



# LAND USE COMMISSION

Wednesday, April 13, 2022  
7:00 P.M.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

## AGENDA

Those wishing to make public comments at the Land Use Commission meeting may submit written comments in advance or sign up to provide public comment in-person during the meeting by calling/texting 847-448-4311 or completing the Land Use Commission meeting online comment form available by clicking [here](#), or visiting the Land Use Commission webpage, <https://www.cityofevanston.org/government/land-use-commission>, clicking on How You Can Participate, then clicking on Public Comment Form. Community members may watch the Plan Commission meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

### I. CALL TO ORDER/DECLARATION OF A QUORUM

### II. APPROVAL OF MEETING MINUTES: March 30, 2022

### III. NEW BUSINESS

#### **A. Public Hearing: Special Use Permit | 1804 Maple Avenue | 22ZMJV-0016**

Andrew Scott, Dykema, applicant on behalf of Verano Evanston, LLC, requests a Special Use Permit for a Cannabis Dispensary in the RP Research Park District (Zoning Code Section 6-12-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21.

#### **B. Public Hearing: Text Amendment | Omnibus Text Amendment | 22PLND-0021**

City-initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, for an Omnibus Text Amendment Package relating to the following:

1. Redact all mentions of the Zoning Board of Appeals and Plan Commission (Title 6) and replace with the Land Use Commission in accordance with Section 2-19 of the City Code and Ordinance 92-O-21.
2. Update ADA Parking Regulations (Section 6-16) to follow current regulations of the Americans with Disabilities Act Standards for Accessible Design and use appropriate wording.
3. Move the Sign Code (Section 4-10) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6), establish variation regulations so that sign variations are no longer determined by the DAPR Committee, and establish regulations relating to billboards.
4. Move the Subdivision Code (Section 4-11) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6) and update requirements and procedures to current practices.

5. Establish clear Planned Development Standards for Approval similar to Variation and Amendment Standards (Section 6-3).
6. Update requirements and procedures for Planned Developments, including Neighborhood Meeting and Pre-Application steps, to current practices (Section 6-3-6).
7. Add Automobile Body Repair Establishment as an eligible Special Use in the I1 Industrial/Office District (Section 6-14-2).

The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-4 of the Evanston Zoning Code and Ordinance 92-O-21.

#### **IV. COMMUNICATION**

#### **V. PUBLIC COMMENT**

#### **VI. ADJOURNMENT**

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, April 27, 2022, at 7:00 pm, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

*Order & Agenda Items are subject to change. Information about the Land Use Commission is available at: <https://www.cityofevanston.org/government/land-use-commission>. Questions can be directed to Meagan Jones at [mmjones@cityofevanston.org](mailto:mmjones@cityofevanston.org) or 847-448-4311. 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 847-448-4311 or 847-866-5095 (TTY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.*

*La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines 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

### **LAND USE COMMISSION**

Wednesday, March 30, 2022

7:00 PM

Via Virtual Meeting

Members Present: Myrna Arevalo, Violetta Cullen, George Halik, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers

Members Absent: John Hewko, Brian Johnson, Kristine Westerberg

Staff Present: Melissa Klotz, Meagan Jones, Brian George

Presiding Member: Matt Rodgers

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### **Call to Order**

Chair Rodgers opened the meeting at 7:03pm. A roll call was then done and a quorum was determined to be present.

### **Approval of March 9, 2022 Meeting Minutes**

Commissioner Halik suggested a minor edit to the minutes. Commissioner Halik then made a motion to approve the Land Use Commission meeting minutes from March 9, 2022 as amended. Seconded by Commissioner Cullen. A roll call vote was taken and the motion passed, 7-0.

### **New Business**

#### **A. Public Hearing: Map Amendment | 22PLND-0017**

**City initiated Map Amendment to the Zoning Ordinance, Title 6 of the City Code, to rezone properties known as: 2600 Gross Point Rd., PIN 05-33-318-032-0000; 2608-2620 Gross Point Rd./2620 Crawford Ave., PINs 05-33-318-033-0000, 05-33-318-034-0000; 2628-2636 Gross Point Rd., PINs 05-33-311-054-0000, 05-33-311-040-0000, 05-33-311-053-0000; 2600 Crawford Ave., PIN 05-33-319-001-0000.**

**The properties are proposed to be removed from the existing oCSC Central Street Corridor Overlay District, and will remain within the existing underlying B1a Business District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21. THIS ITEM WILL NOT BE HEARD AT THIS MEETING AND WILL BE RENOTICED FOR A FUTURE MEETING DATE.**

Chair Rodgers announced that this agenda item has been withdrawn from this meeting's agenda and staff will renotice the item to a meeting date in the future, likely in May.

**B. Public Hearing: 2356 Colfax Terrace | 22ZMJV-0018**

**Sarah and Patrick Hillman, property owners, submit for major zoning relief from the Evanston Zoning Ordinance for additions to a single family residence in the R1 Single Family Residential District. The applicant requests zoning relief for 46.1% impervious surface coverage where a maximum 45% is allowed (Section 6-8-2-10), a 27.5' east front yard setback where 38' is required to meet the block average (Section 6-4-1-9), a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), a 15.6' west rear yard setback where 30' is required (Section 6-8-2-8), a detached accessory structure (chimney/fire pit) in the front yard where detached accessory structures are only permitted in side and rear yards (Section 6-4-6-2-D, 6-4-6-3-A), 6' and 7.3' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (Section 6-4-6-7). The Land Use Commission is the final determining body for this case per Section 6-3-8-9 of the Evanston Zoning Ordinance and Ordinance 92-O-21.**

Ms. Klotz read the case into the record and explained that since notices for this item had been mailed, revisions were submitted that bring the requested variations down to three, specifically: 1) a 11.7' west rear yard setback where 30' is required (Section 6-8-2-8),, 2) a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), and 3) a fence in the front yard where fencing is not permitted within the front yard or within 3' of the front facade of the house, 6' height where 4' is allowed when in a front yard, and solid where a maximum opacity of 70% is allowed when in a front yard.

Mr. Patrick Hillman then explained that he has been working with Ms. Klotz and other staff to get the requested variations down to 3. He then provided a general rationale for the project and its design including to fit their growing family, protect trees and not impose on their neighbors.

The hearing was open to questions from the Commissioners and there were none. The hearing was then open for public testimony.

Chair Rodgers explained that staff received an email regarding the project from a nearby resident who requested the email be forwarded to him but that he did not feel it was appropriate for him to respond regarding the actions of the Commission.

Mr. Bob Stevens stated he lives at the neighboring property at 2346 Colfax Terrace and explained that 2356 Colfax has been vacant for over 20 years and is in disrepair. He expressed excitement for the proposal, stating it was appropriate for the site and the care the Hillmans have taken with the proposal has been terrific. He finished saying that the Hillmans are good people and he hopes the variations will be applied to the site.

Mr. Bob Goldman and Mrs. Ann Ryan stated that they live across from the site at 2353 Colfax Terrace and explained that, though they have not met the Hillmans, the cause is near and dear to them since they are neighbors. The existing home has been an

eyesore and is dilapidated. They then expressed their support for the proposed variations.

Mr. Hillman then thanked the Commission and staff for the time.

The public hearing was closed and the Commission began deliberations.

Commissioner Halik expressed happiness that the Hillmans did not sell the property and have come back with a revised plan. He then explained that their proposal is a thoughtful concept for a unique site where the typical zoning regulations do not apply.

Commissioner Lindwall stated that she appreciates the reduction in the number of variances. She then suggested that the Hillmans think about increasing to a 2 or 2.5 ft. north setback for maintenance purposes such as raking leaves along the alley. She then stated that the proposed front and rear yard setbacks are appropriate.

Commissioner Mirintchev joined his colleagues in their support. He explained that he likes the project as it is innovative. He then suggested reducing the weight (visually) of the brick wall as he has some concerns about inappropriate materials being used there.

Chair Rodgers stated that he appreciates the reduction in the number of variances but he still has a problem with the proposed 1.5 ft. north interior side yard setback and thinks the required setback can be easily accommodated. He also expressed being ok with the proposed fence along the alley. Commissioner Halik responded that that setback is along the alley which typically does not have a large setback and the setback is for turning into garages. Chair Rodgers replied that there is still a 3 ft. setback for garages and if not a garage or accessory structure, a 5 ft. setback is still required for a home.

The Commission then reviewed the standards:

1. Met
2. Met
3. There was mention by Chair Rodgers that though the lot is unique, the proposed north interior side yard setback could be increased to 5 ft. given the size of the lot.
4. Similar findings from standard 3 were mentioned with disagreement on whether or not a hardship would occur if the north setback was zoning compliant.
5. Met
6. Met
7. Disagreement on whether 1.5 ft. setback was the minimum necessary change.

Commissioner Mirintchev clarified that there is no fence at 1.5 ft., just the setback for the building and that he has no problem with that.

**Commissioner Lindwall made a motion to approve the variations. Seconded by Commissioner Halik.**

The Commission then reviewed the conditions proposed by staff with Ms. Klotz explaining why they were proposed; confirming DAPR also reviewed the submitted revisions. The Commission then decided to not recommend the 1<sup>st</sup> condition relating to the north setback of the proposed bike room on the property and keep the 2<sup>nd</sup> condition relating to the site triangle for the fence where the alley meets Poplar St.

**Commissioner Puchtel made a motion to add a condition to the original motion that the fence segment along the alley between the attached garage and Poplar Avenue be no taller than 42 inches. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 6-0 (Commissioner Cullen experienced technical difficulties and did not vote).**

**A roll call vote was taken on the original motion as amended and the motion passed, 6-1.**

### **Other Business**

#### **A Revisions to Land Use Commission Rules & Procedures**

Ms. Klotz explained the reasoning behind the proposed revisions to the language describing concurrent votes that are needed for items in which the Land Use Commission is the determining body.

Chair Rodgers asked if it would be possible to add the proposed language to the section on transitional activity of the Commission so that when the Commission is at nine people, the final set of Rules can strike out that section and a number will remain. Mr. George stated that it was Law's opinion that the language referencing the specific number of concurrent votes is not a good idea. Though the proposed wording is more verbose, Law believes it is better to err on the side of caution

Chair Rodgers stated that he will defer to Law though the new language may be confusing to others reading the Rules. He then emphasized that this is why it is important for Commissioners to present. Missing a meeting can delay a project 2 weeks or more while waiting for an outstanding vote. Commissioner Halik then mentioned that there are rules that relate to attendance of Commissioners and a brief discussion followed.

Commissioner Mirintchev asked if it would be possible for Commissioners to participate remotely once in-person meetings resume. Chair Rodgers responded that it is his understanding that that is discouraged because there is not enough staff to conduct meetings in a hybrid format.

Commissioner Puchtel inquired what was meant by seats as other parts of the Rules mention members. Mr. George clarified that this references the total number of seats on the Commission. Mr. Puchtel then asked why use the approach to have the majority of the seats instead of making sure there is first a quorum then having votes be the majority of that quorum. Mr. George replied that a majority must be present to conduct

Commission business. State law clarifies the number of seats but that does not apply to Home Rule municipalities.

Ms. Klotz then provided some background on how the votes were handled when the Zoning Board of Appeals was active and state law provided an exact number of required members and votes. As Evanston is a home rule municipality this number does not apply. However, it is best practice to not have final determinations on cases be solely based on which Commissioners happen to attend a meeting; a final determination should be based on the majority of the full Commission, regardless of attendance at any one meeting. Commissioner Puchtel expressed concern of possibly placing additional burden on the Commission.

Chair Rodgers reiterated the importance of Commissioners attending and clarified with Mr. George that if there is a 5-5 vote while Commission membership is at 10, that the motion fails.

**Commissioner Cullen made a motion to approve the proposed revisions to the Rules. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 6-1.**

Chair Rodgers then provided the language that speaks to Commissioner attendance.

**Public Comment**

There was no public comment.

**Adjournment**

Commissioner Lindwall motioned to adjourn, Commissioner Puchtel seconded, and the motion carried.

Adjourned 8:03 pm

Respectfully submitted,

Meagan Jones, Neighborhood & Land Use Planner

Land Use Commission  
Recommending Body

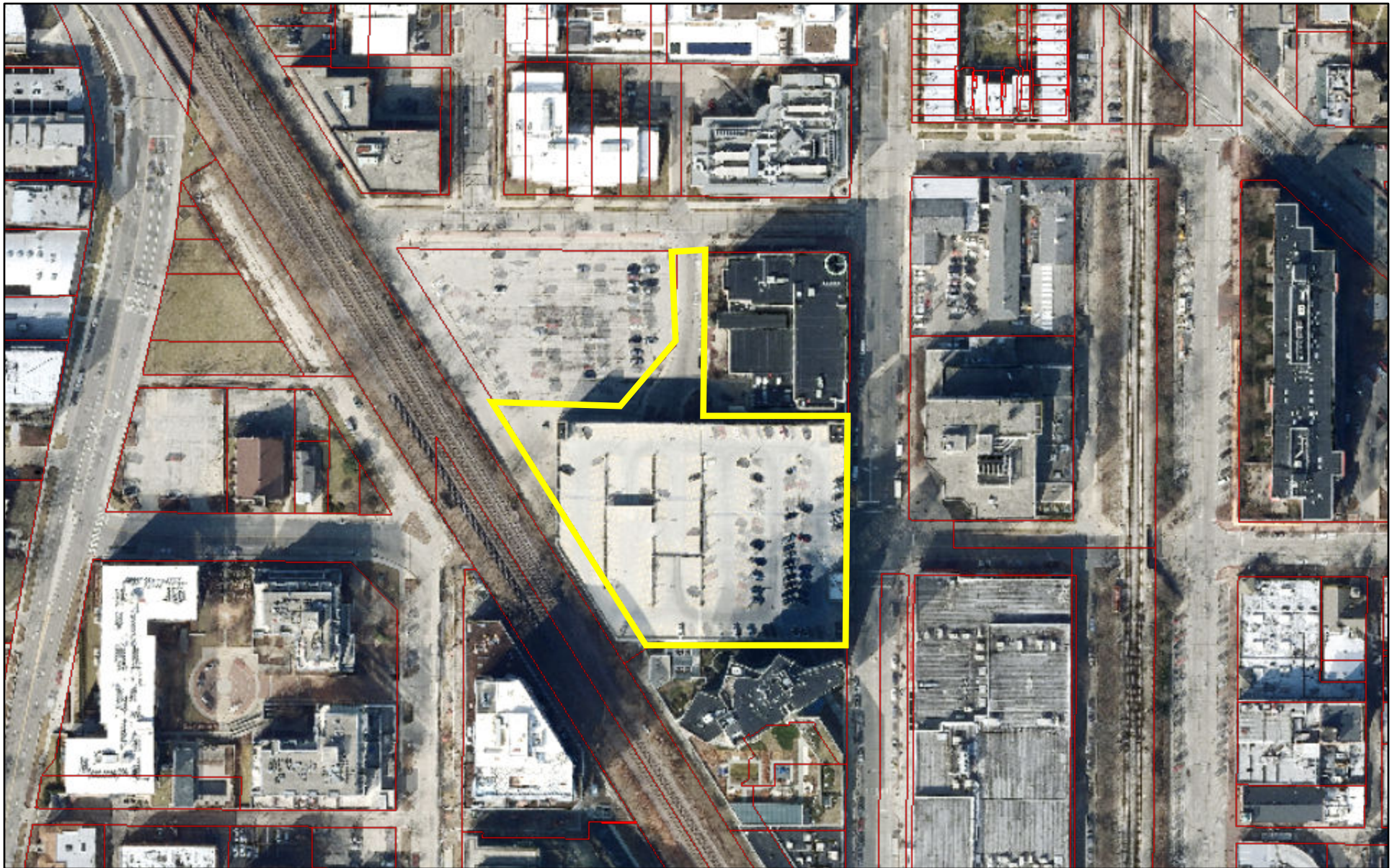
1804 Maple Avenue  
Special Use Permit for  
Cannabis Dispensary





1804 Maple Avenue – Street View

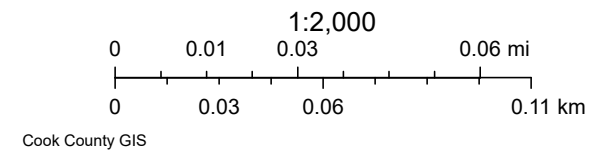


# 1804 Maple Ave - Aerial

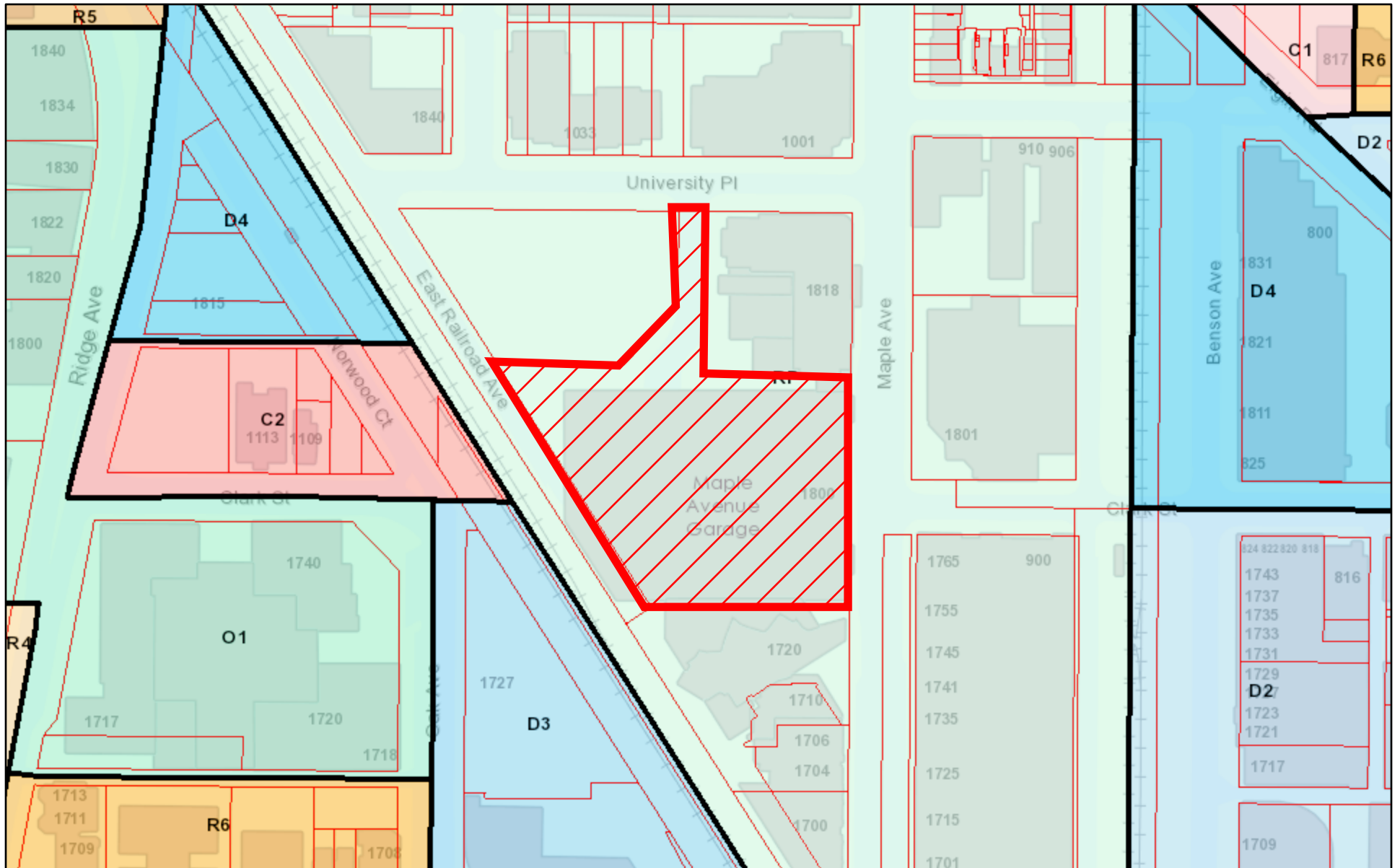


3/25/2022, 12:09:29 PM

-  City Boundary
-  Tax Parcels

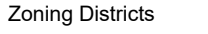
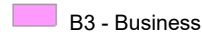


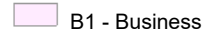
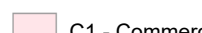


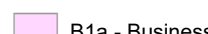
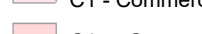

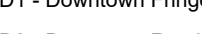


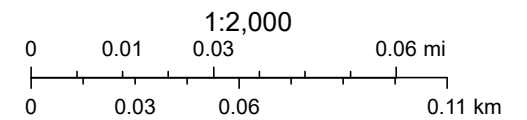
# 1804 Maple Ave - Zoning



3/25/2022, 12:08:15 PM

Zoning Districts

- |   |  |   |  |
|---|--|---|--|
|  B1 - Business  |  B3 - Business              |  C2 - Commercial           |  D3 - Downtown Core Development |
|  B1a - Business |  C1 - Commercial            |  D1 - Downtown Fringe      |  D4 - Downtown Transition       |
|  B2 - Business  |  C1a - Commercial Mixed-Use |  D2 - Downtown Retail Core |  I1 - Industrial / Office       |





# SPECIAL USE APPLICATION

CASE #. \_\_\_\_\_

zoning office use only

## 1. PROPERTY

Address 1804 Maple Avenue

Permanent Identification Number(s):

PIN 1:  PIN 2:

(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

## 2. APPLICANT

Name: Andrew Scott

Organization: Attorney for Verano Evanston, LLC

Address: 415 North Dearborn Street

City, State, Zip: Chicago, IL 60654

Phone: Work: (312) 627-8325 Home: \_\_\_\_\_ Cell/Other: (312) 671-4701

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: aspconfig@dykema.com

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- architect
- officer of board of directors
- builder/contractor
- attorney
- other: \_\_\_\_\_
- potential purchaser
- lessee
- potential lessee
- real estate agent

## 3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: City of Evanston

Address: 2100 Ridge Avenue

City, State, Zip: Evanston, IL 60201

Phone: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell/Other: \_\_\_\_\_

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- REQUIRED \_\_\_\_\_

Date \_\_\_\_\_

## 4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature -- REQUIRED \_\_\_\_\_

March 3, 2022

Date \_\_\_\_\_

**MME EVANSTON LLC  
STATEMENT OF CASE FOR SPECIAL USE PERMIT FOR  
ADULT USE CANNABIS DISPENSARY  
1804 MAPLE AVENUE**

APPLICANT AND NATURE OF REQUESTED RELIEF

The applicant in this case is MME Evanston Retail, LLC (the “Applicant”) which seeks a special use permit for a recreational cannabis dispensary at 1804 Maple Avenue, Evanston, Illinois (the “Property”).

As a matter of background, the Applicant is the current State of Illinois dispensary license holder at the Property. An unaffiliated company, Verano Evanston, LLC (the “Operator”), is currently operating the dispensary pursuant to a management services agreement with the Applicant. In addition, an affiliate of the Operator has an agreement with an affiliated parent of the Applicant to acquire, among other assets, the Applicant entity. That agreement will be consummated once the State of Illinois approves the change in ownership of the Applicant and the other related entities that are being acquired.

PROPERTY AND PROJECT INFORMATION

The subject property is an approximately 3,900 square foot, ground floor space (the “Premises”) in the building commonly known as the Maple Avenue Garage (the “Property”). The City of Evanston (the “City”) has classified the zoning of the Property RP Research Park District (the “RP District”).

As a matter of background, in 2015, the City leased approximately 2,400 square feet on the Property (the “Initial Premises”) to the former managing member of the Applicant (the “Initial Operator”), and the Initial Operator operated a medical dispensary. In late 2019, the City approved an assignment of the lease from the Initial Operator to the Applicant and a special use permit for a recreational cannabis dispensary in the Initial Premises. That lease has been terminated.

The Applicant subsequently entered into a new lease agreement with the City for approximately 3,900 square feet in order to operate a recreational cannabis dispensary on the Premises.

The dispensary is not located within 1,500 feet of another dispensary or within 500 feet of a pre-existing public or private educational institution that is an elementary, middle, or high school.

STANDARDS FOR APPROVAL OF A SPECIAL USE

Applicant meets the standards for approval of the requested special use permit as follows:

A. *It is one of the special uses specifically listed in the zoning ordinance;*

Section 6-12-2-3 of the City’s Zoning Ordinance lists cannabis dispensaries as a special use in the RP District.

- B. *It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;*

The proposed dispensary meet this standard in that it promotes a diverse mix of retail uses, attracts more people to the downtown area, and promotes adaptive reuse of existing retail/commercial space. The dispensary also benefits other businesses in the downtown area by drawing new customers that may patronize other businesses in the area.

- C. *It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;*

The proposed dispensary will not cause a negative cumulative effect when considered in conjunction with other special uses in the immediate area. As an initial matter, a dispensary has operated at this location since approximately 2016. In addition, there are few other special uses in the immediate area so there will not be negative cumulative effects. The proposed dispensary will in fact have a positive effect in that it diversifies retail uses in the downtown area, creates job opportunities in a growing industry, attracts new patrons to the downtown area and enhances the City's tax base.

- D. *It does not interfere with or diminish the value of property in the neighborhood;*

The proposed dispensary will not interfere with or diminish the value of other properties or improvements in the vicinity. There is a broad body of evidence that supports the conclusion that dispensaries have little impact – positive or negative – on property values. Applicant's business does not generate excessive traffic, is operated in a very secure manner and does not generate noise, smoke or excessive lighting.

In this particular case, the dispensary may have a positive impact due to the investment in the Premises and adaptive reuse of the former Enterprise space. Moreover, by drawing more people to the area to shop and use nearby services, the dispensary could have a positive impact on nearby commercial and retail properties.

- E. *It can be adequately served by public facilities and services;*

The proposed dispensary can be adequately served by the City's public utilities and services. The proposed dispensary does not require water, sewer, power or gas service that is different from any similarly sized retail facility. In addition, the proposed dispensary does not require any greater City services, such as police, fire or refuse collection than a comparable retail facility.

- F. *It does not cause undue traffic congestion;*

The proposed dispensary will not cause undue traffic congestion. The Premises are located in a very walkable area of the City's downtown. In addition, the Premises are well situated for public transit service. A Metra station and a CTA station are located in close proximity to the Premises. In addition, numerous east/west and north/south CTA bus lines are located near the Premises. The walkability of the area combined with public transit options are mitigating factors in terms of vehicular traffic. For patrons that do drive, the parking garage affords easy and convenient parking opportunities. There is

also metered street parking in front of the dispensary. All of these factors combine to ensure that the dispensary will have minimal traffic impacts.

In addition, the service aspects of the dispensary will not cause undue traffic congestion. The Applicant takes delivery of products approximately five (5) times per week and conducts its cash pick up/drop off operations one (1) times per week. In each instance, those activities are performed outside of typical hours of operation so as not to disrupt customer, pedestrian or vehicular traffic. The intensity of these activities is in fact no different or less intense than a typical retail establishment.

G. *It preserves significant historical and architectural resources;*

This standard is not applicable because the Premises are located in a newer building.

H. *It preserves significant natural and environmental features; and*

This standard is not applicable because the Premises are located within a newer building in the downtown area.

I. *It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.*

The proposed dispensary will comply with all other applicable regulations and ordinances. No relief is sought for any variations or deviations from any applicable codes.

November 5, 2021

Ms. Melissa Klotz  
Zoning Administrator  
City of Evanston  
2100 Ridge Avenue  
Evanston, IL 60202

**Re: Recreational Cannabis Dispensary Special Use Application; 1780 Maple Avenue**

Dear Ms. Klotz:

MME Evanston Retail, LLC, an Illinois limited liability company (the "Company") currently holds a State of Illinois license to operate a recreational cannabis dispensary at 1780 Maple Avenue, Evanston, Illinois. Pending State of Illinois approval of a change in ownership of the Company, the Company has entered into a management services agreement with Verano Evanston, LLC to operate the dispensary. Upon approval of the change in ownership, the new owners of the Company, affiliates of Verano Evanston, LLC (the "Applicant") intend to expand the area of the dispensary. As such, a new special use application will be required.

Please accept this correspondence as the Company's consent to the Applicant, and any affiliated or authorized entity or entities (including, without limitation, legal counsel), to: (i) file an such application; (ii) pursue approval of said application; and (iii) take any and all related actions which may be necessary or appropriate in connection with processing such application.

Thank you for your consideration. If you have any questions regarding the foregoing consent, please contact Andrew Scott at [apscott@dykema.com](mailto:apscott@dykema.com).

Very truly yours,

By: 

Name: Tom Lynch, CEO

For: MME Evanston Retail, LLC



November 5, 2021

Ms. Melissa Klotz  
Zoning Administrator  
City of Evanston  
2100 Ridge Avenue  
Evanston, IL 60202

**Re: Recreational Cannabis Dispensary Special Use Application; 1780 Maple Avenue; Ownership Disclosure**

Dear Ms. Klotz:

MME Evanston Retail, LLC, an Illinois limited liability company (the "Company") has consented to Verano Evanston, LLC's application for a special use permit to operate a recreational cannabis dispensary at 1780 Maple Avenue, Evanston, Illinois. In connection with this consent, the Company states the following: (1) the Company is not acting as an agent or designee of any party which is the proposed user of the land that is the subject of the application and (2) the Company controls the land, by and through a lease with the City of Evanston, which is the subject of the application. In addition, the Company states that MME IL Holdings, LLC ("Owner") is the 100% owner of the Company and Owner's address is 10115 Jefferson Blvd., Culver City, CA 90232.

Thank you for your consideration. If you have any questions regarding the foregoing consent, please contact Andrew Scott at [apscott@dykema.com](mailto:apscott@dykema.com).

Very truly yours,

By: 

Name: Tom Lynch, CEO

For: MME Evanston Retail, LLC

# VERANO EVANSTON, LLC

March 3, 2022

Ms. Melissa Klotz  
Zoning Administrator  
City of Evanston  
2100 Ridge Avenue  
Evanston, IL 60202

**Re: Recreational Cannabis Dispensary Special Use Application; 1804 Maple Avenue;  
Ownership Disclosure**

Dear Ms. Klotz:

MME Evanston Retail, LLC, an Illinois limited liability company has consented to Verano Evanston, LLC's ("Verano") application for a special use permit to operate a recreational cannabis dispensary at 1804 Maple Avenue, Evanston, Illinois. Verano currently operates the dispensary for MME Evanston Retail, LLC pursuant to a management services agreement. In connection with this consent, Verano states the following: (1) the Verano is not acting as an agent or designee of any party which is the proposed user of the land that is the subject of the application and (2) Verano does not control the land which is the subject of the application. In addition, Verano states that Verano Illinois, LLC, a Delaware limited liability company ("Owner") is the 100% owner of Verano, Owner is the parent company of Verano and Owner's address is 415 North Dearborn Street, 4<sup>th</sup> Floor, Chicago, IL 60654.

Thank you for your consideration. If you have any questions regarding the foregoing consent, please contact Chris L. Fotopoulos, at (312) 819-4859.

Very truly yours,

VERANO EVANSTON, LLC

By: Verano Illinois, LLC,  
Its sole Manager and Member

By:   
\_\_\_\_\_

Name: George Archos

Its: CEO

## OPERATIONAL NARRATIVE

The proposed business operations summarized are as follows and are identical to the current operations at the Zen Leaf Dispensary in Evanston unless otherwise noted:

**-Hours of operation:** Daily, 10 am-6 pm

**-Types of items sold:**

- Cannabis flower, edibles, vape pens, tinctures, topicals, cannabis devices, accessories, apparel.

**-Improvements:**

- Zen Leaf provides a safe environment where patients and purchasers can visit and purchase cannabis products to assist with ailments associated with qualifying conditions and wellness to customers seeking recreational use.
- Significant investment (\$1,000,000 in total improvements) in revitalizing a retail space and transforming it into a state-of-the-art, flagship cannabis dispensary
- Utilizes technology for education on cannabis products as well as streamlining the customer experience.
- Fourth generation dispensary build out with high end finishes creating a true Illinois flagship location.

**-Local Impact:**

- Job Creation: *45-55 full/part time positions*  
*-\$35,000 to \$75,000 annual salary.*
- Tax Revenue Benefits for the community as well as increased customers for surrounding businesses.
- Good stewards and active members in the community and chamber of commerce.

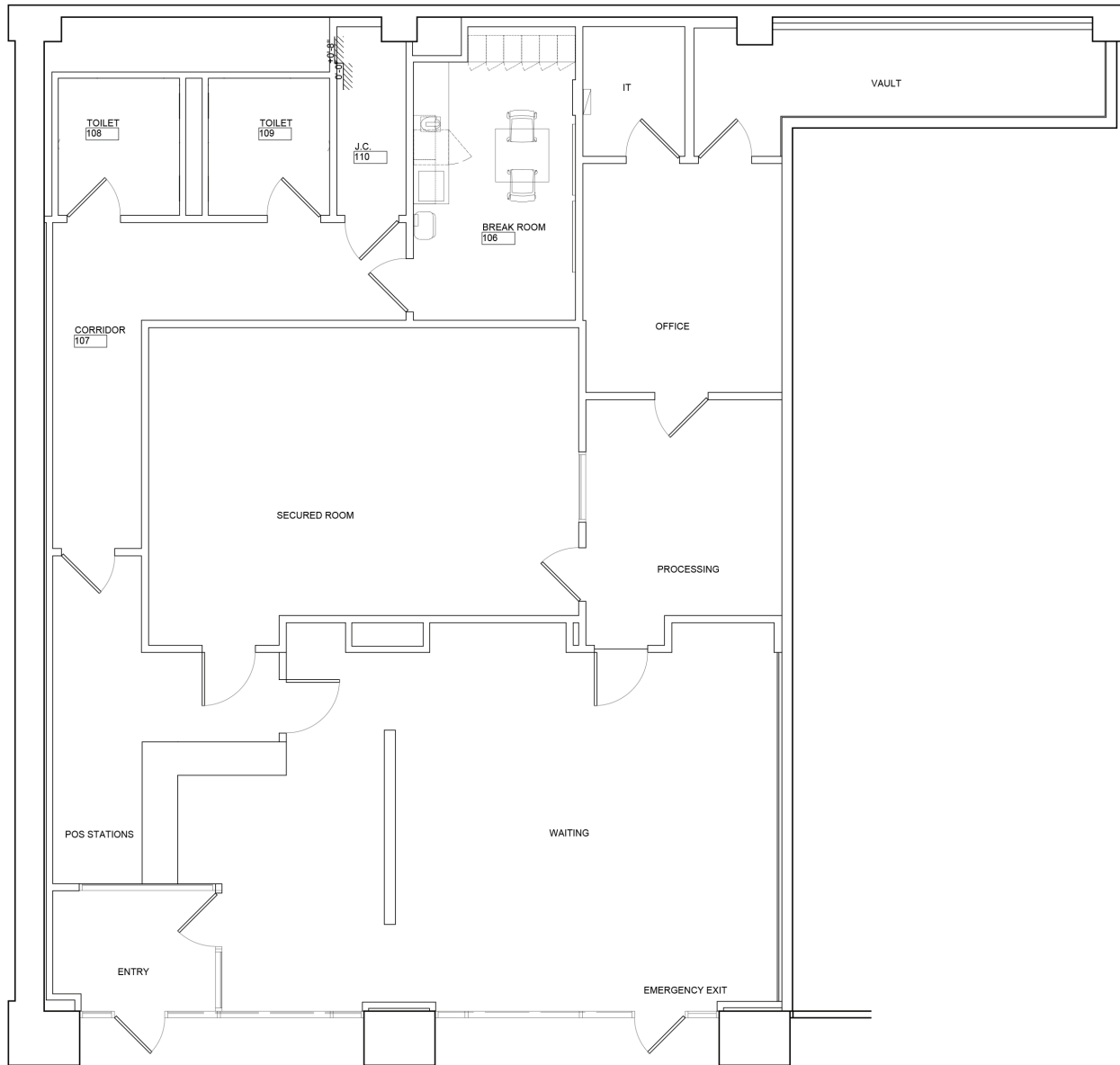
**-Security Program:**

- All cannabis dispensaries in Illinois must implement certain specific security measures, as provided by state law. Security is paramount for the way Zen Leaf operates. As such, Zen Leaf has developed security and operational protocols that exceed the statutory requirements. The security program includes a multi-step approach to keep customers, employees, and the community safe
- All cannabis dispensaries are governed by IDFPR and Illinois State Police who conduct regular inspections of operating dispensaries
- Comprehensive Surveillance & Alarm Systems: Zen Leaf has installed and will maintain a comprehensive 24/7 camera surveillance system, covering both the interior and exterior of the Dispensary, along with a silent alarm system with motion detectors, glass break switches, and panic buttons. Camera surveillance system will maintain 90-day cloud backup as required by Illinois State Law
- Customer Flow Protocol: Upon entering the Dispensary through the Building's main entrance, patient will be greeted at our reception desk by a cannabis consultant, who

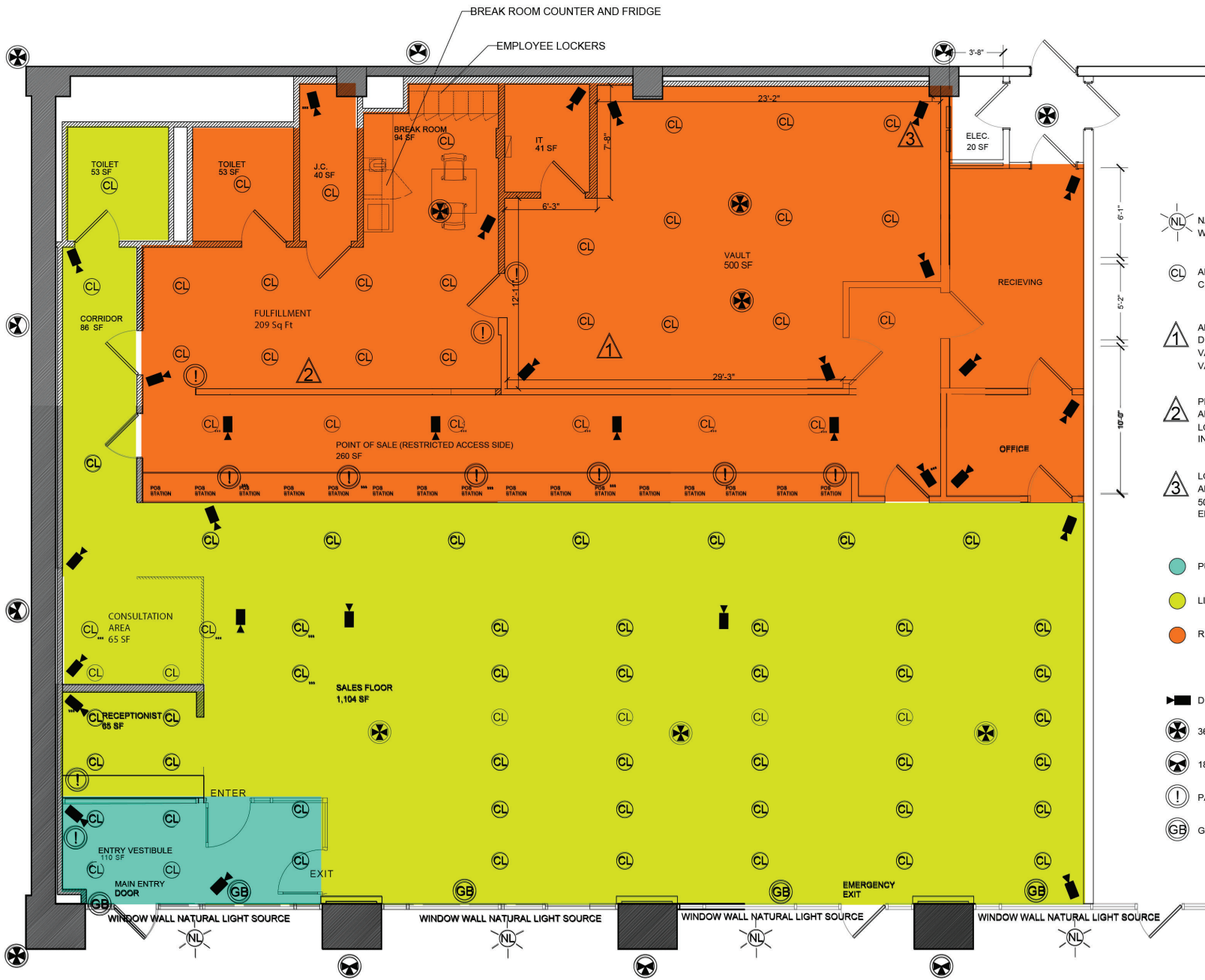
will verify proper credentials in accordance with Illinois State. Zen Leaf has partnered with Silver Star Protection, a leading security firm, to assist with security and compliance protocols.














- Point of Sale & Inventory Management: The facility will maintain an industry standard bolted, locked vault room for all cannabis inventory. No cannabis is present within display cases on the sales floor (the product boxes displayed within the cases are empty). The Dispensary will also maintain a statutorily required secure inventory management and point of sale system, Leaf Logix, which allows Applicant to track all cannabis products from seed to sale.
- Professional Staff: All Dispensary staff wear state issued photo identification badges and are trained to immediately notify local law enforcement if they observe suspicious activity and/or emergency events. All staff needs to complete a state and federal background check. Staff is also trained on how to assist patients and handle emergency events, such as active shooter, robbery, and medical emergencies.

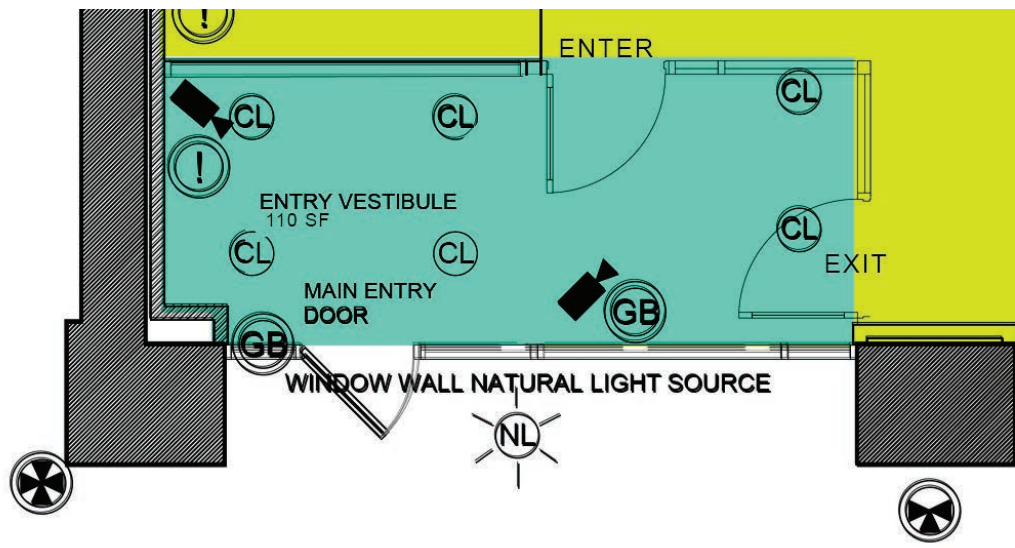
# EXISTING FLOOR PLAN
















# PROPOSED FLOOR PLAN

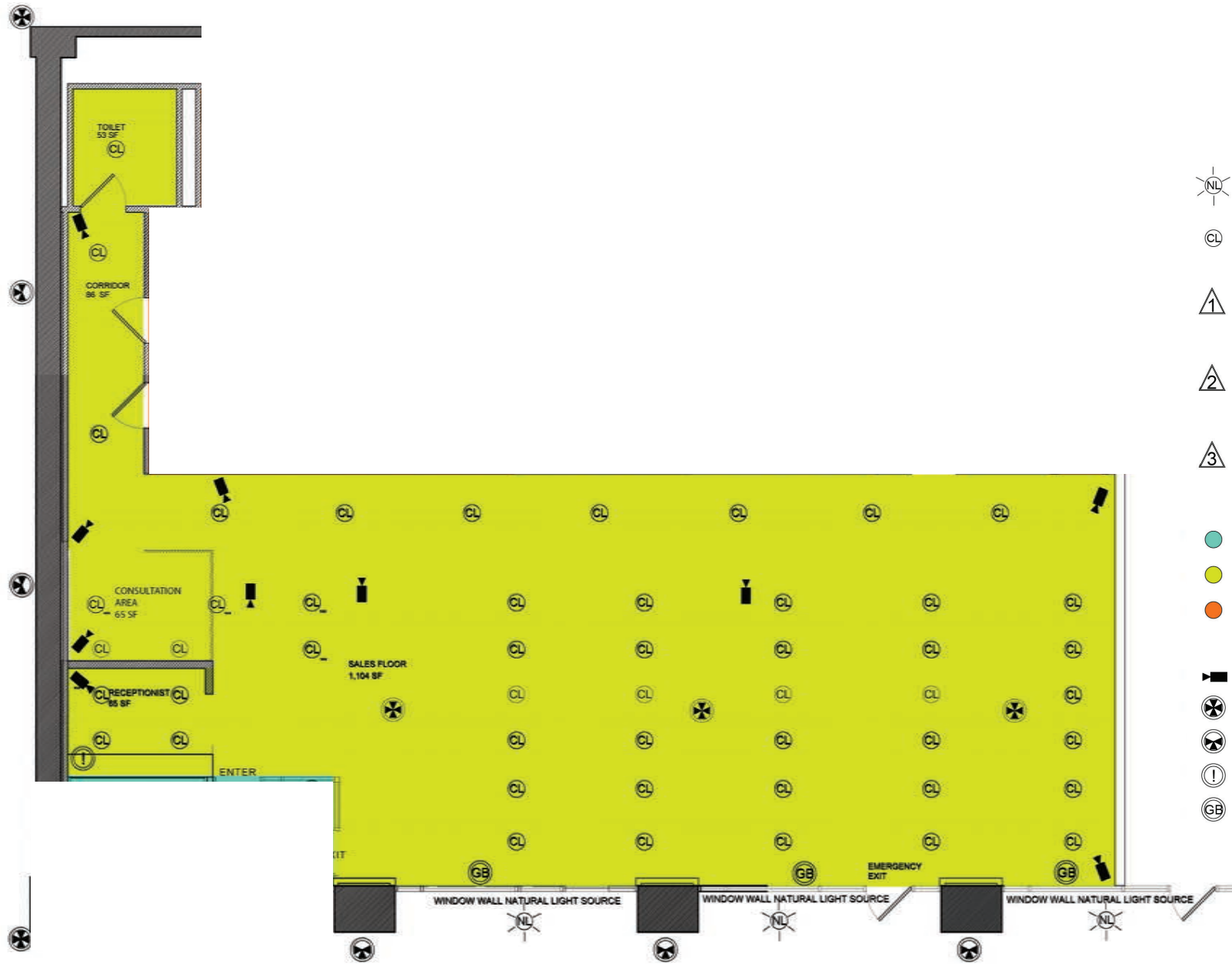













-  NATURAL LIGHTING WINDOW WALL
-  ARTIFICIAL LIGHTING SOURCE CEILING MOUNTED LIGHT FIXTURE
-  ALL PRODUCT IS STORED IN THE VAULT DURING NON-BUSINESS HOURS IN VAULT DIMENSIONS ARE LABELED ON FLOOR PLAN. VAULT AREA IS 266 SF
-  PRODUCT IS STORED IN THE FULFILLMENT AREA DURING BUSINESS HOURS IN LOCKING ROLLING CABINETS/CARTS. THESE ARE ROLLED INTO THE VAULT FOR NON BUSINESS HOURS STORAGE.
-  LOCATION OF CASH SAFE IN VAULT AMSEC DROP SAFE 50"W x 110"H x 20"D ELECTRONIC PIN ACCESS
-  PUBLIC ACCESS AREAS
-  LIMITED ACCESS AREAS
-  RESTRICTED ACCESS AREAS
-  DIRECTIONAL CEILING MOUNTED CAMERA
-  360 CEILING MOUNTED CAMERA
-  180 WALL MOUNTED CAMERA
-  PANIC BUTTON
-  GLASS BREAK SENSOR



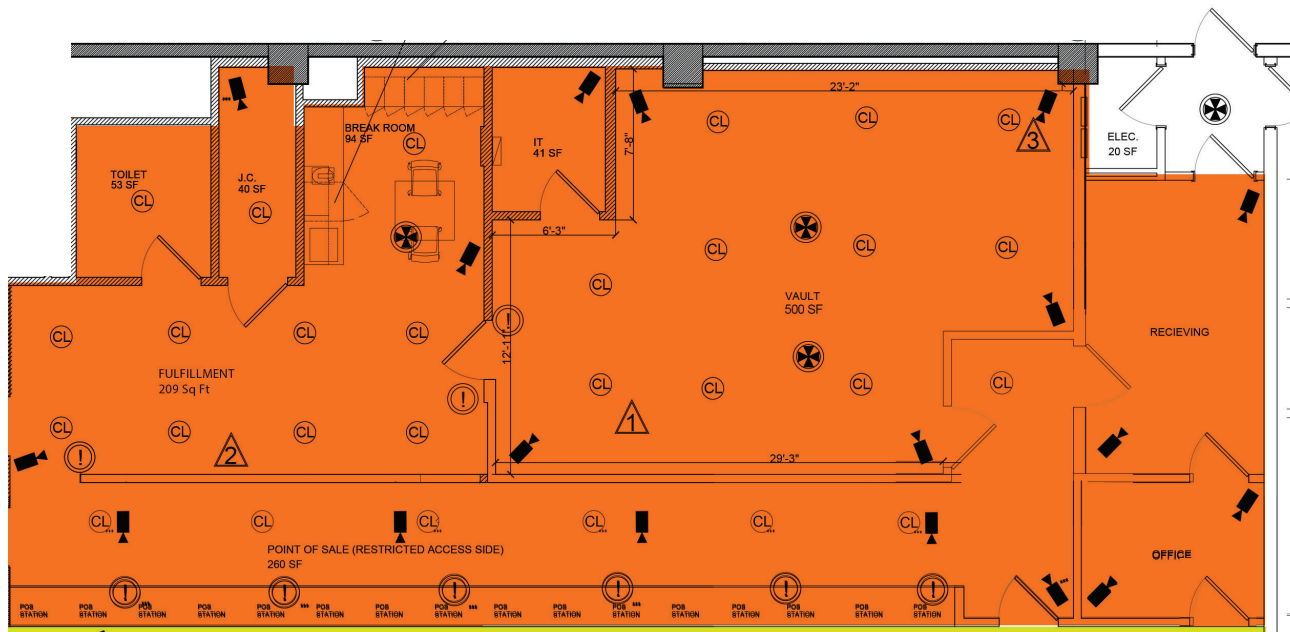
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












# PROPOSED FLOOR PLAN



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**A. 1804 Maple Avenue | 22ZMJV-0016**

Andrew Scott, Dykema, applicant on behalf of Verano Evanston, LLC, requests a Special Use Permit for a Cannabis Dispensary in the RP Research Park District (Zoning Code Section 6-12-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21.

APPLICATION PRESENTED BY: Andrew Scott, attorney, Dykema (applicant); Anthony Marsico, executive vice president, Verano Evanston, LLC

**DISCUSSION:**

- Mr. Andrew Scott, attorney and applicant on behalf of Verano Evanston, LLC, provided a summary of the request and the history of the tenant space, located at 1804 Maple Avenue. He said that the City leased to PharmaCann, LLC for a medical cannabis dispensary and then in 2020 they began to sell recreational cannabis post-state legalization.
- Mr. Scott said that MedMen contracted the state license to Verano in relation to the expansion in the previous Enterprise Rent-A-Car space. He continued that Zenleaf now operates under Verano in the location currently as Verano does now own the business itself.
- Anthony Marsico stated he has been with Verano since 2014 and that they operate in 14 states. He said they have 110 dispensaries nationwide.
- Mr. Marsico described their operations using the color-coded floor plan. He said that the turquoise/blue is public access where they check IDs, the lime green is the limited access/sales floor for consultation with customers, and the orange area is restricted access for staff only.
- Mr. Marsico said they use SilverStar Protection for security, a third party and that all customers have to provide a state or federal ID for entry. He said they use VeriScan for ID verification.
- Mr. Marsico said upon passing security, they may access the sales floor and learn about the products and purchase. He said all products on display are “dummy” packaging with no cannabis products inside as they are all in the restricted access area. He said products are in the state approved vault.
- Mr. Marsico said that all products sold are in sealed childproof packaging and that no loitering or consumption is permitted on site. He said “every square inch” is under video surveillance except for the bathrooms.
- Mr. Marsico concluded that they have 45-55 staff making \$35-55 thousand a year and that they are active in the Chamber of Commerce.
- Mr. Scott concluded their presentation with state requirements they do adhere to including that all of the windows are required to be opaque so you cannot see inside and that everything is pre-packaged.
- Mr. Marsico said they largely operate the same as they did and have expanded.
- Chair Nyden noted that they are a City tenant.

- M. Griffith asked if they were aware of any complaints since they have been in operation.
- A. Schnur said no.
- J. Nyden noted there had been queuing outside when they first opened but it was well managed.

**L. Biggs made a motion to recommend approval to the Land Use Commission, seconded by E. Cano. The motion carried by voice vote, 11-0.**

**Ayes:** J. Nyden, M. Jones, M. Griffith, A. Schnur, L. Biggs, E. Cano, R. Papa, I. Eckersberg, J. Hyink, C. Pratt, M. Tristan

**Nays:**

**Abstained:**



Katie Ashbaugh &lt;kashbaugh@cityofevanston.org&gt;

## Land Use Commission Public Comment

1 message

noreply@formstack.com &lt;noreply@formstack.com&gt;

Thu, Mar 31, 2022 at 12:42 PM

Reply-To: noreply@formstack.com

To: mmjones@cityofevanston.org, kashbaugh@cityofevanston.org, mklotz@cityofevanston.org



### Formstack Submission For: [Land Use Commission Public Comment](#)

Submitted at 03/31/22 1:42 PM

**Name:** Joan Magin

**Address of Residence:** 1111 Church St. Apt. 507 Evanston, IL 60201

**Phone:** (301) 512-0540

**How would you like to make your public comment?:** Written (see below)

**Provide Written Comment Here:** I would like to express my opposition to opening a Cannabis Dispensary to be located at [1804 Maple Avenue](#). In my opinion, the proposed location is too close to Northwestern University and Evanston High School. It is a well-known fact that teenagers do not always make correct decisions. It is also clear that for years teenagers have been able to obtain substances that they are too young to legally access. Given the fact that all students have computers it has become even easier to do so. Faked identity cards and older friends have allowed young people to obtain alcohol before they are 21. Cannabis can impact a person's ability to drive and make clear decisions. The potential resulting problems would impact the greater community.

Additionally, to the best of my knowledge there is methadone treatment center located on Davis Avenue. Having a cannabis dispensary so close to such a facility might make it much more difficult for those who are trying to stop or keep their own addictions under control.

Given these factors, my suggestion would be to place any type of cannabis dispensary in a location that would be more inaccessible for students and

recovering addicts to use. I am thinking of possibly locating such an establishment in a location as far away from these young students as possible in Evanston. Revenue for Evanston should not override the health and safety concerns of the residents of the city.

**Agenda Item (or comment on item not on the agenda):**

Special Use Permit for a Cannabis Dispensary in the RP Research Park District (Zoning Code Section 6-12-2-3)

**Position on Agenda Item:**

Opposed

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Formstack, [11671 Lantern Road, Suite 300, Fishers, IN 46038](https://www.formstack.com)

Land Use Commission

Omnibus Text Amendment Package  
22PLND-0021

Recommendation to the City Council



# Memorandum

To: Chair and Members of the Land Use Commission

From: Johanna Nyden Director of Community Development  
Melissa Klotz, Zoning Administrator  
Meagan Jones, Neighborhood & Land Use Planner  
Katie Ashbaugh, Planner

Subject: Zoning Ordinance Omnibus Text Amendment  
22PLND-0021

Date: April 7, 2022

## **Request**

City-initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, for an Omnibus Text Amendment Package relating to the following:

1. Redact all mentions of the Zoning Board of Appeals and Plan Commission (Title 6) and replace with the Land Use Commission in accordance with Section 2-19 of the City Code and Ordinance 92-O-21.
2. Update ADA Parking Regulations (Section 6-16) to follow current regulations of the Americans with Disabilities Act Standards for Accessible Design and use appropriate wording.
3. Move the Sign Code (Section 4-10) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6), establish variation regulations so that sign variations are no longer determined by the DAPR Committee, and establish regulations relating to billboards.
4. Move the Subdivision Code (Section 4-11) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6) and update requirements and procedures to current practices.
5. Establish clear Planned Development Standards for Approval similar to Variation and Amendment Standards (Section 6-3).
6. Update requirements and procedures for Planned Developments, including Neighborhood Meeting and Pre-Application steps, to current practices (Section 6-3-6).
7. Add Automobile Body Repair Establishment as an eligible Special Use in the I1 Industrial/Office District (Section 6-14-2).

The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-4 of the Evanston Zoning Code and Ordinance 92-O-21.

## Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on March 24, 2022.

## Analysis

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### Background

Similar to the omnibus text amendment processed and successfully adopted in early 2020, Planning & Zoning staff have identified several text amendments to the Zoning Ordinance that should be addressed to either provide clarification on existing processes, or simple modification to the code to address best land use practices.

The current Zoning Ordinance was adopted in 1993 and is now nearly 30 years old. In Evanston, the Zoning Ordinance is typically re-written or substantially overhauled every 12-15 years. Planning & Zoning staff, community partners, elected officials, developers, and residents have all identified issues within the Zoning Ordinance that need to be addressed. A new Zoning Ordinance should not be written or adopted until there is an updated guiding document to lead those changes. That guiding document is the Comprehensive General Plan (Comp Plan), which is a substantial document that the Land Use Commission will oversee the development of over the next months (and likely for 1-2 years). Once the new Comp Plan is adopted, a new Zoning Ordinance will be written and adopted. Until then, only text amendments that are deemed absolutely necessary are recommended by Planning & Zoning staff, including the following text amendments.

### Proposal Overview

Descriptions of each text amendment are listed below. Most of the text amendments requested are very simple and only need a short explanation, so draft ordinance wording is not included. A few of the text amendments require specific wording changes and have proposed draft ordinance wording included. Staff requests review of all seven proposed text amendments in one discussion so that they remain as one package that reduces the Commission's review time, staff's preparation time, and the City Council's time in the final steps. If any single text amendment proposed, or portion thereof, generates significant discussion and warrants additional information, staff requests that specific text amendment be removed from the omnibus request so that the remaining text amendments may continue to move forward in the process.

#### **1. Redact all mentions of the Zoning Board of Appeals and Plan Commission (Title 6) and replace with the Land Use Commission in accordance with Section 2-19 of the City Code and Ordinance 92-O-21.**

In late 2021, the Zoning Board of Appeals and Plan Commission were both eliminated from Title 2, Boards and Commissions, and the Land Use Commission was established to take on all rolls of both groups to establish one public hearing commission that is responsible for hearing all cases related to planning, zoning, land use, etc. Since the ZBA and Plan Commission no longer exist, a clean-up text amendment is needed that replaces any form of the term "Zoning Board of Appeals" and "Plan Commission" with "Land Use Commission". The only procedural change included in this text amendment is the elimination of joint meetings between the two



groups since there is now only one commission. This text amendment effectively changes nothing, since the Land Use Commission was already approved as the public hearing body for planning and zoning matters by the City Council.

Staff suggests this clean-up text amendment so that the Zoning Ordinance is consistent with the boards/commissions/committees requirements previously established by the creation of the Land Use Commission.

**2. Update ADA Parking Regulations (Section 6-16) to follow current regulations of the Americans with Disabilities Act Standards for Accessible Design and use appropriate wording.**

The Americans with Disabilities (ADA) Act was established in 1990 which, in part, established consistent federal requirements for disabled parking spaces. The Department of Justice last updated ADA parking regulations in 2010. The Zoning Ordinance should be updated to follow the current ADA requirements instead of stating specific regulations that become outdated over time. ADA parking regulations are also required by the Building Code (Chapter 11 of the currently adopted 2012 IBC).

Section 6-16 should be updated to eliminate the word “handicap” and use more appropriate terminology provided within ADA regulations such as “disabled” parking, and should not specify exact requirements for the number of parking stalls and parking stall size (which is currently outdated). Instead, the Zoning Ordinance should reference “current ADA regulations”. Enforcement of ADA regulations on proposed site plans will continue to be done by both zoning plan reviews and building plan reviewers.

**3. Move the Sign Code (Section 4-10) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6), establish variation regulations so that sign variations are no longer determined by the DAPR Committee, and establish regulations relating to billboards.**

Sign Code:

The Sign Code currently exists in the Building Ordinance (Title 4). It varies in the region and nationwide whether or not sign regulations are within a municipality’s building code, or zoning code. Signage permits are now reviewed for compliance by zoning staff and should therefore be moved into the Zoning Ordinance. This is appropriate since signage is typically proposed on private property that is already regulated by zoning for use, structure, bulk, etc.

Currently, sign variations are determined by the Design & Project Review (DAPR) Committee. An aldermanic referral is currently in process to either modify or eliminate DAPR. With the Sign Code relocated into the Zoning Ordinance, sign variations can then be processed as Minor and Major Variations.

In consideration of the Land Use Commission’s previous discussion regarding signage where the Commission requested as many sign variations as possible be

determined administratively and not sent to the Commission, staff proposes the following additions to existing Section 6-3-8-3 Authorized Variations :

Minor Variations for signs consisting of the following types shall be for nonresidential uses only, shall exclude vehicular dealerships, and may be granted by a maximum of 35%:

1. Wall sign height
2. Blade sign height and/or area

Major Variations: "Major variations" shall be defined as all variations other than minor variations and fence variations, and shall be limited to the following:

(among others listed)

9. Signs (excluding Scoreboards and Billboards)

Since sign requests are sometimes contentious, staff analyzed past sign variations and approvals to determine an appropriate selection of Minor vs. Major Variations. Past sign variations that were most often approved were for wall sign height, blade sign height, and blade sign area, and approved requests were typically within the 35% threshold that is already established for other Minor Variations within the Zoning Ordinance.

A total of 47 sign variation applications were processed from 2016 - current (or roughly 7 per year). Of those sign variations processed, 16 were related to wall sign height (though not all within 35% of the maximum height regulation of 15.5 feet), and six were related to blade sign height or area (also not all within 35% of the maximum regulation). Generally, requests that were closer to the original regulation were more likely to be approved, and larger requests were more likely to be denied. Given this approval record, staff finds that the existing Standards for Minor Variations listed in Section 6-3-8-12 can be appropriately applied to the proposed Minor Variations for signs.

The Land Use Commission will also be authorized to establish and/or modify Unified Business Center Sign Plans that are established for shopping centers. The Appeal process for Minor Variations for signs will follow the same process that other Minor Variations follow, with a final determination by the Land Use Commission. Staff suggests this text amendment to move the Sign Code into the Zoning Ordinance and establish Minor and Major Variations for signs.

Billboards:

During previous discussion on the potential regulation of Billboards that was requested via an aldermanic referral, the Land Use Commission voiced strong opposition to allowing Billboards under any circumstances anywhere within the city. The referral was made in consideration of ways to generate income for struggling property owners in all parts of the city. The City does currently have a minimal number of existing Billboards. Staff recommends the following zoning definition:

BILLBOARD: A permanent advertising structure that provides a two-dimensional sign face or faces that are sized to be visible and legible from a distance greater than other permitted sign types. The message may direct attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the lot on which the permanent advertising structure is located.

The above definition uses existing defined terms ('advertising structure', 'sign face') within the Sign Code and is also in compliance with *Reed v. Town of Gilbert*, 576 U. S. 155 (2015).

In addition to the definition, staff suggests consideration of allowing Billboards as an eligible Special Use in all zoning districts so that the City Council would act as the final determining body. Alternatively, the City Council could adopt licensing fees to generate income for the City. If the Land Use Commission prefers to look further into zoning regulations for Billboards and compare to other communities, staff requests Billboards be removed from the omnibus text amendment and re-noticed for future discussion and deliberation.

**4. Move the Subdivision Code (Section 4-11) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6) and update requirements and procedures to current practices.**

Regulations that establish the process for Subdivisions currently exist in the Building Code (Title 4). The Subdivision process requires review by multiple City departments and is coordinated by Planning & Zoning. The process includes the following:

1. Submit Zoning Analysis application to confirm all proposed subdivided lots will comply with zoning (or process variations to lead to that point).
2. Submit Subdivision application and any further documentation regarding proposed easements, tree preservation, covenants, etc.
3. Planning & Zoning staff route draft plat for review by staff in Public Works, Building & Inspection Services, Fire, and Community Development to ensure all proposed property lines, utility connection points, streets and right-of-ways, structures, landscaping, etc. comply with general City requirements and all subdivided properties can be adequately served by City facilities.
4. Planning & Zoning staff coordinates comments/revisions with the applicant, and confirms the draft plat of survey contains all proper legal information including required signature blocks for plat approval.
5. Planning & Zoning staff schedules the Subdivision for the Planning & Development Committee meeting, requests a draft Resolution, confirms the final draft of the plat, requests a staff memo from Public Works stating the proposed Subdivision can be adequately served by City facilities and noting any other concerns, compiles a staff recommendation memo, and coordinates the documentation and applicant expectations for P&D and the final determination by the City

Council.

6. Following approval by the City Council, Planning & Zoning staff notifies City staff who must sign the mylar plat, which is then returned to the applicant for final County signatures and recording with the Cook County Recorder of Deeds.

Since the Subdivision process begins with a Zoning Analysis, is coordinated by Planning & Zoning staff, proceeds to the P&D Committee, and includes final steps/signatures coordinated by Planning & Zoning staff, it is appropriate to move the Subdivision Chapter (Section 4-11) into the Zoning Ordinance. The Subdivision process is similar to other zoning processes (though a public hearing is only needed when zoning relief is requested). This process, with each step detailed, is not codified in full to state the six steps noted above. Certain aspects of the process, such as Public Works review, and City Council approval required, are stated in varying sections of the City Code. Staff suggests codification of the process within the Zoning Ordinance in a manner similar to the codified process for Major Variations, Map Amendments, Planned Developments, etc.

Most communities include the Subdivision process within the Zoning Ordinance as best practices since private property is regulated by zoning, but some communities include the Subdivision process within the Public Works Ordinance since subdivisions may include new right-of-way areas, utility easements, and/or public streets. Moving the Subdivision process into the Zoning Ordinance and clarifying each step required in the process will ensure appropriate and transparent review of Subdivisions in a manner consistent with other zoning reviews.

Staff suggests moving the Subdivision Code (Section 4-11) into the Zoning Ordinance and clearly codifying the Subdivision process as an additional section added into the code.

**5. Establish clear Planned Development Standards for Approval similar to Variation and Amendment Standards (Section 6-3).**

The Zoning Ordinance states clear and concise Standards for Approval for a variety of zoning reviews, including requests for Major Variations (Section 6-3-8-12-E), Special Uses (Section 6-3-5-10), and Amendments (Section 6-3-4-5). Standards for Approval for Planned Developments are listed in Section 6-3-6-9 but are not as clear. The Zoning Ordinance currently states Planned Development Standards as the following:

As a special use, planned development involves such special considerations of the public interest that it shall be required to adhere to the specific planned development standards established in the zoning district in which it is located. Compliance with the standards shall govern the recommendations of the Plan Commission applicable to a planned development and the action of the City Council in order to ensure that an approved planned development is in harmony with the general purposes and intent of the Zoning Ordinance. The Plan Commission shall not

recommend approval of, nor shall the City Council approve, a planned development unless each shall determine, based on written findings of fact, that the planned development satisfies the specific standards established in the zoning district in which the planned development is located.

While this code section acknowledges “specific standards established in the zoning district in which the planned development is located,” the zoning district sections do not expressly state additional standards. Instead, each zoning district lists “General Conditions” that is a mixture of language that relates to the Comprehensive Plan and other general development policies in terms of land use, intensity, housing, preservation, environment, traffic and parking, schools and public services, neighborhood character, planning, economic goals, taxable value of land, streetscape, pedestrian character, and landscaping. Each zoning district also lists “Site Controls & Standards” that include minimum and maximum Site Development Allowances and additional regulations for Planned Developments such as lot size, density, setbacks, FAR, height, vehicular access points, and parking and loading areas, underground installation of utilities, market feasibility study, and traffic study.

Staff recommends updating the Planned Development Standards section of the code to strike the current wording and instead establish precise Standards for Approval for Planned Developments that are consistent with other listed Standards for Approval.

Since a Planned Development is an eligible Special Use, the nine existing Standards for Approval for Special Uses currently apply and should continue to be applied, but should be stated more clearly within Section 6-3. Additionally, staff suggests the following Standards:

1. The requested Site Development Allowance(s) will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties that is beyond a reasonable expectation given the buildable potential of the Planned Development location.
2. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property.
3. The development site circulation is designed in a safe and logical manner to mitigate potential hazards for pedestrians and vehicles at the site and in the immediate surrounding area.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
5. The proposed development aligns with the current and future environmental goals of the City.
6. Public benefits that are appropriate to the surrounding neighborhood and the City as a whole will be derived from the approval of the requested Site Development Allowance(s).

Staff suggests elimination of the current wording of Section 6-3-6-9 and replacement

with the proposed list of Standards as well as reference to the additionally required Special Use Standards. Existing code sections that state the “General Conditions” and “Site Controls & Standards” will not be modified and will continue to provide guidance on Planned Development regulations within each of the different zoning district chapters.

**6. Update requirements and procedures for Planned Developments, including Neighborhood Meeting and Pre-Application steps, to current practices (Section 6-3-6).**

Staff recommends updating the codified Planned Development process so that the process steps listed within the Zoning Ordinance mirror the way Planned Development applications are currently processed. This includes the following:

1. Submit a Zoning Analysis application that includes at least a plat of survey, preliminary development plans and Inclusionary Housing Proposal application (if applicable).
2. Planning & Zoning staff circulates these documents to staff across a number of different departments (Public Works, Building & Inspection Services, Fire, Health, Sustainability, Economic Development and Community Development) and conducts a zoning analysis to determine possible Site Development Allowances and provide that information to the applicant in addition to preliminary comments on the development received from other staff.
3. Hold a community meeting. This is not a requirement and is at the discretion of the Councilmember whose ward in which the proposed development would be constructed. This meeting can occur prior to or following the submission of the official Planned Development application, and prior to the Design and Project Review Committee review.
4. Submit the Planned Development application and corresponding attachments.
5. Planning & Zoning staff circulate these documents to staff across a number of different departments to obtain their comments and questions for various aspects of the proposed development. An additional zoning analysis is done to confirm site development allowances and other zoning related items.
6. Planning & Zoning staff then provides this information to the applicant in a detailed letter and coordinates comments/revisions with the applicant.
7. The proposed development is then placed on the agenda for the Design and Project Review (DAPR) Committee to further review the proposal and any revisions that may be submitted after earlier staff comments are reviewed by the applicant. DAPR then makes a recommendation to the Land Use Commission.
8. Mailed notices are sent to property owners within 1,000 feet of the proposed development lot, providing them details of the proposed development and information regarding when the public hearing for the

development will occur at the Land Use Commission.

9. The proposed development is reviewed by the Land Use Commission through a public hearing, where questions are asked by the Commission and public testimony is taken. The Commission then reviews the applicable Standards for Approval and makes a recommendation to the City Council.
10. The proposed development then proceeds to the Planning & Development Committee of the City Council for review where the Committee can vote to introduce the proposal to the City Council.
11. City Council then reviews the proposed development and makes a final vote for approval/denial.

The proposed changes would more closely mirror the process that currently occurs with regards to Planned Development application submission and review, and will not alter mandated notification requirements. While it removes a formal pre-application conference meeting, it does add in the standard DAPR meeting review and a community meeting. Currently, community meetings are held at the discretion of the ward Councilmember but are very consistently part of the overall review process.

Staff suggests updating the Planned Development process (Section 6-3-6) so that the process steps that are currently practiced are codified within the Zoning Ordinance.

**7. Add Automobile Body Repair Establishment as an eligible Special Use in the I1 Industrial/Office District (Section 6-14-2).**

Uses related to the automobile are sometimes considered incompatible uses that may not coexist well with other uses such as single/multi-family residential. These uses are therefore regulated by zoning by allowing them as Permitted uses in zoning districts that do not typically feature the other incompatible uses, and by Special Use in zoning districts that do allow the other potentially incompatible uses so that they can be evaluated on a case by case basis. Automobile uses listed in the Zoning Ordinance include Automobile Repair Service Establishment (mechanic), and Automobile Body Repair Establishment. The two uses are separated due to building code requirements for spray booths for vehicle painting, and the potential for nuisance issues relating to the vehicle painting that may be a part of Automobile Body Repair Establishments.

The Zoning Ordinance currently allows the two uses in the following districts:

	C1	C2	MU	MUE	MXE	I1	I2	I3
Automobile Repair Service Establishment	S	P	S	S	S	P	P	P
Automobile Body Repair Establishment		S					P	P

Both uses are prohibited in all other zoning districts (R's, T's, U's, O1, D's, RP). Specifically for Automobile Body Repair Establishments, zoning regulations leave

extremely few options for locating within Evanston. As other desirable uses continue to locate throughout Evanston and change the landscape of the few remaining industrial areas (i.e. C2 and I Districts rezoning to MXE), zoning regulations for needed uses such as Automobile Body Repair Establishments should be considered in other districts such as the I1 Industrial/Office District. The I1 District does not allow incompatible residential uses, and can be appropriately conditioned via Special Use to allow the use at certain I1 District locations.

City staff recently became aware of a variety of small businesses that include single-bay Automobile Body Repair Establishments that have operated in certain areas without proper City approvals for many years. The vehicle repair/body repair shops provide blue collar jobs and have an established customer base throughout the community. Since the properties are now clear of Property Standards violations, staff suggests the aforementioned text amendment to the I1 District and then anticipates a moderate influx of small business owners who wish to bring their I1 body repair shops into compliance with the City and can be appropriately conditioned to ensure future compliance with Property Standards and all City requirements.

Staff suggests adding Automobile Body Repair Establishment as an eligible Special Use in the I1 Industrial/Office District.

#### Standards of Approval

In order for the seven proposed text amendments to be recommended for approval to the City Council, the Land Use Commission must find the Standards for Amendments (6-3-4-5) are met:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council: **Standard met** – the proposed text amendments are either intended to provide clarification on existing processes, or are simple modifications to the code to address best land use practices, which is a consistent goal of the Comp Plan.
2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: **Standard met** – the text amendments that propose changes to regulations do so minimally and in a way that any proposal would still be reviewed via a public hearing with the Special Use process to ensure the use is compatible with the overall character and vicinity of the property (and NA for the text amendments that are process clarifications).
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: **Standard met** – the proposed text amendments that are process clarifications will have no adverse effect and instead will increase transparency in zoning processes, and the remaining proposed text amendments utilize public hearing processes and/or the Special Use process to ensure there is no adverse effect on the value of adjacent properties.
4. The adequacy of public facilities and services: **Standard met** – Adequate public facilities and services should be standard throughout the city. This may be confirmed on a site-specific basis via a public hearing process and/or the Special



Use process.

### **Recommendation**

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Staff believes the seven proposed text amendments comprise an appropriate omnibus package of clarifications and modifications to the Zoning Ordinance that are necessary and appropriate. Staff recommends the Land Use Commission provide a positive recommendation for the omnibus text amendment that includes seven proposed clarifications or modifications to the Zoning Ordinance in one proposal that can move forward to the City Council.

### **Attachments**

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Handicapped Parking - Section 6-16-2-6  
Sign Regulations - Section 4-10 (Title 4, Building Ordinance)  
Sign Variation Data - 2016 to present  
Subdivisions - Section 4-11 (Title 4, Building Ordinance)  
Special Use Standards - Section 6-3-5-10  
Major Variation Standards - Section 6-3-8-12-E  
Amendment Standards - Section 6-3-4-5  
Planned Development Application Procedure - Section 6-3-6-7  
I1 Industrial/Office District Regulations - Section 6-14-2

## 6-16-2-6. - HANDICAPPED PARKING.

- (A) Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the handicapped, and these shall be clearly marked as such. Handicapped stalls shall be located in close proximity to the most accessible handicapped entrance of the principal building.
- (B) For up to and including the first twenty (20) parking stalls required on a site, one (1) shall be a handicapped space. When more than twenty (20) stalls are required, handicapped parking shall be provided at the rates indicated in Table 16-C, Section 6-16-3-5 of this Chapter.
- (C) Each handicapped parking stall shall be sixteen (16) feet in width by eighteen (18) feet in length.
- (D) The designation of handicapped parking stalls shall constitute consent by the property owner to the enforcement of the restriction of such spaces to handicapped motorists by the City.

(Ord. No. 43-O-93)

## CHAPTER 10 - SIGN REGULATIONS

## 4-10-1. - TITLE.

This Chapter shall hereafter be known and cited as the *SIGN REGULATIONS* of the City.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-1)), 1-23-2012)

## 4-10-2. - PURPOSE.

It is hereby determined that the primary purpose of signage is to help people find what they need without difficulty or confusion. Thus, while not restricting the freedom of expression, regulations must be established for preventing an overload of graphic messages in the environment. The purpose of signs is subordinate to the structures and land use functions they reference. Signs are to be considered accessory components of an overall composition of architectural elements, not as freestanding or dominant architectural elements by themselves.

This Chapter establishes standards for the erection, display, safety and maintenance of signs which are intended to allow a person to observe or ignore graphic messages, according to that person's own purpose, as well as to encourage the general attractiveness of the community and to protect property values therein. These standards are intended to meet the following objectives:

- (A) *Healthy Economy*. It is recognized that signs are an economical and effective means of communicating information and are thus an important asset to most businesses. The continued health of business and economic activities shall be encouraged by the use of signs which:
1. Clearly and efficiently identify the goods, services, facilities and locations available to the community; and
  2. Express the identity of businesses or the proprietors associated with those activities.
- (B) *Effective Communication*. A reasonable, orderly and effective display of signs is to be promoted by authorizing the use of signs which are:
1. Legible in the circumstances in which they are viewed;
  2. Harmonious with their surroundings and consistent with the character of their community context;
  3. Protective of the value of architectural resources, ensuring the integrity of the architectural elements and character of the buildings and sites to which signs principally relate;
  4. Respectful of the rights of nearby property owners; and
  5. Appropriate to the function to which they pertain.
- (C) *Public Welfare*. The public health, safety and welfare is to be preserved, protected and promoted through sign regulations which:
1. Recognize that signs are a necessary means of visual communication for the convenience of the general public taken as a whole, as opposed to the convenience of any individual person;
  2. Minimize the blighting influences posed by visual clutter, decay, and neglect;
  3. Eliminate confusion and distractions which jeopardize vehicular and pedestrian safety;
  4. Prohibit the placement of signs which obstruct vision or access in a manner which creates dangerous conditions;

- 5. Protect the physical and mental well-being of the general public by encouraging a sense of aesthetic appreciation of the City's visual environment; and
- 6. Preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

(Ord. No. 10-O-87; Ord. No. 51-O-93; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-2)), 1-23-2012)

4-10-3. - RULES AND DEFINITIONS.

The definitions noted below apply only to this Chapter and supersede any conflicting definitions found elsewhere in other chapters of the City Code.

(A) *Rules of Interpretation.* The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- 1. The singular number includes the plural and the plural the singular.
- 2. The present tense includes the past and future tenses, and the future the present.
- 3. The word "shall" is mandatory, while the word "may" is permissive.

(B) *Regulations.* To the extent that any definition below includes regulatory standards, such as height or area limitations, for example, such regulations shall apply in addition to all others contained in this Chapter.

(C) *Definitions.* The following words and terms, wherever they occur in this Chapter, shall be defined as follows:

<i>ABANDONED SIGN.</i>	Any sign advertising a business, commodity, service, entertainment or activity which has been discontinued.
<i>ADVERTISING STRUCTURE.</i>	A structure, as defined by the Building Code, erected or used for the purpose of supporting or displaying a message or sign.
<i>ARCHITECTURAL ELEMENT.</i>	A prominent or significant part or feature of a building, structure, or site.
<i>ARCHITECTURAL INTEGRITY.</i>	The composite or aggregate of the characteristics of structure, form, materials, and function of a building, group of buildings, or other architectural composition.
<i>ATTENTION GATHERING DEVICE.</i>	A display that utilizes motion or flashing lights to attract attention of passers-by. Examples include strings of pennants, banners or streamers, advertising flags, clusters of flags, strings of twirlers or propellers, flares, balloons, strobe lights, and sequential flashing "runner" lights.
<i>AUXILIARY SIGN.</i>	A sign which provides secondary information such as accepted charge cards, hours of operation, or warnings, and which is not intended to identify the basic nature of a use, specific product or service information, or the identity of the proprietor.
(Ord. No. 10-O-87)	

<i>AWNING.</i>	Any structure entirely supported by the wall to which it is attached, which may project over public property, and which has a frame, being either retractable or in a fixed position, covered by nonrigid material, such as fabric or vinyl.
(Ord. No. 51-O-93)	
<i>AWNING SIGN.</i>	A sign that is mounted or painted on, or attached to an awning.
<i>BOARD.</i>	The Sign Review and Appeals Board.
<i>BULLETIN BOARD.</i>	A sign that identifies an institution or organization on whose premises it is located and which contains the name of the institution or organization and/or message in movable letters of two inches (2") or less in height.
<i>CANOPY.</i>	Any permanent exterior roof structure which extends over, or is suspended above, any public thoroughfare, and which is attached to a building at the inner end and supported on the outer end in conformance with the Building Code of the City of Evanston.
<i>CANOPY SIGN.</i>	A sign that is mounted or painted on, or attached to a canopy.
<i>CITY.</i>	The City of Evanston, Illinois.
<i>CITY COUNCIL.</i>	The City Council of the City of Evanston, Illinois.
<i>COMMERCIAL MESSAGE.</i>	A message placed or caused to be placed before the public by a person directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities which are the subject of the message that:
	1. Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
	2. Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.
<i>COMMERCIAL VARIABLE MESSAGE (CVMS).</i>	A sign which may be manual, electronic or sign electrically controlled, capable of showing a series of different messages in a predetermined sequence.

<i>COMPATIBLE.</i>	The characteristic of appearance of two (2) or more buildings, structures, or architectural elements in the same vicinity which produces an aesthetically pleasing whole.
<i>COMPREHENSIVE SIGN PLAN.</i>	A set of criteria and a format approved by the Sign Review and Appeals Board for all signs to be located on the premises of a Unified Business Center.
(Ord. No. 90-O-11, § 6, 11-14-2011)	
<i>CONSTRUCTION SIGN.</i>	A sign identifying persons involved in design, planning, construction, wrecking, financing, or development taking place on the premises where the sign is posted.
<i>DIRECTORY SIGN.</i>	A sign which indicates the name and/or address of the occupants of a premises accommodating multiple occupants.
<i>ELIGIBLE FACADE AREA.</i>	That portion of a facade which is below the maximum sign height.
<i>ERECT.</i>	To build, construct, attach, hand, re-hang, suspend, place, affix, enlarge, substantially alter, post, display, or relocate and includes the painting of lettering or graphics for signs. Normal maintenance is not included within this definition.
<i>EXTERIOR.</i>	The outer part or surface of a building; such as a wall or window, which is exposed to outside environmental elements.
<i>EXTERNAL ILLUMINATION.</i>	Illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.
<i>FACADE.</i>	Any side, surface or wall below the roof of a building which is parallel or within forty five degrees (45°) of parallel with a parcel's frontage on a public thoroughfare, and which faces toward and relates to that public thoroughfare. If a building has a complex shape, then all walls or surfaces facing in the same direction, or nearly the same direction, are part of a single facade.
<i>FESTOON LIGHTING.</i>	A string of two (2) or more unshielded incandescent light bulbs suspended over a premises, (as opposed to being located on a building or structure). Holiday and ornamental lighting strung temporarily through trees shall not be construed to be festoon lighting.

<i>FLASHING SIGN.</i>	A directly or indirectly illuminated sign where the source of illumination is not maintained constant or stationary in intensity or color at all times when such sign is in use.
<i>FREESTANDING SIGN.</i>	Any sign which is erected such that it is detached from a building or structure.
<i>FRONTAGE.</i>	A lot line which is coterminous with the right of way of a single public thoroughfare.
<i>IDENTIFICATION SIGN.</i>	A sign which presents the name and/or address of a building, business, development or establishment, and may incorporate a logo, graphic, or image.
<i>INFORMATION CYCLE.</i>	The length of time used to display one continuous message from start to finish on a commercial variable message sign.
INSTITUTION:	An established organization or corporation of a public or eleemosynary character.
<i>INTERCHANGE-ABLE COPY BOARD.</i>	A sign whereon provision is made for letters or characters to be placed in or upon the surface area manually to provide a message or picture.
<i>INTERNAL ILLUMINATION.</i>	Illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.
<i>ITEM OF INFORMATION.</i>	Any of the following: a word, an abbreviation, a number, a symbol, or a geometric shape contained in a sign. In addition, a sign which combines several different geometric shapes, or shapes of unusual configuration are to be assessed one additional item of information for each noncontinuous plane or surface.
<i>LOT AREA.</i>	The gross surface area of land contained within or below a premises. It may be a single parcel or it may include parts of or a combination of such parcels when adjacent to one another and used as one.
<i>MAINTENANCE.</i>	Provision of a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to preserve the sign, advertising structure, marquee, canopy or awning in its originally permitted and installed condition.

<i>MARQUEE.</i>	Any hood or canopy of permanent construction supported entirely by the building, and projecting from the building's wall over a sidewalk or pedestrian thoroughfare, constructed for the purpose of permanently supporting an interchangeable copy board.
MARQUEE SIGN:	A sign permanently attached to and supported by a marquee, having all or a portion of its sign surface area comprising an interchangeable copy board.
<i>NAMEPLATE.</i>	A plate or plaque bearing a name, applied directly to or incorporated into a facade.
(Ord. No. 10-O-87)	
<i>NEON SIGN.</i>	A permanent sign fabricated entirely from glass tubing, illuminated with electrically-charged neon gas.
(Ord. No. 51-O-93)	
<i>NONCOMMERCIAL MESSAGE.</i>	Any message that is not a commercial message.
<i>OCCUPANCY.</i>	That portion of a building or premises of which is leased, owned, or otherwise controlled solely by an occupant, and of which that occupant has a tangible presence in the form of business, institution, residence or similar inhabitance.
<i>OCCUPANT.</i>	Any one of the following:
	1. A household inhabiting a dwelling unit, or
	2. An institutional, business, commercial or industrial endeavor that inhabits a distinguishable portion of a building or premises such that:
	(a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
	(b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.



<i>OFFICIALLY REGISTERED NAME.</i>	That name registered on legal papers of incorporation, partnership, or similar definition of proprietorship.
<i>PERMANENT SIGN.</i>	A sign that is solidly mounted or permanently affixed in accordance with the mounting requirements of this Chapter, Chapter 4-2 of this Title, or other chapters of the City Code.
<i>PERMITTEE.</i>	That person designated on the application for a sign permit as being responsible for assuring sign maintenance and operation in conformance with the ordinance and the permit.
<i>PERSON.</i>	Any natural person, firm, partnership, association, corporation, company, institution, or organization of any kind.
<i>PLACES OF ENTERTAINMENT.</i>	A business establishment, club, or institution which maintains a regular schedule of performing arts events. Restaurants without such live entertainment schedules are not included within this definition.
<i>PORTABLE SIGN.</i>	Any sign not permanently affixed to the ground, a building, or other structure, which may be moved, or is intended to be moved, from place to place.
<i>PREMISES.</i>	A parcel, or contiguous parcels, of land including related building or buildings, distinguishable from surrounding parcels and buildings by use. A building and grounds that contains many separate occupancies is still classified as a single premises. Several buildings and associated parcels of land may in fact be a single premises if their use is unified.
<i>PROPRIETARY INTEREST.</i>	Having partial or exclusive title to, control over management authority over, present use, or legal right to, something.
<i>PROPRIETOR.</i>	An individual who owns or operates a business which is wholly separate and distinguishable from other business entities on the premises, and not merely a part of a larger business entity.
<i>READ.</i>	The capacity to perceive of the sign's message through visual observation by a normal-sighted person.

<i>REAL ESTATE SIGN.</i>	A sign pertaining to the sale or lease of the premises or portion of the premises on which the sign is located, or to the sale or lease of one or more structures or a portion thereof located thereon.
<i>SIGN.</i>	A name, identification, description, display, message or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land so as to be principally seen from out-of-doors and which directs attention to an object, product, place, activity, concept, thought, person, institution, organization, or business.
<i>SIGN FACE.</i>	The exterior sign surface area of a single sign which may be read from any one ground position.
<i>SIGN SURFACE AREA.</i>	The total exposed surface within a continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color used as an integral part of the display or to differentiate the sign from the background on which it is placed.
<i>TEMPORARY SIGN.</i>	Any sign intended for a limited or intermittent period of display.
<i>TIME AND TEMPERATURE DEVICE.</i>	Any mechanism that displays the time and/or temperature, but does not display any advertising or establishment identification.
<i>UNIFIED BUSINESS CENTER.</i>	A premises containing four (4) or more individual nonresidential occupancies sharing a common building.
<i>WALL SIGN.</i>	Any sign erected upon or incorporated in the facade of any building with the plane of the sign face parallel to the plane of the facade.
<i>WINDOW AREA.</i>	Any transparent area on a facade through which the interior of a premises may be viewed from outside.
<i>WINDOW SIGN.</i>	Any sign, either permanent or temporary, which is affixed or placed so that its message or image is read as part of the total composition of a window area.

## 4-10-4. - ANNUAL SIGN FEE.

All signs subject to this Chapter are not subject to an annual fee.

(Ord. No. 46-O-99; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-4)), 1-23-2012; Ord. No. 119-O-20, § 1, 1-11-2021)

## 4-10-5. - CONSTRUCTION/ALTERATION PERMIT REQUIRED.

No "sign," as defined herein, shall be constructed, erected, originally painted, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded until a permit for such sign has been obtained in accordance with the standards and procedures set out in this Chapter.

(A) *No Permit For Maintenance.* No permit shall be required for maintenance of a "sign" as defined herein, nor for certain signs identified as exempt under Section 4-10-6 of this Chapter.

(B) *No Assignment Or Transfer.* No permit issued hereunder may be assigned or transferred to any other person.

(Ord. No. 51-O-93; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-5)), 1-23-2012)

## 4-10-6. - EXEMPT SIGNS.

The following signs shall be exempt from the requirement to obtain a permit and from the limitation on items of information, but shall be subject to the other provisions of this Chapter, and (with the exception of "addresses") shall be included for purposes of determining the allowable total number and size of signs on a premises:

(A) *Addresses.* Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation. Such address information cannot exceed two (2) square feet per officially assigned address, or the size required by the law, order, rule or regulation, whichever is greater.

(B) *Auxiliary Signs.* Auxiliary signs placed in store windows regarding hours of operation, accepted charge cards, warnings or similar information.

(C) *Bulletin Boards.* Bulletin boards, not exceeding twelve (12) square feet for public, eleemosynary or religious institutions where the bulletin board is located on the premises of said institutions.

(D) *Business Nameplates.* Nonilluminated nameplates denoting the business name of an occupation legally conducted on the premises, provided that only one nameplate per proprietor may be erected and that such nameplate not exceed one square foot.

(E) *Institutional Identify Signs.* For an institution such as a college or university campus, an identity sign designating only the name and address of the institution or campus, not exceeding thirty (30) square feet. Such signs shall be located not less than ten feet (10') from a street lot line.

(F) *Construction Signs.* One construction sign per frontage, identifying individuals or companies involved in the design, construction, demolition, financing or project development when placed on the premises where work is under construction. Such signs shall not be erected prior to the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the permit. Construction signs for single-family residences shall not exceed sixteen (16) square feet. Construction signs for commercial, industrial, multi-family, or planned development uses on parcels of less than one hundred thousand (100,000) square feet shall not exceed forty eight (48) square feet; construction signs shall not exceed ninety six (96) square feet on parcels greater than one hundred thousand (100,000) square feet.

- (G) *Flags And Standards.* Flags, standards, emblems and insignia of governmental, political, civic, philanthropic, religious educational organizations, having a size less than fifty (50) square feet, and displayed for noncommercial purposes.
- (H) *Garage Sale Signs.* No more than two (2) temporary signs per sale which advertise garage sales, yard sales, or similar merchandise sales, provided that such signs do not exceed four (4) square feet, are located with no more than one sign per street frontage either on the premises containing the sale or on other private property with permission of that property owner, and are only in place when the sale is actually taking place.
- (I) *Government signs.* Signs of a duly constituted governmental body, including traffic signs or other similar regulatory devices, directional signs, Evanston Historic District signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs pertaining to health, hazards, parking, swimming, dumping, and such emergency or nonadvertising signs as may be approved by the traffic engineer for safety purposes or by the City Council.
- (J) *Historic markers.* Commemorative plaques, memorial tablets, or emblems of official historical bodies, provided that no such marker shall exceed four (4) square feet and provided further that all such markers shall be placed flat against a building, monument stone, or other permanent surface.
- (K) *Holiday decorations.* Temporary displays of a primarily decorative nature, clearly incidental and customary with traditionally accepted civic, patriotic or religious holidays.

(Ord. No. 10-O-87)

- (L) *Interior signs.* Signs which are located on the interior of a premises and which are exclusively oriented to persons within that premises.

(Ord. No. 51-O-93)

- (M) *Management signs.* Signs not exceeding two feet (2') wide by three feet (3') high that indicate the real estate management agent for a premises and the agent's contact information. Management signs may display the words "For Rent" in letters no more than three inches (3") in height.

(Ord. No. 10-O-87; Ord. No. 90-O-11, § 1, 11-14-2011)

- (N) *Menu board signs.* One (1) menu board sign for a drive-in or drive-through facility, provided that the sign does not exceed twenty-five (25) square feet or eight (8) feet in height.

(Ord. No. 51-O-93)

- (O) *Model home signs.* Signs not exceeding four (4) square feet identifying a nonoccupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex. Such signs shall be permitted only when more than one (1) dwelling unit is available on the premises.
- (P) *Monument signs.* Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure and its date of erection.
- (Q) *Noncommercial signs.* Noncommercial signs, not exceeding six (6) square feet per occupancy.
- (R) *"Open" signs.* Signs, not exceeding four (4) square feet, which advertise a premises open for inspection, with no more than one (1) sign per street frontage on the subject property, and an overall maximum of two (2) signs per property. Such signs may not be located in the public right-of-way, nor be directly illuminated. They may only be in place when the related premises is actually open for inspection.
- (S) *Political or campaign signs.* Signs promoting candidates for public office or issues on election ballots, not exceeding six (6) square feet per occupancy, posted on private property.

(Ord. No. 10-O-87; Ord. No. 88-0-10, § 1, 12-13-2010)

(T) *Real estate sign.* One (1) real estate sign per street frontage of a premises, advertising the availability of a sale or lease of that premises. Such signs may not be located in the public right-of-way, nor be directly illuminated. They shall not exceed six (6) square feet for residential districts, twenty-four (24) square feet for commercial districts, or forty-eight (48) square feet for industrial districts. Display of real estate signs shall be limited to one hundred eighty (180) days. For nonexempt real estate signs see Subsection 4-10-10(L), "Temporary Real Estate Signs," of this chapter.

(Ord. No. 47-0-03)

- (U) *Residential and institutional nameplates.* One (1) nonilluminated name-plate, not exceeding twelve (12) square feet, for a multiple-family dwelling, college, university or theological school building, fraternity or sorority. Such signs shall include only the name and/or address of the building and be located not less than ten (10) feet from a street lot line.
- (V) *Service station price signs.* Price signs not exceeding the minimum requirements established by state statute for service stations.
- (W) *Site information signs.* Signs of no more than four (4) square feet which, without including an advertising reference of any kind, provide direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying restrooms, public telephones, walkways, traffic flow, parking restrictions, and features of a similar nature.
- (X) *Special displays.* Special displays used for public demonstrations, the promotion of civic welfare, or charitable purposes, provided they are approved by the City Council after submission of a written application, they contain no noncharitable advertising, and they are removed by the deadline established by the Council in its approval.
- (Y) *Temporary window signs.* Signs temporarily affixed to the inside of a window, advertising commercial situations relating to goods or services sold on premises, provided that the total of all signs in the window area, including temporary and permanently mounted signs does not exceed twenty five percent (25%) of the window area; and further provided that each temporary window sign has the initial date of display permanently and visibly affixed on its face, and that no temporary window sign is displayed for longer than thirty (30) days. For any occupancy using no other signs than a permanent window sign the amount of permanent and temporary window sign area may be increased to thirty five percent (35%) of the window area.
- (Z) *Vending machine signs.* Permanent, nonflashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines, not exceeding four (4) square feet for each exposed face, nor exceeding an aggregate sign surface area of eight (8) square feet.

(Ord. No. 10-O-87)

(Ord. No. 10-O-87; Ord. No. 51-O-93; Ord. No. 47-0-03; Ord. No. 88-0-10, § 1, 12-13-2010; Ord. No. 90-O-11, § 1, 11-14-2011; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-6)), 1-23-2012)

#### 4-10-7. - PROHIBITED SIGNS.

All signs not specifically permitted in this Chapter are prohibited in any location in the City.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-7)), 1-23-2012)

## 4-10-8. - GENERAL STANDARDS.

- (A) *Applicable Regulations.* In addition to the provisions of this Chapter, all signs must conform to the regulations and design standards of all other applicable chapters of the City Code.
- (B) *Obscene Messages.* No sign shall be permitted to contain statements, words or pictures of an obscene and/or pornographic character.
- (C) *Wind Pressure and Dead Load Requirements.* Every sign or advertising structure shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area and shall be constructed to receive dead loads as required by Chapter 2 of this Title and other applicable chapters of the City Code.
- (D) *Obstruction to Doors, Windows, or Fire Escapes.* No sign or advertising structure shall be erected, relocated or maintained so as to prevent free ingress to, or egress from any door, window or fire escape. No sign or advertising structure shall be attached to a standpipe or fire escape. No sign shall interfere with any opening required for ventilation.
- (E) *Signs Not to Constitute Traffic Hazards.* In order to ensure reasonable traffic safety, it shall be unlawful to erect or maintain any fluttering, undulating, swinging, rotating, blinking, or flashing sign or attention gathering device. No sign or advertising structure nor its associated landscaping shall be erected, installed or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of position, shape, color or lighting thereof.
- Pursuant to the foregoing, no sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or imitate, resemble, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign or advertising structure shall make use of the words "stop," "go," "slow," "look," "caution," "warning," "danger," or any similar word, phrase, symbol, or character, or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead or confuse traffic.
- (F) *Advertising Vehicles.* No person shall for the flagrant purpose of providing advertisement of products or directing people to a business or activity, park on the public right of way, public property, or private property so as to be prominently visible from a public right of way any vehicle or trailer which has attached thereto or located thereon any sign or advertising device. The foregoing shall not apply to mobile food vehicle vendors licensed pursuant to title 8 of this Code.
- (G) *Electrical Clearance.* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the Evanston Electrical Code, depending on the voltages concerned. However, in no case shall a sign be installed closer than twenty four inches (24") horizontally or vertically from any conductor or public utility guy wire.
- (H) *Face of Sign to be Smooth.* No signs or advertising structures which are constructed on public thoroughfares, or within five feet (5') thereof, shall have nails, tacks or wires or other hazardous projections protruding therefrom, except electrical reflectors and devices which may extend over the top and in front of such advertising structures.
- (I) *Glass; Limitation.* Any glass forming a part of any sign shall be safety glass. In case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass.
- (J) *Reflectors, Spotlights and Floodlights; Limitations and Prohibition.* Gooseneck and similar reflectors and lights shall be permitted on free-standing and wall signs; provided, however, the reflectors and lights shall concentrate

the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which extends over public property, and which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public thoroughfare.

- (K) *No Tree Mounting.* No signs shall be nailed, tacked or otherwise affixed to trees or other vegetation in such a way as to puncture bark.
- (L) *No Handbills.* No handbills, posters, notices, or similar attention gathering devices shall be posted or affixed on traffic control boxes, signs, lamp poles, utility poles, traffic control supports, viaducts, or other locations as further regulated under Title 3 of this Municipal Code.
- (M) *Illuminated Signs.* All illuminated signs shall be subject to the following requirements:
1. *Electrical Permit.* In addition to complying with the provisions of this Chapter, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the City Electrical Code, Title 4, Chapter 6 of the City Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
  2. *Voltage Displayed.* The voltage of any electrical apparatus used in connection with a sign shall be conspicuously noted on that apparatus.
  3. *External Illumination.* A building or structure, along with signs, awnings, and canopies attached to the building or structure, may be illuminated externally, but all lighting used for this purpose must be designated, located, shielded, and maintained in such a manner that the light source is fixed and not directly visible from any adjacent public rights of way or surrounding premises.

(Ord. No. 10-O-87)

4. *Internal Illumination.* Internal illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent. If translucent, it shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility (according to the judgment of the sign owner) a translucent white border of up to one inch (1") in width may be placed around said lettering or graphic elements.

(Ord. No. 51-O-93)

5. *Brightness Limitation.* In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed:
  - a. Seventy five (75) foot-candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
  - b. When the sign is located in a residential zoning district, fifty (50) foot-candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
  - c. One foot-candle on adjoining residential property, measured three feet (3') above the surface of the ground.
6. *Glare.* All artificial illumination shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light upon adjacent public rights of way or surrounding property.
7. *Flashing Signs.* Except for commercial variable message signs (CVMS), illuminated signs shall not have any flashing, scintillating, traveling, or blinking lights or rotating beacons, nor shall any beam of light be projected through a mechanism which periodically changes the color of the light reaching the sign.

- (N) *Movable Sign Parts.* No sign or its parts shall be permitted to be movable or rotating, nor shall any sign have illuminated effects which convey the illusion of movement.
1. *No Changeable Copy.* With the exception of marquee signs, gasoline price signs, CVMS signs, and exempt signs, no sign may contain movable letters or other changeable copy.
  2. *Items Secured.* All manually movable items on a sign, such as covers to service openings, shall be secured by chains or hinges.

(Ord. No. 10-O-87)

(Ord. No. 10-O-87; Ord. No. 51-O-93; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-8)), 1-23-2012)

#### 4-10-9. - AREA AND MEASUREMENT STANDARDS.

- (A) *Signs in Residential Districts.* Except in conjunction with legal nonconforming commercial and industrial uses, no signs other than those exempted under Section 4-10-6 of this Chapter shall be permitted on property in a residential zoning district.
- (B) *Commercial Message Location.* A sign which displays a commercial message is permitted only on the premises where the business, profession, accommodation, commodity, service, entertainment, or other commercial activity represented on the sign is located.

Any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this chapter.

- (C) *Interchangeable Noncommercial Messages.* Any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this chapter.
- (D) *Sign Area Limitation.* The combined total sign surface area of signs on a premises shall not exceed the greater of:
1. *Area Of Facade.* An area equivalent to fifteen percent (15%) of the total eligible facade area of buildings which constitute the premises; or
  2. *Area Of Premises.* An area equivalent to one-half of one percent (0.5%) of the lot area of the premises.

At no time shall the combined total sign surface area of all signs pertaining to any occupant, other than exempt signs or temporary window signs, exceed five hundred (500) square feet.

The maximum aggregate sign surface area may be divided between as many sign types as desired by an occupant, subject to number, location and area restrictions for each sign type delineated herein.

On a premises with multiple occupants, the maximum permitted sign surface area for each occupant shall be a proportional share of the total permitted sign surface area for the premises. Each occupant's total permitted sign area shall be calculated as the ratio of floor area (or lot area where no principal buildings are present) occupied by that occupant to the total floor area (or lot area where no principal building is present) of the premises.

- (E) *Sign Face Calculation.* The sign surface area of a sign shall be calculated only on the basis of the sign face(s) that can be seen at one time. On a multiple sided sign with opposite faces that cannot be read simultaneously, only one of the faces shall be calculated for purposes of determining sign surface area.
- (F) *Structure and Base Excluded.* Structural supports and bases, bearing no message, copy or graphics, and of a



neutral or subdued color(s), shall not be included in calculating the sign surface area.

- (G) *Items of Information.* Subject to the requirements of all other provisions of this chapter, each sign face shall contain no more than seven (7) items of information. However, if the officially registered name of the occupant of the premises to which the sign refers contains more than seven (7) items of information, the name may be displayed on each sign face, provided no other information is displayed on such sign.

In calculating items of information, characters two inches (2") or less in height shall be excluded. They are considered to be principally directed toward pedestrian observation.

- (H) *Maximum Sign Height.* With the exception of tall building identification signs, all signs shall be subject to the maximum height limitation of fifteen and one-half (15.5) feet. The height of a sign shall be measured from the adjoining ground level or the elevation of the street upon which the sign faces, whichever is lower, to the tallest portion of the sign.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-9)), 1-23-2012; Ord. No. 104-O-15, § 1, 8-17-2015)

#### 4-10-10. - PERMITTED SIGN TYPES.

(A) *Wall Signs.*

1. *Number.* If an occupant displays more than one wall sign on a facade, that occupant's total permitted sign surface area for wall signs on that facade is reduced by an increment of twenty percent (20%) for each additional wall sign.
2. *Area.* The total permitted sign surface area of all wall signs on a facade shall not exceed ten percent (10%) of the eligible facade area. No individual wall sign shall exceed one hundred twenty five (125) square feet in area.
3. *Area Bonus.* An occupant's permitted sign surface area for wall signs on a facade may be increased by twenty percent (20%), though not exceeding the two hundred (200) square foot individual sign area maximum, when the following standards are met:
  - a. The occupant is displaying no more than one wall sign on the facade; and
  - b. The sign consists only of individual alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the signs are to be affixed; and
  - c. If illuminated, such illumination is achieved through internal illumination, shielded silhouette lighting, or shielded spot lighting.

This does not include any lighting where the light source is visible or exposed.

4. *Location.* Wall signs may only be located on a portion of an exterior wall that is coterminous with the occupancy to which the signs refer.

No wall sign shall extend above or beyond the wall to which it is attached.

Except as permitted below, no wall sign shall extend above the maximum sign height of fifteen and one-half (15.5) feet.

5. *Projection From Wall.* No wall sign, including any illuminating device or other structural part, shall project more than twelve (12) inches beyond the plane of the wall to which it is attached.
6. *Tall-Building Identification Sign.* On buildings of six (6) stories or greater, where the occupant between the

second story and the top story is the same, one tall-building identification sign per facade may be placed between the floor of the top story and the top of the wall of the building. This identification wall sign shall not exceed one hundred (100) square feet in sign surface area.

7. *Installation Considerations.* To preserve the architectural integrity of any building, no wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations, or ornamental detailing.

All mounting brackets and other hardware used to affix a sign to a wall, and all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

(B) *Freestanding Signs.*

1. *Number.* There shall be no more than one freestanding sign for each frontage of a premises.  
On premises having a principal building, no freestanding sign shall be permitted on a frontage unless every facade related to the frontage is set back at least thirty (30) feet from the street right of way. On premises having no principal building, there shall be no more than one freestanding sign for each frontage of the premises.
2. *Area.* Except as conditioned below, the total sign surface area of a freestanding sign shall not exceed one quarter percent (0.25%) of the lot area of the premises, nor a maximum of one hundred twenty (120) square feet of sign surface area.
  - a. The maximum sign surface area of a freestanding sign on a frontage may not exceed twelve (12) square feet unless that frontage is one hundred (100) or more feet in length.
  - b. A fifteen percent (15%) bonus in sign surface area shall be permitted for any freestanding sign which is the only freestanding sign on a premises on which more than one such sign would otherwise be permitted.
3. *Location.* No freestanding sign shall extend beyond the perimeter lot line of a premises or within twenty (20) feet of any circulation lane which provides access to a public right of way.
4. *Height.* A freestanding sign within three (3) feet of any perimeter lot line of a premises may not exceed three (3) feet in height. The height of any freestanding sign three (3) or more feet from any lot line may not exceed the distance between the sign and any lot line, nor shall the top of the freestanding sign exceed the maximum elevation of a principal building on the premises to which it pertains.

No freestanding sign shall exceed the maximum sign height of fifteen and one-half (15.5) feet.

5. *Permanent Mounting:* All freestanding signs shall be permanently mounted in the ground. No portable signs are permitted.

(C) *Permanent Window Signs.*

1. *Area.* The sign surface area of permanent window signs in any window shall not exceed twenty percent (20%) of that window area.
2. *Location.* Permanent window signs must be confined within the transparent glazed area of the window and shall not encroach upon the frame, mullions or other supporting features of the glass.
3. *Installation Considerations.* All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to either side of the glass of an exterior building or window or door. No application using a

temporary adhesive shall be permitted unless the Sign Administrator determines the application to be safe and will be permanent.

(D) *Commercial Variable Message (CVMS) Signs.*

1. *Time and Temperature Only.* CVMS displaying messages other than time and temperature information shall be prohibited.
2. *Length of Cycle.* The total length of the information cycle of a CVMS shall not be shorter than three (3) seconds nor longer than seven (7) seconds. Items of information may not be repeated at intervals that are short enough to cause the CVMS to have the effect of a flashing sign.
3. *Brightness Adjustment.* CVMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
4. *Included Area.* The illuminated or message displaying areas of the CVMS shall be included within the maximum aggregate sign surface area for the premises.
5. *Maintenance.* CVMS must be maintained so as to be able to display messages in a complete and legible manner.

(E) *Marquee Signs.*

1. *Number.* There shall not be more than one marquee sign on any facade. Advertising and identification messages on any of the vertical or nearly vertical faces of a marquee are calculated as a single marquee sign.
2. *Area.* The total sign surface area of a marquee sign shall not exceed five hundred (500) square feet.
3. *Location.* A sign may be affixed to or located upon any vertical or nearly vertical face of a marquee, so that no portion of the sign falls above or below the face of the marquee.  
  
In no instance shall a marquee sign be lower than ten (10) feet above the sidewalk or public thoroughfare.  
  
In no instance shall a marquee sign be located so that it extends beyond the curb line of the street.
4. *Use Of Marquee.* Marquee signs are only permitted for use on theaters, places of entertainment, and hotels.

(F) *Canopy and Awning Signs.*

1. *Commercial Message.* Use of canopy or awning area for display of commercial messages shall be limited to the name, logo and address of the business or businesses within the building upon which the awning is attached. Canopy or awning signs shall be flush to the face of the canopy or awning.
2. *Area.* The sign surface area of a canopy or awning sign shall not exceed fifteen percent (15%) of the area of the vertical section of the canopies and awnings. The vertical section of the canopies and awnings is calculated as the height of the canopy or awning (difference between the highest and lowest point on the canopy or awning) multiplied by the length of the canopy or awning measured parallel to the facade upon which it is attached.  
  
Signs on any surface of a canopy or awning other than the surface running parallel with the building face shall be limited to letters or graphics not exceeding four (4) inches in height.
3. *Location.* Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than seven (7) feet six (six) inches, and the lowest portion of the descending skirt shall be not less than six (6) feet eight (8) inches above the level of the sidewalk or public thoroughfare.

No portion of the canopy or awning sign shall be extended above or beyond the canopy or awning upon which it is attached; however, signs may be hung beneath canopies parallel to the building frontage so long as they do not descend below the minimum six (6) foot eight (8) inches minimum clearance.

Awnings shall project a minimum of thirty-six (36) inches out from the building upon which they are attached, and a maximum of twenty-four (24) inches from the vertical surface of the street curb line.

4. *Installation Considerations.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
  5. *Illumination of Awnings And Canopies.* Awnings and canopies may be illuminated where the following conditions are maintained:
    - a. Both interior type strip lighting and exterior type gooseneck lighting is permitted, not exceeding a maximum light level of eighteen (18) foot-candles measured three (3) feet from and perpendicular to the light source.
    - b. Awnings shall be allowed to be lighted whether or not signs are to be displayed on the awning.
    - c. Internally illuminated awnings and canopies shall permit light to shine fully through only the lettering and graphic elements. The bottom of any internally illuminated awning or canopy shall be enclosed.
    - d. Illumination of canopies, awnings, canopy signs and awning signs is further regulated in Section 4-10-8 of this Chapter.
  6. *Nonrigid Materials Prohibited.* Canopy or awning signs covered by nonrigid materials and supported on the outer (street) end are prohibited.
- (G) *Neon Signs.* The area defined by neon shall not exceed twenty percent (20%) of the window area. Neon signs shall not extend to all edges of the windows.
- (H) *Scoreboards.*
1. *Location.* No scoreboard shall be erected or maintained such that it is visible from a public thoroughfare.
  2. *Internal Scoreboard.* The number, area, height, and location of scoreboards visible only from within the stadium area are regulated as part of Section 4-10-8 of this Chapter.
- (I) *Temporary Signs.*
1. *Number.* There shall not be more than two (2) permits for temporary signs issued for the same occupant of a premises within one calendar year.
  2. *Area.* Temporary signs shall not exceed thirty-two (32) square feet in sign surface area for each exposed face, nor sixty-four (64) square feet total sign surface area.
  3. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, or sale is to occur. Temporary signs shall take the form of wall signs or free-standing signs and shall conform to the location requirements of the respective sign type described elsewhere in this Chapter. No temporary signs shall be permitted on vehicles.
  4. *Time Limitations.* Temporary signs shall be erected and maintained for a period not to exceed thirty (30) days, and shall be removed within three (3) days of termination of the activity, service, project, or sale.
  5. *Materials and Mounting Limitations.*
    - a. All temporary signs shall be anchored and supported in a manner which reasonably prevents the

possibility of the signs becoming hazards to the public health and safety as determined by the Sign Administrator.

b. Any temporary sign weighing in excess of fifty (50) pounds must conform to the safety requirements of the City Code.

6. *Certain Temporary Signs Exempt:* Temporary window signs as qualified in Section 4-10-6 of this Chapter are exempt from the conditions of this Section.

(J) *Unified Business Center Signs.*

1. *Comprehensive Sign Plan.* No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center as described in Section 4-10-18 of this Chapter, and said sign complies with the provisions thereof.

2. *Center Identification Sign.* In addition to the signs permitted for each separate occupant, there may be one identification sign for the center itself.

a. Said identification sign may only include the name, address, or graphic logo of the center.

b. The permitted sign surface area of said identification sign shall not exceed an area equivalent to one tenth of one percent (0.1%) of the lot area of the premises nor a maximum of one hundred twenty (120) square feet.

c. Unless specifically exempted by the provisions of the comprehensive sign plan for the unified business center, said identification sign shall conform to all of the regulations (except those governing number and area) for individual sign types found elsewhere in this Chapter.

3. *Directory Signs.* In addition to the permitted identification sign for the center, a unified business center may have common directory signs to guide pedestrians to individual businesses on the site. Such signs shall be limited to a maximum of one square foot per occupant listed on the sign.

(K) *Vehicular Dealership Signs.*

1. *Number.*

a. Each dealership may have one freestanding sign. Each parcel may have no more than two (2) freestanding signs. In the event a business entity consists of multiple dealerships, no more than two (2) dealership signs may appear on one freestanding pole.

b. One wall sign per business entity.

2. *Area.*

a. The maximum gross surface area for freestanding signs is one hundred forty (140) square feet per sign face.

b. For wall signs, the maximum gross surface area must not exceed twenty five percent (25%) of the square foot area of the facade to which the sign is attached.

3. *Location.*

a. *Freestanding Signs.*

(1) Freestanding signs are permitted at the lot line.

(2) Freestanding signs shall be separated by a minimum of fifty feet (50').

b. *Wall Signs.*

(1) Wall signs are not to extend above the roofline of the wall upon which the sign is attached.

4. *Height.* Freestanding signs erected after the effective date hereof shall not exceed twenty five feet (25'). Freestanding signs in existence prior to that time shall not exceed their preenactment height.
5. *Uniform Sign Package.* When a dealership changes ownership or acquires a new vehicle line, no new sign(s) may be erected and no modifications to existing signs may be made without the owner having filed a sign package with the city and receiving the city's approval therefor.
6. *Flags.*
  - a. Flags may be used on used car lots only, provided that:
    - (1) They are of uniform color; and
    - (2) Worn flags are replaced so as to maintain a neat appearance.
7. *Conflict With Other Provisions of This Chapter.* In the event of a conflict between this subsection (K) and the other provisions of this chapter, this subsection shall prevail.

(L) *Temporary Real Estate Signs.* For temporary, nonilluminated real estate signs for multi-family, residential projects, the permitted regulations are as follows:

5 to 36 dwelling units = 32 square foot maximum, 10'0" maximum sign height

All temporary real estate signs shall be limited to a maximum of twelve (12) months total duration, or until all the units are sold.

(M) *Blade Signs.*

- (1) *Position.* Blade signs shall be project from and be perpendicular to a building's facade, and the top of any such sign shall not be more than fifteen (15) feet six (6) inches above grade at the building.
- (2) *Area.* Blade signs shall not measure more than two (2) feet wide nor more than three (3) feet high.
- (3) *Clearance.* The bottom of any blade sign shall be at least seven (7) feet six (6) inches above grade at the building.
- (4) *Illumination.* Blade signs shall not be illuminated.
- (5) *Number.* There shall be no more than one (1) blade sign per business.

(Ord. No. 10-O-87; Ord. No. 51-O-93; Ord. No. 55-O-93; Ord. No. 47-O-03; Ord. No. 90-O-11, § 2, 11-14-2011; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-10)), 1-23-2012; Ord. No. 104-O-15, § 2, 8-17-2015)

#### 4-10-11. - ADMINISTRATION.

- (A) *Administrative Officer.* The city manager shall designate the Sign Administrator for the purpose of administering this chapter. If no such person is designated, the city manager himself/herself shall function as the Sign Administrator.
- (B) *Permit Approval Procedure.* Any sign for which a permit is required under section 4-10-5 of this chapter must receive that permit prior to being constructed, erected, originally painted, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded. The following procedures must be followed for approval of a permit:
  1. *Complete Application.* A permit application must be submitted to the City of Evanston department of Community and Economic Development. No application shall be accepted until it is complete, along with all necessary fees, bonds, and evidence of ownership or authorization as described below in this section.
  2. *Permit Issuance.* Once an application is accepted as complete, the Sign Administrator shall direct an

examination of the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed, and shall request additional plans and information if necessary to determine conformance. If the Sign Administrator determines the proposed sign or signs to be in conformance with this and other applicable chapters of the City Code, the Sign Administrator shall issue a permit for the proposed sign.

3. *Permit Denial.* If the proposed sign does not conform with this or other applicable chapters of the City Code, the Sign Administrator shall, on the basis of written findings, approve the sign subject to specific modifications or, on the basis of written findings, deny the sign application.

(C) *Permit Application.* Application for permits to erect, construct, or alter a sign shall be submitted on a form and in the manner prescribed by the Sign Administrator. Each application shall be signed by the owner of the sign and the owner of the property upon which it is to be located. Applications for permits shall be accompanied by such information as may be required to ensure compliance with all applicable regulations, including:

1. Name, address and telephone number of the applicant;
2. A drawing or drawings indicating the location of the building, structure or lot to which or upon which the sign or advertising structure is to be attached or erected;
3. A drawing or photograph showing the position of the sign or advertising structure in relation to structures;
4. Two (2) blueprints or ink drawings of the plans and specifications of the proposed sign or advertising structure, including the methods of construction and attachment to the buildings or in the ground. Such plans must include all text and graphics proposed on the sign, drawn to scale with dimensions;
5. If required by the Sign Administrator, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure as required by this Chapter and all other applicable chapters of the City Code;
6. Name of person, firm, corporation or association responsible for erecting the sign or advertising structure.
7. Written consent of the owner or agent of the premises on which the sign or advertising structure is to be erected;
8. A completed application for any electrical permit required to be issued for said sign or advertising structure;
9. A copy of the insurance policy or bond as required by subsection 4-10-12(G) of this Chapter;
10. A declared total value of the sign or advertising structure and its installation;
11. Documentation of all existing signs on the premises, including their type and area, location, and the occupant of the site to which each sign pertains; and
12. Any additional information as the Sign Administrator shall require to show full compliance with this and all other applicable chapters of the City Code.

(D) *Temporary Permit Applications.* Applications for temporary sign permits shall be accompanied by such information as may be required to ensure compliance with all applicable regulations, including those listed in paragraphs 1, 2, 3, 4 and 6 of subsection (C) of this Section. No fee shall be charged for any temporary sign.

(E) *Permit Fees.* Fees to be charged for permits issued shall be as established in a separate fee ordinance which may be, from time to time, adopted by the City Council. Persons guilty of erecting or maintaining a sign without first securing the necessary permit shall be subject to a penalty fee of fifty percent (50%) of the normal fee amount in addition to the obligation to pay the normal fee.

(F) *Bond, Insurance and Indemnification Requirements.*

1. *Insurance.* A general liability insurance policy issued by any approved insurance company authorized to do business in the State of Illinois, conforming to this Section, may be permitted in lieu of bond, provided that said insurance policy includes the City as an additional insured and agrees to hold harmless and indemnify the City, its officers, agents, and employees from any and all claims of negligence resulting from such work.
  2. *Public Property.* All persons responsible for the erection, alteration, relocation, maintenance of a sign or advertising structure in or over or immediately adjacent to a public right of way or public property so that a portion of the public right of way or public property is used or encroached upon by that person, shall agree to hold harmless and indemnify the City, its officers, agents, and employees from any and all claims of negligence resulting from such work.
- (G) *Pre-Installation Inspection.* The person responsible for the installation of a sign shall schedule with the Sign Administrator a pre-installation inspection prior to installing any sign requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement.
- (H) *Final Inspection.* The person responsible for the installation of a sign shall notify the Sign Administrator upon completion of the work for which a permit is required and so schedule a final inspection.
- (I) *Six Month Deadline.* If the work authorized under a permit has not been completed within six (6) months after the date of issuance, the permit shall be null and void.
- (J) *Denial or Revocation.* All rights and privileges acquired under the provisions of this Chapter, or any amendment thereto, are deemed mere permits which may be denied, suspended or revoked any time for cause by the Sign Administrator. The Sign Administrator is authorized and empowered to deny, suspend, or revoke any permit upon failure of the permittee to comply with any provision of this Chapter or whenever the permit is issued on the basis of a misstatement of fact or fraud. The Sign Administrator shall refuse to issue any further permit to any such party or owner, or their agents or representatives, who is in violation of the requirements of this Chapter, or refuses to pay costs assessed for corrective action under the provisions of this Chapter.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-11)), 1-23-2012; Ord. No. 119-O-20, § 2, 1-11-2021)

#### 4-10-12. - MAINTENANCE AND OPERATION.

- (A) *Maintenance and Repair.* Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to maintain the sign, advertising structure, marquee, canopy or awning in its originally permitted and installed condition in accordance with the following criteria and with the applicable chapters of the City Code.
1. *Paint or Treat.* To prevent rust, peeling, flaking, fading or rotting, the permittee of any sign or advertising structure shall, as required, paint all parts and supports thereof unless the same are galvanized or otherwise treated.
  2. *Repairs.* Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint and other damage to a sign, advertising structure, marquee, awning, canopy or support structure shall be repaired.
  3. *Clean and Sanitary.* All signs or advertising structures and the area surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all debris, rubbish and obnoxious substances, and any related grassed area or landscaping shall be kept trimmed and in a healthy condition.
  4. *Notification.* Every sign or advertising structure hereafter erected shall have painted or permanently affixed



in a conspicuous place thereon and continuously maintained, in legible letters, the date of erection, the name of the permittee, and the voltage of any electrical apparatus use in connection therewith.

- (B) *Obsolete or Abandoned Signs.* Where the Sign Administrator finds any sign or advertising structure now or hereafter existing, which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued, or is located on property which has been vacant and unoccupied he/she shall give written notice requiring removal to the permittee thereof, or if the permittee cannot be located, to the owner, agent or person having the beneficial use of the building, structure or premises upon which it is found. If, after notification, the proper person fails to remove the sign or structure within sixty (60) days after such notice the Sign Administrator is hereby authorized to cause the removal of such sign or advertising structure.
- (C) *Unsafe and Unlawful Signs.* Where the Sign Administrator finds that any sign or advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Chapter, he/she shall give written notice to the permittee thereof, or if the permittee cannot be located, to the owner, agent or person having the beneficial use of the building, structure or premises upon which it is found. If, after notification, the proper person fails to remove or alter the structure so as to comply with the standards herein set forth within twenty (20) days after such notice, the Sign Administrator is hereby authorized to cause the removal of such sign or advertising structure. The Sign Administrator may summarily and without notice cause the removal of any sign or advertising structure which is an immediate peril to persons or property. The permittee shall be liable for any and all such costs incurred by the City.
- (D) *Lien to Recover Costs.* In the event of failure by any party to reimburse the City within sixty (60) days for costs incurred for repair or removal ordered by the Sign Administrator, the Corporation Council will be authorized to file a notice of lien in the office of the Cook County Recorder of Deeds to foreclose this lien, and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due to the foregoing services, plus all expenses, including attorney's fees. Included in the expenses recoverable by the City, are the costs of filing the notice of lien, foreclosing said lien, and all litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due hereunder.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-12)), 1-23-2012)

4-10-13. - STOREFRONT MAINTENANCE AND WINDOW COVERING DURING VACANCY OR RENOVATION.

The definitions noted below apply only to this Chapter and supersede any conflicting definitions found elsewhere in other chapters of the City Code.

<i>GROUND FLOOR PREMISE.</i>	Any space on the ground floor having frontage on a street, alley or outdoor pedestrian walkway.
<i>STOREFRONT.</i>	Any facade of a ground floor premises having one or more storefront windows.
<i>STOREFRONT WINDOW.</i>	Any window of any ground floor premises that permits an unobstructed public view into the interior of that ground floor premises from any immediately adjacent street, sidewalk, or right-of-way.

<p><i>VACANT.</i></p>	<p>The state of not being occupied by a regularly operating business from a ground floor premise for a minimum of four (4) days per week on a monthly basis. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment and furnishings will remain in the establishment and a date certain for reopening of the establishment is provided.</p>
<p><i>WINDOW SCREENING.</i></p>	<p>A display made of film, vinyl, polymath, canvas, or heavy duty paper that is placed in a window or window area of a vacant storefront.</p>

(A) *Temporary Treatment of Storefront Windows During Vacancy or Interior Renovation.*

1. *Vacant; Renovation.* The storefront windows of any ground floor premise that is vacant or undergoing interior renovation shall be treated using one of the following methods within fifteen (15) business days after the date on which the space first becomes vacant, or for the total duration of the interior renovation.
  - a. Window screenings that fully cover not less than eighty (80) percent of each storefront window of the ground floor premises so as to obscure a direct public view of the vacant interior of that ground floor premises. Allowable materials for window screening must be of one (1) color and come in one of the following forms:
    1. Plastic film;
    2. Vinyl;
    3. Canvas;
    4. Other such approved materials.
  - b. Exhibits by a local not-for-profit arts or historical organization in the form of paintings, photos and sculptures may be displayed, painted or affixed on the glass in vacant storefront windows with permission of the property owner. A storefront window that displays an exhibit is permitted one (1) informational sign up to two (2) square feet in total sign area, identifying the name and contact information for each exhibit; and
  - c. A display of products, with a backdrop, which are sold by other businesses in a building, artwork, or an alternative window covering may be permitted if submitted to and approved by the City Manager or designee.
2. *"Opening Soon" Announcement.* No sooner than thirty (30) days prior (or an alternative timeframe may be permitted if submitted to and approved by the Community Development Director or designee) to the opening of a new business, a temporary sign announcing the name of the new business may be displayed in one (1) storefront window per facade. The sign shall not exceed ten (10) square feet in sign area and may identify the name of the business in a graphic or text format.
3. *"Now Open" Announcement.* For a period not to exceed thirty (30) days after the opening of a new business, a temporary sign announcing the business opening may be displayed in one (1) storefront

window per facade. The sign shall not exceed ten (10) square feet in sign area and may identify the name of the business in a graphic or text format.

- (B) *Signage.* A real estate sign that complies with the 2'x3' sign area and sign height requirements of Subsection 4-10-6(M) of this Code may be placed in a storefront window along with the window screening required pursuant to this Chapter.
- (C) *Minimum Appearance Requirements.*
1. Visible adhesive or tape may not be used to affix any window display, decorative screening or signage to a storefront window;
  2. Storefronts may not use paper, plywood or soap to obscure windows;
  3. No plastic tarp of any kind may be used to block the windows; and
  4. No window display or screening shall contain any matter, in writing or in a depiction, that, when considered as a whole, predominantly appeals to prurient interests.
- (D) *Minimum Maintenance Requirements.*
1. All window screenings must be kept in good repair and shall not be torn, damaged or otherwise left in a state of disrepair;
  2. Building exteriors must be maintained in accordance with the requirements of the city's property maintenance code; and
  3. The door area and sidewalk immediately adjacent to the storefront of the premises shall be neat, clean, and free from dirt and debris.
- (E) *Responsibility for Compliance.* Any person owning, leasing, maintaining, or in possession or control of any vacant, ground floor premises located within the City, or any owner of the lot upon which the vacant, ground floor premises is located, shall be responsible for adherence to the provisions of this Section.
- (F) *Penalty.* Any person who violates any provision of this Chapter shall be fined an amount of one hundred fifty dollars (\$150.00) first offense; four hundred dollars (\$400.00) second; seven hundred fifty dollars (\$750.00) third offense. Each day on or during which any person violates the provisions of this Chapter shall constitute a separate and distinct offense.

(Ord. No. 8-O-21, § 1, 2-8-2021)

#### 4-10-14. - NONCONFORMING SIGNS.

- (A) *Legal Nonconforming Signs.* Any sign located within the City which does not conform with the provisions of this Chapter is eligible for characterization as a "legal nonconforming" sign and is permitted, providing it also meets the following requirements:
1. *Proper Permits.* The sign was erected or installed under authority of proper sign permits prior to the date of adoption of this Chapter, if one was required under applicable code or law; or
  2. *No Permit Required.* If no sign permit was required under applicable code or law for the sign in question and the sign was in all respects in compliance with applicable code or law on the date of adoption of this Chapter.
- (B) *Unlawful Nonconformance.* Any sign which does not conform with the provisions of this Chapter and is not eligible for characterization as a legal nonconforming sign is unlawful, and must be brought into compliance with this Chapter or shall be removed within thirty (30) days of the adoption of this Chapter, upon written notification of such unlawful nonconformance by the Sign Administrator.

(C) *Loss of Status.* A sign loses its legal nonconforming status if one or more of the following occurs:

1. *Sign Altered.* The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Chapter than it was before alteration; provided, however, in the case of vehicular dealerships, the face of a freestanding sign may be modified without causing the sign to be nonconforming.
2. *Message Changed.* The sign message or graphic display is changed in any way, except for normal maintenance or repair that does not increase the nonconformity; provided, however, that in the case of vehicular dealerships, the change of a sign to reflect new ownership does not cause the sign to be nonconforming.
3. *Sign Relocated.* The sign is relocated either on the premises or to another location;
4. *Sign Unsafe.* The sign fails to conform to the sections of this Chapter regarding maintenance and operation, and public safety standards;
5. *Sign Damaged.* Damage occurs to a sign which requires repairs exceeding fifty percent (50%) of the replacement value of the sign;
6. *Excessive Maintenance Costs.* Maintenance is required which will exceed fifty percent (50%) of the replacement value of the sign; or
7. *New Occupancy Permit.* A change in use occurs which requires a new occupancy permit for the premises to which a legal nonconforming sign relates.

On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Chapter with a new permit secured, therefor, or shall be removed within thirty (30) days of that date.

(D) *Continuing Obligation.* Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Chapter regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face or message in such a way which makes the sign more nonconforming.

(Ord. No. 10-O-87; Ord. No. 55-0-93; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-13)), 1-23-2012; Ord. No. 8-O-21, § 2, 2-8-2021)

**Editor's note**— Ord. No. 8-O-21, §§ 2—9, adopted February 8, 2021, redesignated the former Sections 4-10-13—4-10-20 as Sections 4-10-14—4-10-21. The historical notation has been preserved for reference purposes.

#### 4-10-15. - SIGN REVIEW AND APPEALS.

The Design and Project Review Committee, as set forth in Title 4, Chapter 14, "Design and Project Review (DAPR)," of the Evanston City Code, is vested with the following jurisdiction and authority:

- (A) *Sign Administrator Appeals.* The Design and Project Review Committee shall hear all appeals from any order, requirement, decision, determination, or interpretation of the Sign Administrator acting within the authority vested from this Chapter and make written findings and decisions for the disposition of such appeals.
- (B) *Sign Variations.* The Design and Project Review Committee shall hear all petitions for variations from the provisions of this Chapter, make written findings, and approve, modify, approve with conditions or deny such petitions for sign variations.
- (C) *Unified Business Center Signage.* The Design and Project Review Committee shall hear all requests for the

establishment or amendment of comprehensive sign plans for unified business centers, make written findings, and approve, modify, approve with conditions or deny such requests.

(Ord. No. 107-O-16, § 2, 9-26-2016; Ord. No. 8-O-21, § 3, 2-8-2021)

**Editor's note**— Ord. No. 107-O-16, § 2, adopted September 26, 2016, amended Section 4-10-14 in its entirety to read as herein set out. Formerly, Section 4-10-14 pertained to the Sign Review and Appeals Board, and derived from Ord. No. 10-O-87; Ord. No. 90-O-11, § 4, adopted November 14, 2011, and Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-14)), adopted January 23, 2012.

See editor's note at Section 4-10-14.

#### 4-10-16. - APPEALS.

- (A) *Notification to Aggrieved Party.* It shall be the responsibility of the Sign Administrator to provide written notification to the aggrieved party of an action denying a permit. Said notice shall include the following:
1. The date and specific reason for denial of the permit.
  2. All forms and procedures required for filing an appeal.
- (B) *Petition for Appeal.* An appeal may be taken to the Design and Project Review Committee by any person aggrieved by an order, requirement, decision, determination, or interpretation of the Sign Administrator acting with respect to the authority of this Chapter.
1. *Application Deadline.* An appeal shall be filed within forty-five (45) working days after notification of the alleged erroneous order, requirement, decision, determination, or interpretation.
  2. *Application Form.* An appeal shall be filed in writing with the Sign Administrator on a form supplied by him/her. It shall be accompanied by such documents and information as the Board may by rule require.
  3. *Filing Fee.* Each appeal to the Design and Project Review Committee shall be accompanied by a filing fee as established by ordinance. If the appeal is granted by the Design and Project Review Committee, the filing fee shall be refunded to the applicant.
- (C) *Transmittal of Record.* The Sign Administrator shall, at the time of filing an appeal, forthwith transmit to the Design and Project Review Committee all of the documents constituting the record upon which the action appealed from was taken.
- (D) *Effect of Appeal.* The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Sign Administrator certifies to the Design and Project Review Committee after the appeal has been filed that, by reason of the facts stated in the application, a stay would in the Sign Administrator's opinion cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.
- (E) *Action of the Board.* The Design and Project Review Committee shall hold a public hearing on an appeal within thirty (30) days of receipt of a completed written application.
1. *Hearing Notice.* Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
    - a. The sign shall be a minimum of twenty (20) inches by thirty (30) inches.
    - b. All capital lettering on the sign shall be a minimum of three (3) inches high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.

- c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time, and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review Committee.
  - d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
  - e. The sign shall be posted not less than seven (7) days before the hearing to which it refers. It shall be removed within five (5) days after the final decision of the Design and Project Review Committee on the petition.
2. *Required Attendance.* Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review Committee at which the appeal is to be heard.
  3. *Decision.* Within fifteen (15) working days of the close of the required public hearing of the appeal, the Design and Project Review Committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said appeal.
- (F) *Council Action.* Following receipt of the findings and decision of the Design and Project Review Committee the Planning and Development Committee of the City Council may choose to review the decision of the Design and Project Review Committee and on the basis of the record may affirm, modify or reverse the decision of the Design and Project Review Committee. If no motion to review a Design and Project Review Committee decision is made and adopted at the Planning and Development Committee meeting following the receipt of the findings and decision of the Design and Project Review Committee, that decision of the Design and Project Review Committee shall be final.
- (G) *Maintenance of Records.* The Sign Administrator shall maintain complete records of all findings and decisions of the Design and Project Review Committee and all determinations of the City Council relative to an appeal. All such records shall be open to the public for inspection.

(Ord. No. 10-O-87; Ord. No. 90-O-11, § 3, 11-14-2011; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-15)), 1-23-2012; Ord. No. 107-O-16, § 3, 9-26-2016; Ord. No. 8-O-21, § 4, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

#### 4-10-17. - VARIATIONS.

It is the intent of this Section to permit variations from the requirements of this Chapter if necessary to achieve uniformity among signs similarly located and classified.

- (A) *Petition for Variation.* A petition for a variation from any provision(s) of this Chapter may be made by any person having a proprietary interest in the sign for which such variation is requested.
1. *Petition Contents.* A petition for variation shall be filed in writing with the Sign Administrator on a form supplied by him/her and shall be accompanied by such documents and information as are necessary to clearly exhibit the practical difficulty for which the variation is necessary, including:
    - a. The name, address, and telephone number of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person responsible for erecting or affixing the sign.
    - b. A description of the requested variation.

- c. Justification of the requested variation.
  - d. The location of the premises on which the sign is to be erected or affixed.
  - e. A site plan of the premises involved, showing accurate placement thereon of the proposed sign.
  - f. A blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
  - g. The written consent of the owner of the premises on which the sign is to be erected or affixed.
  - h. A fee, as determined by ordinance, to be paid at the time of filing of the petition for variation.
- (B) Action of the Design and Project Review Committee. The Design and Project Review Committee shall hold a public hearing on the petition for variation within thirty (30) days of receipt of a completed written application.
1. *Hearing Notice.* Notice shall be given of the time, place and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
    - a. The sign shall be a minimum of twenty (20) inches by thirty (30) inches.
    - b. All capital lettering on the sign shall be a minimum of three (3) inches high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.
    - c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review Committee.
    - d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
    - e. It shall be the responsibility of the petitioner to remove the sign(s) within five (5) days after the final decision of the Design and Project Review Committee on the petition.
  2. *Required Attendance.* Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review Committee at which the variation is to be heard.
  3. *Decision.* Within fifteen (15) working days of the close of the required public hearing on the variation, the Design and Project Review Committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said variation.
- (C) Appeals from Decision of Design and Project Review Committee.
1. Decisions of the Design and Project Review Committee may be appealed to Planning and Development Committee by applicant.
  2. a. If the sign which is the subject of the variation is located in a residential Zoning District, a property owner whose property is within a two hundred fifty (250) foot radius from the property on which the sign is proposed to be located may appeal the Design and Project Review Committee's approval of the variation. Such an appeal may be filed only by a property owner who: 1) appeared in person or by an authorized representative at all public hearings at which the variation was considered and who presented his/her objections to the Design and Project Review Committee, or 2) who filed written objections with the Design and Project Review Committee to the variation.

- b. The appeal must:
    - 1) Be filed with the Sign Administrator, within ten (10) calendar days from the date of the Design and Project Review Committee's written decision;
    - 2) Be in writing; and
    - 3) Specify with particularity the ground(s) for objection. The applicant is permitted to file a written response to any ground(s) asserted in the appeal but not raised before the Design and Project Review Committee.
  - c. Within five (5) working days of receiving the appeal, the Sign Administrator shall send a copy of the appeal to the applicant by first-class mail, return receipt requested. Any response the applicant files must be received by the Sign Administrator within ten (10) working days of the date the appeal was mailed to the applicant. The Sign Administrator will send a copy of any response to the appellant property owner.
  - d. After receiving the appeal and any response thereto, the Sign Administrator shall set the appeal for the next available regular Planning and Development Committee meeting and notify the applicant and appellant property owner in writing of the meeting date.
3. The Planning and Development Committee shall decide whether or not to hear the appeal, and if granted, set a hearing date for said appeal. A decision to not hear the appeal shall be in writing and shall be issued no later than the Committee's next regular meeting.
  4. The hearing shall be confined to a review of the Design and Project Review Committee's decision, and, if applicable, of the written objections submitted by the appellant property owner and response(s) thereto filed by the applicant. No verbal presentations shall be heard except upon invitation by the Committee and any such presentation shall be confined to facts and matters contained in the written materials on file in the appeal.
- (D) The Planning and Development Committee shall either approve, approve with conditions, deny the application, or refer the matter back to the Design and Project Review Committee for further proceedings. The Committee's decision shall be in writing and shall be issued no later than the next regular meeting after the decision is made.
- (E) Standards. Variations may be approved to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by this Chapter. No variation shall be granted unless the Design and Project Review Committee makes findings of fact with regards to each of the following standards:
1. *Hardship*. The proposed variation will alleviate some demonstrable and unusual hardship that arises due to factors including, but not limited to, location, site configuration, and/or building configuration.
  2. *Reasonable Return*. The proposed variation will contribute to a reasonable return from the business advertised.
  3. *Not Harm Public Welfare*. The proposed variation will not be materially detrimental to the public welfare.
  4. *Consistent with Intent*. The proposed variation promotes the purpose of the Sign Regulations set forth in Section 4-10-2 of this Chapter.
- (F) Conditions. Such conditions and restrictions may be imposed on the premises to be benefited by a variation as may be necessary to comply with the standards set forth herein, to reduce or minimize any injurious effect



of such variation on other property in the neighborhood, and to implement the general intent, purpose, and objectives of this Chapter.

- (G) Revocation. In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one (1) year from the date of approval of the requested variation, then without further action by the Design and Project Review Committee, said variation shall become null and void.
- (H) Maintenance of Records. The Sign Administrator shall maintain complete records of all findings of fact and decisions of the Design and Project Review Committee relative to a variation. All such records shall be open to the public for inspection.

(Ord. No. 10-O-87; Ord. No. 18-O-95; Ord. No. 90-O-11, § 7, 11-14-2011; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-16)), 1-23-2012; Ord. No. 107-O-16, § 4, 9-26-2016; Ord. No. 8-O-21, § 5, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

#### 4-10-18. - UNIFIED BUSINESS CENTER.

No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center and the sign complies with the provisions hereof.

- (A) *Comprehensive Sign Plan Approval.* Approval of a comprehensive sign plan for a unified business center shall be at the discretion of the Design and Project Review Committee in accordance with the criteria noted herein.
- (B) *Site Plan Review.* No permit shall be issued for a sign, and no final approval shall be granted for a comprehensive sign plan prior to review and approval by the Design and Project Review Committee of all comprehensive sign plans.
- (C) *Application Content.* In addition to the requirements listed for permit applications in Subsection 4-10-11(C) of this Chapter, the application for a comprehensive sign plan for a unified business center shall include a format for all signs to be used in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.
- (D) *Criteria.* The criteria used by the Design and Project Review Committee in its review of the proposed comprehensive sign plan for a unified business center shall include:
1. *Scale and Proportion.* Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings and surroundings.
  2. *Integral Elements.* The signs in the plan shall be designed as integral architectural elements of the building and site to which they principally relate and shall not appear as incongruous "add-ons" or intrusions.
  3. *Restraint and Harmony.* The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
  4. *Effective Composition.* The number of graphic elements and letters shall be held to the minimum needed to convey each sign's message and shall be composed in proportion to the area of the sign's face.
  5. *Compatibility.* Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
  6. *Unified Image.* The effect of the signs proposed in the plan shall be the establishment of a unified image for the center.

(E) *Permitted Variations*. In conjunction with the approval of the comprehensive sign plan for a unified business center Design and Project Review Committee may authorize limited variations to the regulations included in this Chapter. Variations shall be permitted only when the applicant demonstrates that they are necessary to provide an impractical comprehensive solution that is consistent with the purpose of this Chapter as found in Section 4-10-2 of this Chapter. Variations permitted are limited to the following:

1. *Wall Signs*. For wall signs the Design and Project Review Committee may vary the required twenty percent (20%) reduction on multiple signs and the requirement that signs be coterminous with the occupancy to which the signs refer.
2. *Freestanding Signs*. For freestanding signs the Design and Project Review Committee may vary the thirty (30) foot facade setback requirement, the height limitations up to the maximum of fifteen and one-half (15.5) feet or the height of the principal building to which the sign pertains (whichever is lower), and the area limitations up to the maximum of one hundred twenty (120) square feet per sign (as long as the total permitted sign surface area for either the occupant or the premises is not exceeded).

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-17)), 1-23-2012; Ord. No. 107-O-16, § 5, 9-26-2016; Ord. No. 8-O-21, § 6, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

#### 4-10-19. - REVOCATION FOR CAUSE.

All rights and privileges acquired under the provisions of this Chapter, or any amendment thereto, are deemed mere licenses revocable at any time for cause by the Sign Administrator. The Sign Administrator is authorized and empowered to revoke any permit upon failure of the permittee to comply with any provision of this Chapter.

(Ord. No. 51-O-93; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-19)), 1-23-2012; Ord. No. 8-O-21, § 7, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

#### 4-10-20. - PENALTY.

Any person found to have violated the provisions of the sign regulations adopted by the city shall be punished as follows:

- (A) 1. The fine for a first violation is seventy-five dollars (\$75.00).
2. The fine for a second violation is two hundred dollars (\$200.00).
3. The fine for a third or subsequent violation is three hundred seventy-five dollars (\$375.00).
- (B) Each day a provision of this Chapter is found to have been violated constitutes a separate violation.
- (C) The penalties provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation.

(Ord. No. 127-O-00; Ord. No. 8-O-21, § 8, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

#### 4-10-21. - SEPARABILITY.

In accordance with the following, it is hereby declared that the several provisions of this Chapter are separable:

- (A) *Provision of Ordinance.* If any court of competent jurisdiction determines any provision of this Chapter to be invalid, such determination shall not affect any other provision of this Chapter not specifically included in the court's judgment order.
- (B) *Any Particular Sign.* If any court of competent jurisdiction determines any provision of this Chapter to be invalid as applied to any particular sign, such determination shall not affect the application of such provision to any other sign not specifically included in the court's judgment order.

(Ord. No. 10-O-87; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-10-21)), 1-23-2012; Ord. No. 8-O-21, § 9, 2-8-2021)

**Note**— See editor's note at Section 4-10-14.

Month	Address	Business Name		Relief Requested	Determination (beg. 10/2016 is DAPR)
January	222 Hartrey	Autobarn	wall sign	23'-0" above grade where 15'-6"	Approved
January	1421 Oak	St. Mary's	freestanding	4' setback where 7' 6" is required	Approved
February	1515 Chicago	Hyatt	tall building id		Withdrew
March	222 Hartrey	Autobarn	blade sign	illuminated where illumination is prohibited	Approved
				size of 32" x 74" where max size of a 24" x 36" is allowed	Approved
				height of 16' 10 ¼" where 15' 6" is allowed	Approved
June	2255 Campus	Northwestern	wall sign	height of 27' 10" above grade where 15'-6" is allowed	Approved
July	1574 Sherman	Beacon	window sign	height of 21'-3½" above grade where 15'-6"	Approved
August	2012 Central	Backlot	blade sign	size of 34.5" x 34.5" where a 24" x 36" is permitted	Denied
August	1600 Dodge	ETHS	CVMS	Two additional freestanding monument signs (1 - 7'0" x 11'3" and 1 - 7'0" x 10'0") for a total of five freestanding monument signs along the frontage of Evanston Township High School where one is permitted	Approved
				a CVMS sign where only time and temp is permitted	Approved
October	2424 Dempster	Kabul House	freestanding	0' setback from the west property line where an 8'0" setback	Approved with the conditions that the sign be turned off when the business is closed and that landscaping be provided at the base of the sign
October	1016 1/2 Church	Barn	wall	height of 21'-0" above grade where 15'-6" is allowed	Approved
				height of 22'-0" above grade where 15'-6' is allowed by sign regulation and the wall which the sign is being placed does not front a public thoroughfare.	
November	1325 Menard	Union Health	wall	height of 20'-9" above grade where 15'-6' is allowed by sign regulation on a wall which does not front a public thoroughfare	Approved
November	808 Church	Sherman Plaza	UBC	<ul style="list-style-type: none"> <li>• Blade Signs</li> <li>• Increase maximum logo and letter height on Storefront Sign Zone</li> </ul>	Approved
December	1501 Sherman	Holiday Inn	wall sign #1	21'-0" above grade where 15'-6' is allowed	Approved
			wall sign #2	21'-0" above grade where 15'-6' is allowed	Approved
December	623 Howard	Peckish Pig	blade	size of 3'x4' where 2'x3' is permitted	Approved
December	1015 Chicago	Autobarn	wall sign	height of 21'-6" above grade where 15'-6" is allowed and on an elevation not facing a public thoroughfare	Approved w/ condition that height be 15' 6"
	<b>Number of Cases</b>	<b>15</b>			
	Denied - Count	1			
	Approved - Count	13			
	Withdrew - Count	1			

Month	Address	Business Name	Type	Relief Requested	Determination
February	847 Chicago	Chicago & Main	blade	height of 16'-0" above grade where 15'-6" is allowed	Approved
				a projection of 4'-7" where 2'-0" is permitted	
February	2006 Central	Backlot Coffee			Approved
April	500 Davis	Parking Garage	blade		Withdrawn
May	1911 Green Bay	Sherwin Williams	window	two non-illuminated window signs on an existing storefront facing a public thoroughfare covering 57.8% and 59.5% of the windows where 25% coverage is permitted	Denied
May	1725 Sherman Ave	Insomnia Cookies	wall sign	wall sign on the alley side of the storefront where a wall sign is only allowed on the street-facing façade	Denied
			window sign	lower right hand side of the alley storefront where window signs are only allowed on the street-facing façade	Approved
June	1890 Maple	E2	blade	2'6" X 4'6" non-illuminated, double faced blade signs where a size of 2' X 3' is allowed	Approved w/ condition that subject to the City's adoption of a standard for parking signs, the proposed signs should comply to standards within three years of the adoption of the sign standard
				2 signs where 1 is permitted	Denied
	2101 Dempster	Greenwood Storage	freestanding	2 signs where 1 is permitted	Denied
July	2311 Main	Sam's	wall sign	to face an alley and not the street	Approved
				illuminated where illumination prohibited	Denied
August	2323 Main	Mid America		one 8' X 3' double face, illuminated, pole mounted freestanding sign for an auto body shop business at a 3 ft. setback where a minimum of 15 ft. is required and a sign surface area of 24 sq. ft. where a maximum of 12 sq. ft. is allowed by sign ordinance	Denied
November	1616 Sherman	Target	UBC		Approved
	<b>Number of Cases</b>	<b>10</b>			
	Denied - Count	4; 2 partial			
	Approved - Count	4; 2 partial			
	Withdrawn - Count	1			

Month	Address	Business Name		Relief Requested	Determination
January	1930 Ridge	The Reserves	blade	illumination where illumination is prohibited	Approved
March	2255 Campus	Northwestern	roof	Roof sign located 100' above grade where 15'-6" is the maximum height permitted	Approved
			roof	Roof sign at 3,280 sq. ft in area where 125 sq. ft. is maximum sign area permitted	Approved
			wall	height of 50'-4" above grade where 15'-6" is the maximum height permitted	Approved
			wall	369 sq. ft. where 125 sq. ft. is the maximum sign area permitted	Approved
June	1033-35 Davis	One River Art School	window	window signs mounted on an existing storefront taking up 60% of each vertical window pane where the sign surface area of permanent window signs shall not exceed 25% of that window area	Approved
June	2525 Oakton	Ozinga	wall	height of 66'-3" above grade where 15'-6" is the maximum height permitted	Approved
				area of 125 sq. ft. where 85 sq. ft. is maximum permitted	Approved
July	1925 Green Bay	Citgo	CVMS	to install one 2' high x 5' wide internally illuminated, double-faced commercial variable message sign (CVMS) where a CVMS displaying messages other than time and temperature are not permitted	Denied
July	847 Chicago	The Main	UBC	Chicago & Main Planned Development: to establish tenant sign criteria, to permit Wall Sign Zone: The wall sign is proposed to be aluminum channel letters, Halo lit and pin mounted to anchors in masonry joints only with no penetration of brick masonry units. Letter size to be 2'-2" maximum, and be located entered within the sign band, and to permit, Blade Sign Zone: The blade sign is proposed to be a non-illuminated, 2'x3' blade sign of the Chicago Avenue garage side while the tenant entrance is on Main Street	Approved
August	1111 Chicago	Binny's	freestanding	one foot from the property line where a freestanding sign within 3 feet of the lot line may not exceed 3 feet in height and the height of any freestanding sign over 3 feet in height requires a 1:1 ratio, height to distance from lot line hence a 15' 6" sign would be required to be 15' 6" from the property line	Withdrawn
August	1427 Chicago	First Presbyterian	CVMS	(1) 4'-0" high by 5'-6" wide internally illuminated commercial variable message sign (CVSM) to replace a manually changed outdoor reader board where CVSM signs displaying messages other than time and temperature	Denied
August	2705 Ashland	Northwestern	wall	height of 51' - 61'-4" where 15'-6" is permitted for wall signs	Approved
				515 sf where 500 sf is permitted	Approved
	<b>Number of Cases</b>	<b>9</b>			
	Denied - Count	2			
	Approved - Count	6			
	Withdrew - Count	1			

Month	Address	Business Name		Relief Requested	Determination
Jan.	820 Church St		wall sign	height of 54'-0" where 15'-6" - Section 4-10-9(H)	Approved
Feb.	824 Noyes St.		wall sign	height of 16'-10" where 15'-6"	Approved
April	524 Main St	Northshore University Health System	window	covering 100% of 8 window panes where 25% coverage of each pane is allowed	Approved
May	1600 Dodge	ETHS	wayfinding	10 site information signs ranging in size from 5.75 square feet to 19.5 square feet where 4 square feet is permitted	Approved
June	2209 Howard St	Target	wall sign	height of 27'-6" where 15'-6"	Approved
December	1801 Main St	Robert Crown	freestanding	6' from the property line where 13'-6" is required	Approved
				to install the freestanding sign with a commercial variable message sign (CVMS) component displaying messaging other than time and temperature where only time and temperature display is allowed	Approved
				two scoreboard signs that are visible from a public thoroughfare where visibility from a public thoroughfare is not allowed	Approved
				and to install the scoreboard signs with a height of 17'-10" where 15'-6" is allowed	Approved
	<b>Number of Cases</b>	<b>6</b>			
	Denied - Count	0			
	Approved - Count	6			
	Withdrew - Count	unknown			

Month	Address	Business Name	Sign Type	Relief Requested	Determination
March	1801 Main St	Robert Crown	freestanding	freestanding sign with a commercial variable message sign (CVMS) component displaying messaging other than time and temperature where only time and temperature display is allowed	Approved w/ conditions
June	2425 Oakton St		freestanding	install a 11'-6" tall freestanding sign with a 5' setback from the property line where the maximum permitted sign height is 5'	Denied
July	836-848 Dodge/1902-14 Main St	Main Street Plaza	freestanding	zero feet from the property line where 15' is required	Approved
<b>Number of Cases</b>		<b>3</b>			
Denied - Count		2			
Approved - Count		2			
Withdrew - Count		0			



2021

Month	Address	Business Name	Sign Type	Relief Requested	Determination
March	1007 Church St	NorthShore University HealthSystem	wall sign	height of 17' - 6-1/8" where 15'-6"	Approved
Sept	584 Lincoln	NU fraternity	wall sign	illuminated sign where illumination is prohibited	Withdrawn
Nov	1028 Chicago	Oscar Isberian Rugs	wall sign	height of 29'-6" where 15'-6"	Withdrawn
Dec	1560 Sherman Ave		wall sign/CVMS	height of 28'-1-1/2" where 15'-6" is allowed	Approved
			wall sign/CVMS	a commercial variable message sign which is only allowed to display time and temperature	Not CVMS
	<b>Number of Cases</b>	<b>4</b>			
	Denied - Count	0			
	Approved - Count	2			
	Withdrew - Count	2			

## CHAPTER 11 - SUBDIVISIONS

## 4-11-1. - APPROVAL OF PLATS.

- (A) *Issuance of building permits.* No building permit shall be issued, nor shall any construction be undertaken on any lot or parcel of land within the City unless such lot or parcel is shown, in its entirety, on a plat of subdivision recorded in the Office of the Cook County Recorder of Deeds.
- (B) *City Council approval.* Any new map, plat, subdivision, consolidation or resubdivision of any block, lot, subplot or part thereof, or any piece or parcel of land shall, before recording the same, be submitted to the City Council for its approval by resolution. Each map, plat, subdivision, consolidation or resubdivision so submitted shall be accompanied by a report of the Directors of Public Works and Utilities, describing the public improvements available or required to serve the parcels shown on such map, plat, subdivision, consolidation or resubdivision. No such map, plat, subdivision, consolidation or resubdivision shall be approved by the City Council unless it conforms with all the applicable ordinances of the City. The City Council may condition any such approval on any/all of the following that it determines is applicable:
1. The applicant's dedication to the City of any land required for public streets, alleyways, and/or other rights-of-way identified in the report of the Directors of Public Works and Utilities;
  2. The applicant's granting of easements to the City for all required public utilities infrastructure, including, but not limited to, water and sewer mains, that must be located on applicant's property, as identified in the report of the Directors of Public Works and Utilities;
  3. The applicant's execution of a development agreement, in form and content approved by the City, wherein he/she commits to construct, pursuant to City-issued permits, all required public improvements identified in the report of the Directors of Public Works and Utilities, and to transfer ownership of said public improvements to the City after their construction;
  4. The applicant's submission to the City of a cash bond or other security in accord with 65 ILCS 5/11-39-3, as amended, in an amount equal to one hundred ten (110) percent of the estimated costs of any required public improvements identified in the report of the Directors of Public Works and Utilities, to ensure their construction. Should the bond or other security become due to expire, and the applicant fail to submit a replacement to the City at least fourteen (14) days prior to the expiration date thereof, the City may draw on said bond or security in accordance with the terms thereof, and use the funds drawn to complete the construction of the aforementioned required public improvements;
  5. The applicant's recordation, in the Office of the Cook County Recorder of Deeds, of the resolution approving the submitted map, plat, subdivision, consolidation and/or resubdivision, along with all exhibits thereto.

Should any resolution approving a map, plat, subdivision, consolidation and/or resubdivision require the applicant to dedicate land to the City, grant the City an easement(s), and/or construct and transfer ownership of public improvements to the City, the City may accept said dedication(s) of land, easement(s), and/or ownership of public improvements by ordinance(s).

- (C) *Survey prerequisite; owner's responsibility.* No plat, map or subdivision of any block, lot, subplot or part thereof, or any piece or parcel of land shall be approved by the City Council until the same shall be properly certified by a surveyor and acknowledged by the owner as provided by the general laws of the State of Illinois; and until the owner shall swear or affirm that he/she is the owner in fee of the property described in such plat; and until the same shall have been approved by the Director of Public Works, Director of Utilities, Corporation Counsel and Director of Community and Economic Development.

(Code 1957, §§ 42-109, 42-110; Ord. No. 13-O-63; Ord. No. 31-O-11, § 2, 5-9-2011; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-11-1)), 1-23-2012)

**Cross reference**— See Ch. 18, Title 1 for information disclosure policy.

#### 4-11-2. - CONFORMITY WITH EXISTING SUBDIVISIONS, STREETS AND ALLEYS REQUIRED.

No plat, map or subdivision of any block, lot, subplot or part thereof, or any piece or parcel of land shall be approved by the City Council until the same shall conform with existing subdivisions, streets and alleys so as to provide uniformity as to location, direction and width of the streets and alleys in the City.

(Ord. No. 8-O-12, (48-O-11(exh. A, § 4-11-2)), 1-23-2012)

#### 4-11-3. - SERVICES REQUIRED.

No building may be erected for habitation on any lot or parcel of land within the City unless a highway, road, street or way for public service facilities, improved with water mains and sanitary sewers is provided to serve the lot or parcel of land.

(Code 1957, §§ 42-109, 42-110; Ord. No. 13-O-63; Ord. No. 8-O-12, (48-O-11(exh. A, § 4-11-3)), 1-23-2012)

## 6-3-5-10. - STANDARDS FOR SPECIAL USES.

The Zoning Board of Appeals or the Plan Commission, as the case may be, shall only recommend approval, approval with conditions, or disapproval of a special use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for specific uses set forth in the provisions of a specific zoning district:

- (A) It is one of the special uses specifically listed in the zoning ordinance;
- (B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;
- (C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;
- (D) It does not interfere with or diminish the value of property in the neighborhood;
- (E) It can be adequately served by public facilities and services;
- (F) It does not cause undue traffic congestion;
- (G) It preserves significant historical and architectural resources;
- (H) It preserves significant natural and environmental features; and
- (I) It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.

(Ord. No. 43-O-93)

## 6-3-8-12. - STANDARDS FOR VARIATIONS.

In considering an application for a minor variation, fence variation, family necessity variation, or a major variation, or a combination thereof, the Zoning Administrator, the Zoning Board of Appeals, or the City Council, as the case may be, may approve such variation only upon finding that the application complies with the separate standards for each type of variation set forth below:

(Ord. 14-O-98)

(A) *Minor Variations:* Minor variations may be authorized by the Zoning Administrator upon making written findings that the proposed variation satisfies the following standards:

1. The practical difficulty is not self-created.
2. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
3. The requested variation is in keeping with the comprehensive general plan and the zoning ordinance.
4. The requested variation is consistent with the preservation policies set forth in the comprehensive general plan.
5. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Administrator issues his/her decision regarding said variation.

(Ord. 93-0-09)

(B) *Variations From Fence Regulations:* Variations from the requirements for fences set forth in Section 6-4-6-7 of this Title may be authorized by the Zoning Administrator upon making written findings that the proposed variation satisfies the following standards:

1. The requested variation will not be materially detrimental to the public welfare or injurious to the use, enjoyment or property values of adjoining neighbors.
2. The additional screening, additional height, or requested location achieved through the variation will assist in reducing noise, screening incompatible adjacent uses, or increase safety to the owners of the subject property or abutting properties.
3. In no event shall a variation be granted that would permit a fence taller than thirty (30) inches to be located within twenty (20) feet of the corner curb line of an intersection.

(Ord. No. 43-O-93)

(C) *Variations From Fence Standards for Landmark Structures and Structures Located in Historic Districts.* (Rep. by Ord. 15-O-99)

(D) *Family Necessity Variations:* Family necessity variations may be authorized by the Zoning Board of

Appeals upon making written findings that the proposed variation satisfies the following standards:

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of the adjoining properties.
2. The requested variation is in keeping with the intent of the zoning ordinance.
3. The character of the residence for which the variation is requested will as a result be as or more consistent with the character of the residences of the surrounding neighborhood.
4. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property.
5. The requested variation requires the least deviation from the relevant regulation among the feasible options identified before the Zoning Administrator issues his/her recommendation to the Zoning Board of Appeals regarding said variation.

(Ord. 93-0-09)

(E) *Major Variations:* Major variations may be authorized by the Zoning Board of Appeals, or by the City Council in the case of an application for a major variation to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined application for a major variation pertaining to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other variation, upon making written findings that the proposed variation satisfies the following standards:

(Ord. 95-0-09)

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
2. The requested variation is in keeping with the intent of the zoning ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
5. (a) The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
  - (b) While the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Zoning Board of Appeals or the City Council, depending on final jurisdiction under Section

6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter.

6. The alleged difficulty or hardship has not been created by any person having an interest in the property.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Board of Appeals issues its decision or recommendation to the City Council regarding said variation.

(Ord. 93-0-09)

## 6-3-4-5. - STANDARD FOR AMENDMENTS.

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

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



## 6-3-6-7. - APPLICATION PROCEDURE.

- (A) *Pre-Application Conference:* Prior to submitting a planned development application for approval, an applicant shall meet with the Zoning Administrator or his or her designee, the chairman of the Plan Commission and the Alderman of the ward in which the proposed planned development is located, or their designees in conjunction with the Design and Project Review Committee (DAPR). Where applicable, a representative of the Preservation Commission shall be present. The purpose of the conference is to enable the applicant to present the concept of the proposed planned development and to discuss the procedures and standards for planned development approval. The pre-application conference is intended to facilitate the filing and consideration of a complete application and no representation made by the Zoning Administrator, the DAPR or the representative of the Preservation Commission or Plan Commission during such conference or at any other time shall be binding upon the City with respect to the application subsequently submitted. The Zoning Administrator shall schedule the pre-application conference with the Design and Project Review Committee within fifteen (15) calendar days after receiving the applicant's request.
- (B) *Information Needed for Pre-Application Conference:* The applicant shall include the following information at the time of request for the meeting:
1. Conceptual site plan.
  2. Plat of survey (including the location of utilities).
  3. Proposed elevations.
  4. Narrative summary of proposal.
  5. Description of adjacent land uses and neighborhood characteristics.
  6. Description of critical historical structures, details or characteristics (if applicable).
- (C) *Results of Pre-Application Conference:* Following the pre-application conference, the Zoning Administrator and the Design and Project Review Committee shall be available to suggest modifications to the site plan as discussed during the pre-application conference. Within seven (7) calendar days, minutes of the pre-application conference shall be sent to the applicant and the Plan Commission and shall be made available upon request to interested parties by the Zoning Administrator.
- (D) *Application Submission Requirements:* An applicant for a planned development shall file an application with the Plan Commission on a form provided by the Zoning Administrator, accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application. The application shall include at least the information listed in Section D.4 of Appendix D of this Ordinance, "Planned Development Application Submission Requirements."

(No. 50-O-14, §§ 5, 6, 10-27-2014)

## 6-14-2. - I1 INDUSTRIAL/OFFICE DISTRICT.

## 6-14-2-1. - PURPOSE STATEMENT.

- (A) The I1 industrial/office district is intended to provide an attractive desirable environment for business, office and general light industrial uses, while minimizing the impact of such activities upon adjacent residential neighborhoods through good site planning and design, including landscaped buffer yards.
- (B) The district is intended to accommodate warehousing, office, light fabrication, assembly, storage activities, and combinations thereof, as well as commercial uses directly related to industrial and office uses.
- (C) One of the primary goals of the I1 district is to provide for expansion of incubator businesses originating in the research park district.

(Ord. No. 43-O-93)

## 6-14-2-2. - PERMITTED USES.

The following uses are permitted in the I1 district:

Automobile repair service establishment.

Automobile service station.

Brew pub.

Cannabis craft grower.

Cannabis infuser.

Cannabis processor.

Cannabis transporter.

Commercial parking garage.

Craft alcohol production facility.

Funeral services excluding on site creation.

Government institution.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Public transportation center.

Public utility.

Restaurant—Type 1.

Trade contractor.

Vehicle towing establishment.

Warehouse establishment.

Wholesale goods establishment.

(Ord. 87-O-09; Ord. No. 57-O-14, § 18, 6-9-2014; Ord. No. 81-O-14, § 45, 8-11-2014; Ord. No. 8-O-17, § 16, 4-24-2017; Ord. No. 105-O-18, § 33, 10-8-2018; Ord. No. 31-O-20, § 7, 2-24-2020)

#### 6-14-2-3. - SPECIAL USES.

The following uses may be allowed in the I1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Aquaponics.

Business or vocational school.

Cannabis cultivation center.

Car wash.

Daycare center—Domestic animal.

Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.

Kennel.

Live-work units (subject to the general requirements of Section 6-4-13 of this Title).

Media broadcasting towers.

Open sales lot.

Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Retail goods establishment.

Retail service establishment.

Urban farm.

Urban farm, rooftop.

(Ord. No. 43-O-93; amd. Ord. 114-O-02; Ord. No. 67-O-11, § 11, 9-12-2011; Ord. No. 3-O-14, § 18, 2-10-2014; Ord. No. 56-O-14, § 13, 5-27-2014; Ord. No. 81-O-14, § 19, 8-11-2014; Ord. No. 51-O-15, § 6, 6-22-2015; Ord. No. 31-O-20, § 4, 2-24-2020; Ord. No. 82-O-21, § 16, 9-13-2021)

#### 6-14-2-4. - LOT SIZE.

The minimum lot size in the I1 district is twenty thousand (20,000) square feet.

(Ord. No. 43-O-93)

#### 6-14-2-5. - LOT WIDTH.

The minimum lot width in the I1 district is one hundred (100) feet.

(Ord. No. 43-O-93)

#### 6-14-2-6. - FLOOR AREA RATIO.

The maximum floor area ratio in the I1 district is 0.75.

(Ord. No. 43-O-93)

#### 6-14-2-7. - YARD REQUIREMENTS.

The minimum yard requirements for the I1 district are as follows:

- (A) *Front Yard*: Building, fifteen (15) feet; parking, prohibited.
- (B) *Side Yard Abutting a Street*: Building, fifteen (15) feet; parking, prohibited.
- (C) *Side Yard Abutting Nonresidential District*: Building, five (5) feet; parking, five (5) feet.
- (D) *Side and Rear Yard Abutting Residential District*: Nonresidential land uses abutting or across a street or alley from residential zoning districts shall be required to provide a minimum transitional yard equal to ten percent (10%) of the average width of the lot (up to a maximum of fifty (50) feet) or twenty (20) feet, whichever is greater. Such transitional buffer yards shall extend the entire length of the abutting residential zoning district. Transitional buffer yard widths may be reduced as provided for in Chapter 17, "Landscaping And Screening," of this Title; parking, twenty (20) feet.
- (E) *Rear Yard Abutting Nonresidential District*: Building, twenty (20) feet; parking, five (5) feet.

(Ord. No. 43-O-93)

#### 6-14-2-8. - BUILDING HEIGHT.

The maximum building height in the I1 district is forty-five (45) feet or three (3) stories, whichever is less.

(Ord. No. 43-O-93)