained:** 5th Ward Alderman Robin Rue Simmons

**Carried 4-0 on a recorded vote**

**P2. Ordinance 78-O-20, Amending Title 7, Chapter 10 “City Parks” to add Designation of Public Parks and Natural Areas**

Staff recommends City Council adoption of Ordinance 78-O-20, Amending Title 7, Chapter 10 “City Parks” to add Designation of Public Parks and Natural Areas.

**For Introduction**

Alderman Wynne moved item P2 to the end of the meeting.

Kumar Jensen, Chief Sustainability and Resilience Officer, provided a presentation about the Natural Areas Ordinance. In the Climate Action and Resilience Plan, there are many goals, one of which is to preserve and restore natural areas, urban canopy, native vegetation, and green spaces. This ordinance is to help codify the work that volunteers are already doing in conjunction with City staff.

Alderman Revelle remarked that this ordinance will formalize and recognize the tremendous work of expert volunteers that have secured grant funding, cleared away invasive species, and educated residents. She highly endorsed the ordinance and encouraged everyone's support.

Alderman Wynne, asked for confirmation about hiring a Natural Areas Officer.

Dave Stoneback, Public Works Director, indicated that it will be a Public Service Coordinator position and one of the many duties will include acting as the Natural Areas Officer. This will be funded through the departure of the Environmental Services Coordinator.

Moved by 7th Ward Alderman Eleanor Revelle  
Seconded by 5th Ward Alderman Robin Rue Simmons

**Ayes:** 7th Ward Alderman Eleanor Revelle, 5th Ward Alderman Robin Rue Simmons, 8th Ward Alderman Ann Rainey, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Carried 5-0 on a recorded vote**

**P3. Ordinance 121-O-20, Special Use for a Banquet Hall, "Eight Hundred", at 800 Greenwood St. in the C2 Commercial District**

The ZBA and staff recommend the adoption of Ordinance 121-O-20 granting approval for a Banquet Hall, "Eight Hundred", in the C2 Commercial District. The applicant has complied with all zoning requirements and meets the Standards for Special Use for this district.

**For Introduction**

Alderman Revelle asked about the potential number of evenings this banquet hall may be used, in particular, in regards to music and the impact on nearby neighbors.

Andrea Liss, the owner of the banquet hall, stated the plan for the venue is to do intimate/small events. The maximum number of people the venue can hold is 50 people. Amplified music is not usually the mainstay with intimate events and it might be an acoustic guitar, etc., and doesn't anticipate a major impact. She hopes it will be many nights in order to sustain her business but is very aware of the neighbors.

Alderman Rainey stated support of this project.

Moved by 5th Ward Alderman Robin Rue Simmons  
Seconded by 8th Ward Alderman Ann Rainey

**Ayes:** 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Carried 5-0 on a recorded vote**

**P4. Ordinance 125-O-20, Special Use for a Convenience Store, "Munchies", at 1235 Dodge Avenue in the C1 Commercial District**

The Zoning Board of Appeals and Planning and Zoning Division Staff recommend City Council adoption of Ordinance 125-O-20, granting Special Use approval for a Convenience Store, "Munchies", in the C1 Commercial District. **Alderman Braithwaite has requested suspension of the rules for introduction and action of this item.**

**For Introduction and Action**

Alderman Wynne raised the issue about the location and the fact that there is no street parking located in front of it. She is concerned about cars pulling up and blocking the bike lane.

Alderman Braithwaite stated that that has been the prior use of that location and there is a very busy hair studio as well as a carwash. Out of all the complaints that he has fielded about that corner, none of them have been about the blocking of the bike lane.

Moved by 8th Ward Alderman Ann Rainey

Seconded by 5th Ward Alderman Robin Rue Simmons

**Ayes:** 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 3rd Ward Alderman Melissa Wynne

**Carried 5-0 on a recorded vote**

**(V) ITEMS FOR DISCUSSION**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**

Meeting was called to adjournment at 6:10 p.m.



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Melissa Klotz, Zoning Administrator  
CC: Johanna Leonard, Community Development Director  
Subject: Ordinance 3-O-21, text amendment to the Zoning Ordinance, Title 6 of the City Code, to modify the zoning definition and regulations for Tattoo & Body Art Establishments.  
Date: January 11, 2021

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Recommended Action:

The Plan Commission and staff recommend City Council adoption of Ordinance 3-O-21, a text amendment to the Zoning Ordinance to modify the zoning definition and regulations for Tattoo & Body Art Establishments.

Council Action:

For Introduction

Summary:

Background

The Zoning Ordinance defines Tattoo Facility as a use but does not list it as an eligible permitted or special use in any zoning district in Evanston. As defined, and clarified by Corporation Counsel, the current zoning definition prohibits all types of under-skin inking including cosmetic salon procedures that are accessory to other permitted principal uses. Tattoo Facilities are typically regulated in conjunction with body piercing and other forms of body art.

Overview

In the past, tattoo establishments were sometimes viewed as undesirable businesses that may bring nuisances and negative effects on surrounding areas. However, tattooing has become increasingly mainstream in recent decades and reportedly one in three Americans has some kind of tattoo or body art. The salon and spa industry also has developed a procedure called “microblading” which involves using tiny needles to scratch and deposit pigment on a client’s eyebrows to darken eyebrows. Additionally, within the past few years, municipalities have added body art/tattoo uses as an allowable or special/conditional use to



zoning codes. Both Skokie and Lincolnwood have added these uses to their respective zoning codes over the past two years.

Evanston's current regulation effectively zones out tattoo, body art, and salon/spa microblading and does not represent an appropriate land use policy. The Zoning Ordinance should be amended to 1) clarify the existing definition of Tattoo Facility, 2) integrate piercing/body art into the definition since these uses often exist together in a business model, and 3) establish appropriate zoning districts where such businesses could operate as a permitted or special use. Additionally, the updated definition should clarify how accessory tattooing (ie. cosmetic salon procedures such as microblading) is regulated by zoning.

Body piercing and body art require the same licensure and health safety from the Illinois Department of Financial & Professional Regulation (IDFPR) and often are services offered in the same establishment. Offering earlobe piercing alone (which is often an offering at jewelry stores) requires fewer state regulations when specific piercing guns are used rather than needles. There are numerous concerns voiced by medical and industry professionals as to the safety of piercing guns versus piercing with needles by a licensed professional. In many instances, the user of a piercing gun does not have to be licensed but only trained to use the equipment, while a body piercer has to be licensed; the practice of piercing with a needle as opposed to the piercing gun is also considered more hygienic and less likely to cause infections. To incorporate these similar uses into one zoning use category, staff proposes a modification to the current Tattoo Facility definition into the following:

**Tattoo Facility & Body Art Establishment:**

Any place, ~~except a hospital or other facility operated by a licensed medical practitioner,~~ where the act of puncturing the skin ~~and inserting indelible colors to form a permanent design is performed~~ to insert jewelry, ink, or other foreign items through, into, or under the skin are performed, in accordance with The Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54) and The Illinois Department of Public Health's Body Art Code (77 Ill. Adm. Code 797)., ~~regardless of whether a fee is involved.~~ A salon or other similar facility that engages in minor cosmetic procedures such as microblading as an accessory use shall not be considered a Tattoo & Body Art Establishment for purposes of this Section.

The proposed definition will allow principal use Tattoo & Body Art Establishments to locate within certain zoning districts and will allow accessory uses such as microblading to occur at established businesses such as salons. Staff is aware of multiple businesses (salons) throughout the City who have inquired about zoning regulations for microblading and are currently not allowed due to the existing Tattoo Facility definition.

Tattoo & Body Art Establishments are service businesses that serve both appointments and walk-in customer traffic. If operated appropriately as licensed by the State of Illinois, they should not create any noise, pollution, or safety concerns for surrounding businesses and instead should add vibrancy to any business or commercial district. It is also important to consider the ongoing decline of brick-and-mortar retail stores and the potential post-Covid economy. Long-term economic recovery and stability of commercial areas will depend largely on the varying types of businesses that may locate in areas. Evanston is already seeing this, as noted by the recent consideration and approval of a doggy daycare (Daycare – Domestic Animal) as a special use in the RP Research Park District in the downtown area. Given this

rationale, it makes sense to regulate Tattoo & Body Art Establishments in the same way Cannabis Dispensaries are regulated by zoning since both uses should not cause negative effects but may need special use vetting to ensure appropriate location, safety, and operation. Appropriate districts should be commercial in nature where there is an appropriate commercial activity and should not include industrial/quasi-industrial areas (I, WE1, M Districts) or residential/university areas (B1, T, U Districts). Just as with Cannabis Dispensaries, Tattoo & Body Art Establishments should be allowed by special use in the RP, O1, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3 Districts and the oDM, oCSC, and oH Overlay Districts. A specific parking requirement for the use is not necessary as it should generate the same amount of customers/parking as the default retail goods/services parking requirement that most commercial zoning uses follow.

The Illinois Department of Public Health (IDPH) requires registration and inspection of all Body Art Establishments (which include tattooing). Initial inspections and re-inspections would be done by the City of Evanston Health & Human Services Department and would be reimbursed by the IDPH. Additionally, Evanston requires registration and life-safety inspection of all businesses throughout the City. In addition to the proposed Tattoo & Body Art Establishment zoning definition and allowable districts as a special use, the following regulations should be considered for the Zoning Ordinance similar to how cannabis uses are regulated:

Special Regulations Pertaining to Tattoo & Body Art Establishments: The purpose of this Section is to ensure new Tattoo & Body Art Establishments and accessory tattooing are compatible in character with the surrounding neighborhood or area of the zoning district in which they are located, and to ensure the general health and safety of the community.

1. All facilities, whether Tattoo & Body Art Establishments or accessory permanent cosmetics (ie. microblading) shall operate in accordance with the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54) and The Illinois Department of Public Health's Body Art Code (77 Ill. Adm. Code 797).
2. All facilities, whether Tattoo & Body Art Establishments or accessory permanent cosmetics (ie. microblading) shall be inspected by the Health & Human Services Department or other regulating bodies as required to meet State regulations and ensure health and safety of employees and customers.
3. For purposes of Title 6, Zoning Ordinance, accessory permanent cosmetics (ie. microblading) shall only be a permitted accessory use when less than 20% of the customer floor space of the establishment is devoted to said use and when less than 20% of business operations are devoted to said use.
4. All facilities shall obtain business registration prior to operation.
5. Tattoo & Body Art Establishments shall not operate outside the hours of 10 a.m. – 8 p.m. on any given day.
6. Tattoo & Body Art Establishments as well as accessory permanent cosmetics are not eligible Home Occupations and shall not occur within any dwelling unit or rooming unit.
7. Piercing of the non-cartilage portion of the earlobe by using a piercing gun with a single-use ear piercing system is exempt and is not considered Tattoo & Body Art for the purposes of this Section.

Other Communities

Surrounding communities and other comparable municipalities regulate Tattoo & Body Art Establishments in the following ways:

Lincolnwood - The Village of Lincolnwood previously did not allow tattoo establishments via zoning. Regulations were changed in early 2020 to allow tattooing by special use approval in the B2 Business District and the M-B Manufacturing-Business District, with the following definition for Dermal Pigmentation Establishment, Permanent: Any establishment, except a hospital or other facility operated by a licensed medical practitioner, at which the act of puncturing the skin and inserting indelible colors to create permanent pigmentation or color is performed, as is often associated with tattoos.

Skokie - The Village of Skokie changed regulations in 2019 to allow tattoo establishments. Skokie now allows such establishments by special use in the TX Transit Mixed-Use District, CX Core Mixed-Use District, and B3 Business District, all of which are major commercial corridors. Additionally, Skokie allows a maximum of eight establishments within the Village.

Madison, WI - Madison allows tattoo establishments in all mixed-use and commercial zoning districts as a permitted use but does not allow them in any other zoning district including university districts. Madison defines tattoos and body piercings as follows:

Tattoo: An indelible mark or design on a person created by inserting pigment under the surface of the person's skin by a needle prick or other means of puncture.

Body Piercing: Perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

Oak Park - The Village of Oak Park defines the use as a Body Modification Establishment and is allowed as a permitted use in all commercial districts except the NA North Avenue Commercial District. The Village defines the use as follows:

Body Modification Establishment: A business that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Naperville - The Village of Naperville initially considered different regulations for traditional tattoo establishments vs. accessory cosmetic tattooing (ie. microblading) but determined it was difficult to separate the uses from a zoning perspective, and instead chose to incorporate all forms of tattooing (whether a traditional tattoo establishment or a salon or other establishment) into one definition. Naperville defines a Body Art Establishment as:

A facility licensed by the Illinois Department of Public Health to administer body art, including body piercing, artistic and cosmetic tattooing, and permanent makeup, as defined in Chapter 7 (Body Art, Tattooing, and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code.

Naperville allows Body Art Establishments as a principal use by conditional (special) use in the B3 General Commercial District only by including the following regulation:

Body Art Establishments shall be permitted as accessory to a permitted beauty shop/salon, health spa without lodging accommodations/massage establishments, and/or medical office/clinic provided that the area in which the body art services are provided shall not exceed twenty-five percent (25%) of the gross floor area of the principal permitted use.

Lincolnwood's definition closely mimics Evanston's current Tattoo Facility definition, which does not allow for incidental tattooing (ie. microblading) at other types of businesses, and is extremely limiting in the areas such facilities are allowed by special use approval. While some communities require special use approval, others including Oak Park and Madison follow a more liberal approach and allow the use as a permitted use in most or all commercial areas. Naperville's way of regulating principal use establishments by conditional/special use, and accessory uses as permitted, achieves the same desire goal of encouraging both new and existing businesses of varying types who may want to establish such use.

#### Conclusion

The proposed text amendment will allow existing businesses that operate as permitted principal uses such as salons (retail service establishments) to be competitive with area salons and provide accessory cosmetic tattooing services. Additionally, the proposed text amendment will allow potential new businesses that wish to operate as principal-use Tattoo & Body Art Establishment to obtain special use approval for site-specific locations that do not cause a negative impact or negative cumulative effect on the surrounding neighborhood.

#### Legislative History:

December 9, 2020: The Plan Commission recommended unanimous approval to the proposed text amendment with changes to the definition regarding accessory or cosmetic tattooing, and with maximum business hours of 10am - 8pm.

[Plan Commission Packet - December 9, 2020](#)

#### Attachments:

[Ordinance 3-O-21 Text Amendment Concerning Tattoo Facility Zoning Regulations](#)

[Plan Commission Meeting Minutes Excerpt - December 9, 2020](#)

**3-O-21**

**AN ORDINANCE**

**Amending Title 6 of the City Code Concerning Tattoo and Body Art Establishment Regulations**

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

**SECTION 1:** City Code Section 6-18-3, "Definitions" of the Evanston City

Code of 2012, as amended, is hereby further amended as follows:

**6-18-3. - DEFINITIONS**

<p><u>Tattoo Facility and Body Art Establishment:</u></p>	<p>Any place, <del>except a hospital or other facility operated by a licensed medical practitioner,</del> where the act of puncturing the skin <del>and inserting indelible colors to form a permanent design is performed</del> <u>to insert jewelry, ink, or other foreign items through, into, or under the skin are performed, in accordance with The Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54) and The Illinois Department of Public Health's Body Art Code (77 Ill. Adm. Code 797),</u> <del>regardless of whether a fee is involved.</del> <u>A salon or other similar facility that engages in minor cosmetic procedures such as microblading as an accessory use shall not be considered a Tattoo and Body Art Establishment for purposes of this Section.</u></p>
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**SECTION 2:** City Code Title 6, Chapter 4, “General Provisions” of the Evanston City Code of 2012, as amended, is hereby further amended to add the following subsection:

**6-4-12. – SPECIAL REGULATIONS PERTAINING TO TATTOO AND BODY ART ESTABLISHMENTS.**

(A) The purpose of this Section 6-4-12 is to ensure new Tattoo and Body Art Establishments and accessory permanent cosmetics are compatible in character with the surrounding neighborhood or area of the zoning district in which they are located, and to ensure the general health and safety of the community.

(B) All facilities, whether Tattoo and Body Art Establishments or accessory permanent cosmetics (i.e., microblading) shall operate in accordance with the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54) and The Illinois Department of Public Health’s Body Art Code (77 Ill. Adm. Code 797).

(C) All facilities, whether Tattoo and Body Art Establishments or accessory permanent cosmetics (i.e., microblading) shall be inspected by the Health & Human Services Department or other regulating body as required to meet State regulations and ensure health and safety of employees and customers.

(D) For purposes of Title 6, Zoning Ordinance, accessory permanent cosmetics (i.e., microblading) shall only be a permitted accessory use when less than 20% of the customer floor space of the establishment is devoted to said use and when less than 20% of business operations are devoted to said use.

(E) All facilities shall obtain business registration prior to operation.

(F) Tattoo and Body Art Establishments shall not operate outside the hours of 10 a.m. – 8 p.m. on any given day.

(G) Tattoo and Body Art Establishments as well as accessory permanent cosmetics are not eligible Home Occupations and shall not occur within any dwelling unit or rooming unit.

(H) Piercing of the non-cartilage portion of the earlobe by using a piercing gun with a single-use ear piercing system is exempt and is not considered Tattoo and Body Art for the purposes of this Section.

**SECTION 3:** Subsection 6-12-2-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-12-2-3. – SPECIAL USES.**

The following special uses may be permitted in the RP district, subject to the provisions set forth in Section 6-3-5 of this Title:

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Craft alcohol production facility.

Open sales lot.

Outdoor storage.

Performance entertainment venue.

Planned developments (subject to the requirements of Section 6-3-6 of this Title and Section 6-12-1-7 of this Chapter).

Resale establishment.

Restaurants—Type 2.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Urban farm, rooftop

**SECTION 4:** Subsection 6-15-2-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-15-2-3. – SPECIAL USES.**

The following uses may be allowed in the O1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses" of this Title:

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Child daycare centers.

Commercial indoor recreation.

Commercial parking garage.

Commercial parking lot.

Drive-through facility (accessory only).

Dwelling, multiple-family.

Media broadcasting station.

Open sales lot.

Planned development (subject to the requirements of Section 6-15-1-9, "Planned Developments" of this Chapter and Section 6-3-6, "Planned Developments" of this Title).

Retail goods establishment.

Retail services establishment.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Urban farm, rooftop.

**SECTION 5:** Subsection 6-11-2-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-11-2-3. – SPECIAL USES.**

The following uses may be allowed in the D1 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

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Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility.

Long term care facility.

Neighborhood garden.

Open sales lot.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Transitional shelter (subject to the special requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 6:** Subsection 6-11-3-4, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-11-3-4. - SPECIAL USES.**

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The following uses may be allowed in the D2 district, subject to the provisions set forth in Section 6-3-5 of this Title:

- Assisted living facility (when located above the ground floor).
- Banquet hall.
- Business or vocational school.
- Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).
- Commercial indoor recreation (at the ground level).
- Convenience store.
- Craft alcohol production facility.
- Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).
- Educational institution—Private.
- Educational institution—Public.
- Independent living facility (when located above the ground floor).
- Neighborhood garden.
- Open sales lot.
- Performance entertainment venue.
- Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).
- Religious institution.
- Resale establishment.
- Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).
- Restaurant—Type 2 (excluding drive-through facilities).
- Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)
- Urban farm, rooftop.

**SECTION 7:** Subsection 6-11-4-3, “Special Uses”, of the City Code is

hereby further amended to read as follows:

**6-11-4-3. - SPECIAL USES.**

The following uses may be allowed in the D3 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Apartment hotel.

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

~7~

Restaurant—Type 2.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Urban farm, rooftop.

**SECTION 8:** Subsection 6-11-5-3, “Special Uses”, of the City Code is hereby further amended to read as follows:

**6-11-5-3. – SPECIAL USES.**

The following uses may be allowed in the D4 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial parking garage.

Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

~8~

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Urban farm, rooftop.

**SECTION 9:** Subsection 6-10-3-3, “Special Uses”, of the City Code is

hereby further amended to read as follows:

**6-10-3-3. - SPECIAL USES.**

The following uses may be allowed in the C1a district, subject to the provisions set forth in Section 6-3-5 of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory only).

- Dwelling—Multiple-family.
- Food store establishment.
- Funeral services excluding on-site cremation.
- Independent living facility.
- Long-term care facility.
- Media broadcasting station.
- Membership organization.
- Micro-Distillery.
- Open sales lot.
- Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).
- Recording studio.
- Resale establishment.
- Residential care home—Category I (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).
- Residential care home—Category II (subject to the general requirements of Section 6-4-4 of this Title).
- Restaurant—Type 2.
- Retirement hotel.
- Sheltered care home.
- Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)
- Transitional shelter (subject to the requirements of Section 6-3-5-11 of this Title).
- Urban farm, rooftop.
- Wholesale goods establishment.

**SECTION 10:** Subsection 6-10-2-3, “Special Uses”, of the City Code is hereby further amended to read as follows:

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**6-10-2-3. - SPECIAL USES.**

The following uses may be allowed in the C1 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Animal hospital.

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Car Wash.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center – Domestic animal.

Drive-through facility (accessory or principal).

Funeral services excluding on-site cremation.

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Restaurant—Type 2.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title).

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 11:** Subsection 6-10-4-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-10-4-3. - SPECIAL USES.**

The following uses may be allowed in the C2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Automobile body repair establishment.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Car wash.

Commercial parking garage.

Commercial parking lot.

Convenience store.

Craft alcohol production facility.

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

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

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Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Payday loan or consumer loan establishment (subject to the distance and general requirements set forth in Section 6-18-3, "Definitions," of this Title under "Payday Loan or Consumer Loan Establishment").

Planned development (subject to the requirements of Section 6-10-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Resale establishment.

Restaurant—Type 2.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Urban farm, rooftop.

**SECTION 12:** Subsection 6-9-5-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-9-5-3. – SPECIAL USES.**

The following uses may be allowed in the B1a business district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

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- Craft alcohol production facility.
- Daycare center—Adult.
- Daycare center—Child.
- Daycare center—Domestic animal.
- Drive-through facility (accessory or principal).
- Dwelling—Multiple-family.
- Food store establishment.
- Funeral services, excluding on-site cremation.
- Independent living facility.
- Kennel.
- Membership organization.
- Micro-Distillery.
- Planned development.
- Public utility.
- Resale establishment.
- Restaurant—Type 2.
- Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)
- Trade contractor (provided there is no outside storage).
- Urban farm, rooftop.
- Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.
- Vocational training facility.

**SECTION 13:** Subsection 6-9-3-3, "Special Uses", of the City Code is hereby further amended to read as follows:

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

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

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

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

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Public utility.

Resale establishment.

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

Restaurant—Type 2.

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Trade contractor (provided there is no outside storage).

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

Urban farm, rooftop.

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

**SECTION 14:** Subsection 6-9-4-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-9-4-3. - SPECIAL USES.**

The following uses may be allowed in the B3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Automobile service station.

Banquet hall.

Boarding house.

Business or vocational school.

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Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial outdoor recreation.

Commercial parking lots.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

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

Public utility.

Recording studio.

Religious institution.

Resale establishment.

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

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

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

Trade contractor (provided there is no outside storage).

Transitional shelters (subject to the requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

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

Urban farm, rooftop.

**SECTION 15:** Subsection 6-15-14-7, "Active Ground Floor Uses", of the

City Code is hereby further amended to read as follows:

**6-15-14-7. – ACTIVE GROUND FLOOR USES.**

	Allowed In:		
USES:	B1A (Subareas 4, 5, and 6)	O1 (Subarea 3)	C2 (Subarea 7)
<u>Tattoo &amp; Body Art Establishment</u>	<u>S</u>	<u>S</u>	<u>S</u>

**SECTION 16:** Subsection 6-15-10-7, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-15-10-7. - SPECIAL USES.**

The following uses may be allowed in the oH district subject to the general provisions set forth in Section 6-3-5 of this Title, and the special provisions contained herein:

Any expansion or change in a hospital service or program causing the average number of patients treated daily at such hospital as reported in the current annual hospital report to exceed by ten percent (10%) the average daily number of patients treated in 1978: Evanston Hospital, 1070; St. Francis Hospital, 702.

Any new construction that constitutes a physical expansion to the gross floor area of any hospital building.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Clinics, provided they shall not be used for the private, for-profit practice of medicine.

Commercial parking garage.

Daycare centers - adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare centers - child (subject to the general requirements of Section 6-4-2 of this Title).

Heliports (hospital).

Private utility substations and transmission facilities.

Short-term residential facilities operated by a hospital.

Staff examination rooms provided they shall not be used for the private, for-profit practice of medicine.

Tattoo and Body Art Establishment (subject to the general requirements of 6-4-12 of this Title)

**SECTION 17:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 18:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect

without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable 3-O-21 shall be in full force and effect after its passage and approval.

**SECTION 19:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Devon Reid, City Clerk

\_\_\_\_\_  
Kelley A. Gandurski, Corporation Counsel





**MEETING MINUTES EXCERPT**

**PLAN COMMISSION**

Wednesday, December 9, 2020

7:00 P.M.

Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), Jennifer Draper, George Halik, John Hewko, Jeanne Lindwall, Kristine Westerberg

Members Absent: Brian Johnson,

Staff Present: Johanna Nyden, Community Development Director  
Meagan Jones, Neighborhood and Land Use Planner  
Judy Frydland, City Attorney

Presiding Member: Chair Isaac

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

Vice-Chair Lindwall called the meeting to order at 7:02 P.M. Ms. Jones called the roll and a quorum was established.

**2. SUSPENSION OF THE RULES** Members participating electronically or by telephone

Commissioner Lindwall made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Draper. A roll call vote was taken and the motion passed, 6-0.

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**5. NEW BUSINESS**

**A. Text Amendment – Tattoo Facility** **20PLND-0065**  
City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to consider modification to the definition of Tattoo Facility (Section 6-18-3) and establish eligible zoning districts for such facilities (Section 6-9 through 6-15).

Ms. Jones provided a brief overview of the proposed text amendment.

Chair Isaac opened the hearing to questions from the Commission.

**DRAFT- NOT APPROVED**

Commissioner Lindwall asked why staff felt that this should be a special use as opposed to a permitted use. Ms. Jones responded that part of the reason goes back to some of the perception and history of the use. Although more widely accepted, if the use is a special use, there could be conditions placed on a special use permit as needed on a case by case basis for things such as business operating hours. This also parallels how Cannabis businesses are regulated.

Commissioner Westerberg asked if staff thought of more limitations on which districts the use could operate in and why staff felt this use could be more widespread. Ms. Jones responded that since this is proposed to be a special use, it provides for more review and possible conditions placed on a case by case basis so staff felt this opened it up to be allowed in additional districts. She then noted that it would not be allowed within the B1 Business District which is a smaller more neighborhood-centered district.

Commissioner Draper asked for confirmation that the proposed districts are the same as those which permit Cannabis related businesses. Ms. Jones confirmed this is the case.

Chair Isaac opened the hearing to questions and comments from the Public.

Mr. Dustin Golden, a tattoo artist and shop owner, described his business saying he has tattooed many Evanston residents who alerted him that there is no zoning that allows a shop in town. He added that he is available for any questions the Commission may have.

Commissioner Lindwall asked what a person would see at a typical Tattoo Facility. Mr. Golden replied, describing the exterior features of signage, some lighting, and an open appearance.

Commissioner Halik asked what the typical hours of operation are. Mr. Golden responded that his typical hours are between 11:00 AM and 7:00 PM which he thinks would work in Evanston. He mentioned that people who are looking for quality tattoos tend to come during the day with some exceptions.

Commissioner Halik then asked if tattoos are done by appointment and Mr. Golden confirmed that this is the case, especially while in the pandemic.

Commissioner Hewko asked, pre-Covid, what typical traffic for these facilities was. Mr. Golden responded typically there will be 15 to 40 customers in a day. This increases to 50 to 70 per day if body piercing is included in the business operations. Chair Isaac then asked how many people may be in the space at a given time. Mr. Golden replied 8 to 10 people depending on the number of employees. Commissioner Hewko asked if he anticipates this level of activity in Evanston. Mr. Golden stated that he thinks there will be a similar level of activity

The Commission then began deliberations.

**DRAFT- NOT APPROVED**

Commissioner Halik stated that he has tattoos and is surprised Evanston as a University town, does not have any locations. He continued, explaining that the hours of operation are key, repeating Mr. Golden's statement that customers looking for quality tattoos typically come during the day and he proposed that the hours be limited to no later than 7:00 PM and opening times do not matter as much.

Commissioner Lindwall stated that hours of operation can be specified as part of the Special use on an establishment by establishment basis. Commissioner Halik responded that he agreed but it is good to have a timeframe established as a guide.

Chair Isaac stated if the key is hours of operation then making that known before a time consuming Special Use process begins makes sense. He suggested that 8:00 PM or 9:00 PM does not seem too late, however, once the time gets past 9:00 or 10:00 PM, that begins inviting people to make decisions in an altered state.

Commissioner Halik asked what the typical closing hours are for businesses in the downtown districts. Ms. Jones responded that it depends on the type of establishment. It varies between 8:00 and 10:00 towards the early end of that time.

Ms. Nyden added that generally businesses close around 7:00 or 8:00 PM and that many times businesses do not want to be the lone business that is open later and City staff has encouraged businesses to work together for a shopping experience that may go later into the evening.

Ms. Jones stated that the head of the Main-Dempster Mile stated that around the holidays, businesses may stay open later; perhaps around 9:00 PM. Typically businesses will not be open after 7:00 PM.

Chair Isaac then asked if staff had a recommendation on hours of operation. Ms. Frydland stated that usually with a Special Use, specific terms such as hours of operation, or security requirement are included within the special use permit. Staff may also decide to state specific hours for this use within the Zoning Ordinance. Commissioner Draper replied that the ordinance could state, for example, hours between 10:00 AM and 10:00 PM but then the Special Use could be more restrictive.

Commissioner Halik stated that he is ok with setting parameters, emphasizing the closing time, and recommended 8:00 PM be the end time for business operations.

Chair Isaac asked the Commission their thoughts on where the proposed use would be permitted as a Special Use. Ms. Jones provided a map and stated that typically commercial areas will be along major thoroughfares. Chair Isaac confirmed that Tattoo Facilities are proposed to be a permitted use in just about all of the Commercial Business districts. Ms. Jones confirmed this is the case with the exception of the B1 district which is more of a neighborhood business district

**DRAFT- NOT APPROVED**

Commissioner Hewko asked what has changed over the years that is now making tattoo facilities a use that staff is willing to add regulations for and allow and if there has been any demand for this use. Ms. Nyden explained that there have been inquiries from existing businesses on the ability to have a tattoo/piercing facility in Evanston as they believe it may bring customers to the business districts. Additionally the perception has changed which is noted in how tattoos are now often referred to as body art and is seen as an expression of self-identity. The body piercing aspect is a matter of safety as the common use of piercing guns is not as sanitary as what is done in tattoo and piercing businesses. A safe option would be good to have in Evanston.

Commissioner Draper mentioned that a tattoo parlor recently opened in Skokie along Dempster Street and the use is viewed differently than it has been in the past. Cleanliness and lighting has helped in that perception. She then suggested changing “accessory tattooing” to something more general as is done in some other communities, so that it can still address the use regardless of potential name or trend changes (i.e. Microblading). A brief discussion followed on possible alternative phrases such as permanent cosmetics or dermal pigmentation

Commissioner Westerberg inquired about putting a limit on the number of tattoo facilities that are allowed to operate as is done in Skokie. Ms. Jones responded that staff believes that while there is a demand for this type of use, the market will ultimately regulate the number of facilities that open. Ms. Frydland suggested that allowing the use as a Special Use may aid in limiting the number of this type of establishment.

Chair Isaac suggested that this could be similar to how liquor licenses are handled which would not be under the Commissioner purview. He stated that he did not think these establishments should be regulated the same as cannabis or alcohol related businesses.

Ms. Nyden added that staff does not want to give the appearance that permitting this use would create a huge amount of businesses wanting to open as many people would likely continue to go to their preferred artist, limiting demand within Evanston.

The Commission then reviewed the standards for approval of the text amendment and determined the standards had been met.

**Commissioner Halik made a motion to recommend approval of the text amendment as presented by staff. Seconded by Commissioner Lindwall. Commissioner Halik made a motion to amend the original motion to include changing the phrase “accessory tattooing” to a more general term as discussed and limiting the hours of operation for the facilities from 10:00 AM to 8:00 PM. Seconded by Commissioner Westerberg.**

**A roll call vote was taken on the amendment to revise the phrase “accessory tattooing” as discussed by the Commissioner. The motion passed, 6-0.**

***DRAFT- NOT APPROVED***

**Ayes: Draper, Halik, Hewko, Lindwall, Westerberg, Isaac**  
**Nays:**

**A roll call vote was taken on the amendment to limit the hours of operation from 10:00 AM to 8:00 PM. The motion passed, 5-1.**

**Ayes: Halik, Hewko, Lindwall, Westerberg, Isaac**  
**Nays: Draper**

**A roll call vote was taken and the motion as amended was approved, 6-0.**

**Ayes: Draper, Halik, Hewko, Lindwall, Westerberg, Isaac**  
**Nays:**

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



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Katheryn Boden, Economic Development Specialist  
CC: Johanna Nyden, Community Development Director; Melissa Klotz, Zoning Administrator; Paul Zalmezak, Economic Development Manager  
Subject: Ordinance 127-O-20, Amending Title 6, Chapter 5 of the Evanston Code to Permit the Establishment of Certain Home Occupations  
Date: January 11, 2021

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Recommended Action:

The Plan Commission and staff recommend the adoption of Ordinance 127-O-20, Amending Title 6, Chapter 5 of the Evanston City Code to Permit the Establishment of Certain Home Occupations

Council Action:

For Introduction

Summary:

Saff has proposed a text amendment to Title 6 Chapter 5 (Home Occupations) of the City Code to include additional permitted uses for major home occupations, clarify the number and space allowed for home occupations, and streamline the review process. This was done so to address the changing needs of the modern work-from-home culture emerging during the pandemic and alleviate economic impacts and safety concerns caused by COVID-19.

While some restrictions on home-based businesses are necessary to maintain the character and livability of residential districts, they can also have an enormous effect on entrepreneurs struggling to earn a living. According to the Small Business Administration, fifty percent of all businesses are currently home-based. Starting a traditional business in a brick and mortar location can be cost-prohibitive for many prospective small business owners and may not be feasible for those without the necessary resources or ability to be away from the home.

The COVID-19 pandemic has also had a significant impact on our economic and social well being. In addition to increased unemployment and the need to seek new revenue streams, it has made it difficult for many to work outside the home due to safety concerns or lack of childcare.

There are many small businesses that are easily started from the home that can also allow for flexible schedules. Among these are barbers, massage therapists, personal trainers, and yoga instructors. Limitations on the number of clients allowed at one time or within a 24 hour period can be placed on these types of businesses to minimize neighborhood impact. All home occupations are required to register their business with the City, which allows for review by the Economic Development staff of business activities and the percentage of dwelling space used for the business. Major home occupations are referred to the Zoning Administrator as appropriate for additional review.

The proposed amendments would not change any general requirements and conditions prohibiting home occupations that generate noise, odor, traffic, outdoor storage, or alter the outside appearance; however, they would expand the categories of permitted uses, and reduce staff time spent on zoning analyses. The allowance of more flexibility to accommodate new uses and conditions for home occupations is needed to adapt to today's rapidly changing work from home environment.

In summary, the following text amendments are proposed:

- Barbershops/salons and quiet indoor recreation activities included as permitted major home occupations with additional client limitations
- One major home occupation permitted per dwelling unit
- Major home occupations will only be required to apply for a major home occupation permit when determined by the Zoning Administrator
- Home occupations may be located within any accessory structure so long as it does not interfere with required parking and complies with any applicable building codes for habitability

The new business registration program has received over 300 business registration applications from existing home-based businesses since its rollout in March 2020. This accounts for over forty percent of total business registrations. Prior to the new registration requirement, the City of Evanston had no record of the home-based businesses operating in Evanston, other than those who applied for a Certificate of Zoning Compliance or if a complaint was received.

It is likely that many additional new and existing home-based businesses are currently operating in Evanston that have not registered their business. The proposed inclusion of additional permitted major home occupations (e.g. barber shops, salons, personal trainers, and fitness instructors) will increase the likelihood that these businesses register with the City. The registration application process requires applicants to specify their business operations and activities to allow for additional review and verify whether they are currently licensed by the State of Illinois. Additionally, encouraging more home-based businesses to register will enable staff to be more aware of what types of home occupations are operating and where these businesses are located.

Providing additional flexibility to expand permitted major home occupations would allow for new economic opportunities and foster equitable entrepreneurship growth. The risk of impairing the integrity of the residential neighborhood can be greatly reduced by limiting the number of clients for these new uses, allowing one major home occupation per dwelling, and maintaining restrictions on square footage.

Attachments:

[127-O-20 Amending Title 6 Chapter 5 Home Occupations](#)



**127-O-20**

**AN ORDINANCE**

**Amending Title 6, Chapter 5 of the Evanston Code to Permit the Establishment of Certain Home Occupations**

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

**SECTION 1:** City Code Section 6-5-4 "General Requirements and Performance Criteria" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-5-4. - GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA**

All home occupations shall comply with the following standards:

- (A) The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates. (For the purposes of this Section 6-5-4, a coach house not used as an accessory dwelling unit shall be considered part of a principal dwelling unit.)
- (B) The home occupation use shall be conducted entirely within a completely enclosed structure.
- (C) The home occupation shall not interfere with the delivery of utilities or other services to the area.
- (D) The home occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- (E) No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold or stored on the site.
- (F) There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or use of signage or other advertising or display to identify the business.
- (G) No clients/pupils shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.

- (H) No outdoor display or storage of materials, goods, supplies or equipment shall be allowed on the premises, except for lawfully parked vehicles.
- (I) The home occupation shall, at all times, comply with all other applicable laws and ordinances.
- (J) The home occupation shall not cause a significant increase in the amount of traffic or parking on the particular residential street.
- (K) ~~No more than fifty percent (50%) of any garage, whether attached or detached, may be used for any home occupation. A home occupation may be located within any accessory structure so long as it does not interfere with required parking and complies with any applicable building codes for habitability.~~
- (L) The operator of the home occupation shall register the home occupation pursuant to Section 3-27-2 of this code.

**SECTION 2:** City Code Section 6-5-6 “Major Home Occupations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-5-6. - MAJOR HOME OCCUPATIONS.**

A use shall be classified as a major home occupation, and allowed by permit pursuant to Section 6-5-8 provided, in addition to the general conditions set forth in Section 6-5-4, the following specific conditions are met:

- (A) The total area needed for the home occupation shall not exceed twenty-five percent (25%) of the habitable floor area of the dwelling.
- (B) The number of persons who are employed on the premises in connection with the home occupation, but who are nonresidents of the dwelling, shall not exceed two (2).
- (C) No more than six (6) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than twelve (12) clients avail themselves to a product and/or service during a twenty-four (24) hour period.
- (D) Deliveries of bulk material other than by mail, local courier, or inter-city courier pertaining to the home occupation shall not exceed three (3) per week, and shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation.
- (E) A home occupation permit issued to one (1) person shall not be transferable to any other person and, the permit shall not be valid at any address other than the one appearing on the permit.

(F) No more than one (1) major home occupation permit shall be issued per dwelling.

~~(F)~~ (G) Permitted major home occupations shall include but are not limited to the following:

- (1) Teaching, instructing, tutoring or counseling.
- (2) Photo developing.
- (3) Upholstering.
- (4) Dressmaking and alterations.
- (5) Woodworking.
- (6) Jewelry making.
- (7) Wordprocessing and typing.
- (8) Caterers, provided no mechanical or electrical equipment shall be employed other than that customarily used for household purposes.
- (9) Repair services, provided no retail business is conducted on the premises.
- (10) Mail order businesses and telephone sales.
- (11) Barber shops or beauty parlors

(a) No more than three (3) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period

(12) Personal trainers, yoga instructors, or small group instruction, provided there is no use of amplified music or instruction

(a) No more than three (3) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period.

~~(14)~~ (13) Other uses similar to those listed in this Section 6-5-6 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations."

**SECTION 3:** City Code Section 6-5-7 "Prohibited Home Occupations" of

the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-5-7. - PROHIBITED HOME OCCUPATIONS.**

Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located, or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6 are prohibited as home occupations:

- (A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.
- (B) Animal hospitals, kennels, stables or bird keeping facilities.
- ~~(C) Barber shops or beauty parlors.~~
- ~~(D)~~ (C) Clubs, including fraternities and sororities.
- ~~(E)~~ (D) Funeral chapels or homes.
- ~~(F)~~ (E) Medical or dental clinics.
- ~~(G)~~ (F) Restaurants.
- ~~(H)~~ (G) Warehousing.
- ~~(I)~~ (H) Welding or machine shops.
- ~~(J)~~ (I) Commercial rug/carpet cleaning/repair businesses when the rugs and/or carpets are cleaned and/or repaired on the premises.
- ~~(K)~~ (J) Swimming pool businesses when equipment, supplies, and/or other materials for said businesses are stored on the premises.
- ~~(L)~~ (K) Landscaping businesses when equipment, supplies, and/or other materials for said businesses are stored on the premises.
- ~~(M)~~ (L) Uses that impair the integrity of the residential neighborhood in which they are located, exert a negative influence on the residential neighborhood in which they are located, and/or other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations."

**SECTION 4:** City Code Section 6-5-8 "Permit Procedures" of the

Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-5-8. - PERMIT PROCEDURES.**

A permit for a major home occupation may be required, at the discretion of the Zoning Administrator, to clarify the proposed home occupation type and business activity.

The following procedures will apply to major home occupations permits:

- (A) Application for a major home occupation permit shall be made to the Zoning Administrator on a form provided by the Administrator and shall be accompanied by a filing fee established by the City Council.
- (B) After determining that the major home occupation permit application is complete, the Zoning Administrator shall make a decision and notify the applicant in writing within fifteen (15) calendar days.
- (C) All major home occupation permits shall be valid for a period of five (5) years from the initial date of approval.
- (D) Violation of the specific requirements set forth in Section 6-5-6 or the general requirements set forth in Section 6-5-4 shall be deemed as a violation of this Ordinance and shall constitute grounds for revocation of the major home occupation permit by the Zoning Administrator pursuant to Section 6-3-10-6, "Revocation of Certificate of Zoning Compliance."

**SECTION 5:** That 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 6:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** This Ordinance 127-O-20 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 8:** 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: \_\_\_\_\_, 2020

Approved:

Adopted: \_\_\_\_\_, 2020

\_\_\_\_\_, 2020

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Devon Reid  
City Clerk

\_\_\_\_\_  
Kelley A. Gandurski  
Corporation Counsel