



## AGENDA

### Planning & Development Committee

Monday, June 13, 2022

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800  
5:30 PM

Those wishing to make public comments at the Administrative & Public Works Committee, Planning & Development Committee or City Council meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at [www.cityofevanston.org/government/city-clerk/public-comment-sign-up](http://www.cityofevanston.org/government/city-clerk/public-comment-sign-up) or by calling/texting 847-448-4311.

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

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#### (I) CALL TO ORDER - COUNCILMEMBER BURNS

#### (II) APPROVAL OF MINUTES

- PM1. **Approval of the Minutes of the Regular Planning & Development Committee meeting of May 9, 2022** 4 - 6

Staff recommends approval of the Minutes of the Regular Planning & Development Committee meeting of May 9, 2022.

**For Action**

[Planning & Development Committee - May 09, 2022 - Minutes - Pdf](#)

#### (III) PUBLIC COMMENT

#### (IV) ITEMS FOR CONSIDERATION

- P1. **Ordinance 52-O-22, Amending City Code Title 6, “Zoning” to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission.** 7 - 97
- The Land Use Commission and staff recommend the adoption of Ordinance 52-O-22, Amending City Code Title 6, “Zoning” to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission. This is a Text Amendment to the Zoning Ordinance to replace outdated language related to the dissolved Zoning Board of Appeals and Plan Commission, and replacement with the Land Use Commission.
- For Introduction**
- [Ordinance 52-O-22, Amending City Code Title 6, “Zoning” to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission - Attachment - Pdf](#)
- P2. **Ordinance 34-0-22, Amending Title 4, Chapter 14, "Design and Project Review (DAPR)" of the City Code"** 98 - 110
- Staff recommends adoption of Ordinance 34-O-22 “Amending Title 4, Chapter 14, “Design and Project Review (DAPR)” of the City Code”. The revised ordinance dissolves the formal committee structure and maintains the projects and evaluation measures of Design and Project Review.
- For Introduction**
- [Ordinance 34-0-22, Amending Title 4, Chapter 14, "Design and Project Review \(DAPR\)" of the City Code" - Attachment - Pdf](#)
- P3. **Ordinance 53-O-22, Amending City Code Title 6 to Add “Billboards” as a Special Use** 111 - 223
- The Land Use Commission recommends denial of Ordinance 53-O-22, Amending City Code Title 6 to Add “Billboards” as a Special Use. This is a Text Amendment to the Zoning Ordinance to establish zoning regulations for Billboards as Special Uses in all zoning districts. The proposed text amendment does not meet the Standards for Approval, specifically the proposal does not meet the goals and objectives of the Comprehensive General Plan (Comp Plan).
- For Introduction**
- [Ordinance 53-O-22, Amending City Code Title 6 to Add “Billboards” as a Special Use - Attachment - Pdf](#)

**(V) ITEMS FOR DISCUSSION**

- D1. 224 - 229

**Summary of Planning and Development Sub-committee Discussion Regarding Rental Registration and Licensing**

At its meeting on April 14, 2022 the Planning and Development Housing sub-committee agreed that there should be more input from other Councilmembers on the topic of rental licensing versus registration and voted unanimously to move this issue to the full Planning & Development Committee. This memo summarizes the sub-committee’s discussions on this topic to inform the discussion by the Planning & Development Committee in order to provide direction to staff regarding the next steps.

**For Discussion**

[Summary of Planning and Development Sub-committee Discussion Regarding Rental Registration and Licensing - Attachment - Pdf](#)

**(VI) ITEMS FOR COMMUNICATION**

- C1. **Communication on Referral Regarding Anti-Displacement/Gentrification Efforts** 230

Staff seeks no recommendation at this time and is providing an update to a referral made by Councilmember Burns regarding further discussion of the City's anti-displacement and gentrification efforts.

**For Discussion**

[Communication on Referral Regarding Anti-Displacement/Gentrification Efforts - Attachment - Pdf](#)

**(VII) ADJOURNMENT**



City of  
**Evanston™**  
**MINUTES**

**Planning & Development Committee**

**Monday, May 9, 2022 @ 6:00 PM**

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

**COMMITTEE MEMBER  
PRESENT:**

Eleanor Revelle, Councilmember, Melissa Wynne, Councilmember, Jonathan Nieuwsma, Councilmember, Thomas Suffredin, Councilmember, Bobby Burns, Councilmember, Devon Reid, Councilmember, and Clare Kelly, Councilmember

**COMMITTEE MEMBER  
ABSENT:**

**STAFF PRESENT:**

Johanna Nyden, Director of Community Development

**(I) CALL TO ORDER - COUNCILMEMBER SUFFREDIN**

**(II) APPROVAL OF MINUTES**

**PM1. Approval of the Minutes of the Regular Planning & Development Committee meeting of April 25, 2022**

Staff recommends approval of the Minutes of the Regular Planning & Development Committee meeting of April 25, 2022.

**For Action**

Moved by Councilmember Eleanor Revelle  
Seconded by Councilmember Devon Reid

**Ayes:** Councilmember Eleanor Revelle, Councilmember Devon Reid, Councilmember Melissa Wynne, Councilmember Jonathan Nieuwsma, Councilmember Thomas Suffredin, Councilmember Bobby Burns, and Councilmember Clare Kelly

**Carried 7-0 on a recorded vote**

**(III) PUBLIC COMMENT**

**(IV) ITEMS FOR CONSIDERATION**

PM1. Resolution 28-R-22 Approving a Plat of Subdivision for 2635 Crawford Avenue

Staff recommends approval of Resolution 28-R-22 approving a plat of subdivision for the property located at 2635 Crawford Avenue. The property is located on the east/northeast side of Crawford Avenue west/northwest of Gross Point Road.

Moved by Councilmember Devon Reid  
Seconded by Councilmember Eleanor Revelle

**Ayes:** Councilmember Eleanor Revelle, Councilmember Melissa Wynne,  
Councilmember Jonathan Nieuwsma, Councilmember Thomas Suffredin,  
Councilmember Bobby Burns, Councilmember Devon Reid, and  
Councilmember Clare Kelly

**Carried 7-0 on a recorded vote**

- P2. Ordinance 34-0-22, Amending Title 4, Chapter 14, "Design and Project Review (DAPR)" of the City Code

Staff has prepared Ordinance 34-0-22, the modification of the Design and Project Review Committee, for consideration based on a referral from Councilmember Suffredin.

Meagan Jones, Neighborhood and Land Use Planner, presented on the subject. Councilmember Suffredin asked if there was a way to accomplish the Design and Project Review Committee (DAPR) items without meeting on Tuesday afternoons. Johanna Nyden, Community Development Director, responded that that is done for larger developments where people collaborate on concept reviews prior to coming to DAPR. In the instance of sidewalk cafes, there is a certain synergy that happens when in person. The bigger issue is whether it needs to be public. Councilmember Suffredin is looking for an efficient way of dealing with this and for residents that want to weigh in on a project that is in their neighborhood, Tuesday afternoons are often not the best time for them. Ms. Nyden indicated that there are ways for people to see the status of developments online and for them to provide written comments but the expectation should not be that their comments would keep a project from moving forward. The city staff meeting is not necessarily the best venue for residents to provide comments when there are other public opportunities. There is nothing in the code currently that requires this meeting to be open to the public. Councilmember Wynne does see the value for staff to come together for a project and the public has sometimes misconstrued what their impact can be at the meeting. The proper forum is now the Land Use Commission where there are procedures and residents can go on record. She does agree that there can be a better way to get the public input. The public should be submitting written comments and the Land Use Commission should present their findings rather than a vote. Councilmember Reid stated that he is in favor of this because it clarifies for the residents the role of the meeting. He referenced the meeting as more of an administrative meeting rather than a voting/legal meeting. Councilmember Nieuwsma indicated that from an applicant's perspective it makes sense to have all staff in one room to get feedback at the same time. It also makes sense to have an online option for residents to comment but it will be important to distinguish between a vote or a recommendation from the committee.

Councilmember Revelle thinks that keeping the meeting "in-house" could speed up the process for applicants but agrees that there needs to be a timeline for public comments to be considered.

Councilmember Burns thinks that a hybrid solution would be best. There should be a way for people to be in person but also for residents to see it online. It is not sufficient for community members to have to read through all the documents for a project.

Councilmember Wynne motioned to table this item in committee for the first meeting in June to work out the details.

Councilmember Revelle seconded.

Moved by Councilmember Devon Reid

Seconded by Councilmember Jonathan Nieuwsma

**Ayes:** Councilmember Jonathan Nieuwsma, Councilmember Eleanor Revelle, Councilmember Melissa Wynne, Councilmember Bobby Burns, and Councilmember Clare Kelly

**Nays:** Councilmember Devon Reid and Councilmember Thomas Suffredin

**Carried 5-2 on a recorded vote**

- P3. Ordinance 43-O-22, Granting a Special Use Permit for a Cannabis Dispensary, at 1804 Maple Avenue in the RP Research Park District

The Land Use Commission and staff recommend the adoption of Ordinance 43-O-22 granting a Special Use Permit for a Cannabis Dispensary in the RP Research Park District. The applicant has complied with all zoning requirements and meets all of the Standards for a Special Use for this district.

Moved by Councilmember Melissa Wynne

Seconded by Councilmember Eleanor Revelle

**Ayes:** Councilmember Eleanor Revelle, Councilmember Melissa Wynne, Councilmember Jonathan Nieuwsma, Councilmember Thomas Suffredin, Councilmember Bobby Burns, Councilmember Devon Reid, and Councilmember Clare Kelly

**Carried 7-0 on a recorded vote**

**(V) ITEMS FOR DISCUSSION**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Johanna Nyden, Director of Community Development  
CC: Melissa Klotz, Zoning Administrator  
Subject: Ordinance 52-O-22, Amending City Code Title 6, "Zoning" to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission.  
Date: June 13, 2022

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Recommended Action:

The Land Use Commission and staff recommend the adoption of Ordinance 52-O-22, Amending City Code Title 6, "Zoning" to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission. This is a Text Amendment to the Zoning Ordinance to replace outdated language related to the dissolved Zoning Board of Appeals and Plan Commission, and replacement with the Land Use Commission.

CARP:

N/A

Council Action:

For Introduction

Summary:

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 roles 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 the 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.

Legislative History:

April 13, 2022 - The Land Use Commission unanimously recommended approval of this portion of the omnibus 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 in accordance with Section 2-19 of the City Code and Ordinance 92-O-21.

[Land Use Commission Packet](#) (item begins on p.30)

Attachments:

[Ordinance 52-O-22 Amending Title 6 to Change PC and ZBA to LUC](#)

[Land Use Commission Meeting Minutes Excerpt - April 13, 2022](#)



**52-O-22**

**AN ORDINANCE**

**Amending City Code Title 6, "Zoning" to Remove References to the Plan Commission and Zoning Board of Appeals and to Include Reference to the Land Use Commission**

**WHEREAS**, on October 15, 2021, the Evanston Council approved Ordinance 92-O-21, codifying the Land Use Commission as replacing the Evanston Zoning Board of Appeals and the Evanston Plan Commission, and

**WHEREAS**, Title 6, "Zoning" of the Evanston City Code must be amended to further codify the change from the Zoning Board of Appeals and the Plan Commission to the Land Use Commission, and

**WHEREAS**, the Evanston City Council finds that it is in the best interest of the City to codify these changes.

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

**SECTION 1:** City Code Section 6-3-1-1 "Authority" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-1-1. AUTHORITY.**

The following City offices and bodies have responsibility for implementing and administering this Ordinance:

- (A) Zoning Administrator.
- (B) Design and Project Review Committee.
- (C) Plan Commission-Land Use Commission
- ~~(D) Zoning Board of Appeals.~~

~~(E)~~(D) City Council.

**SECTION 2:** City Code Section 6-3-1-2 “Zoning Administrator” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-1-2. ZONING ADMINISTRATOR.**

The responsibilities of the Zoning Administrator are to:

- (A) Administer the zoning ordinance, including the maintenance of all records, home occupation permits, fence permits, certificates of approval of a dwelling unit occupied by a type (D) family, and the issuance of certificates of zoning compliance.
- (B) Forward any application for appeal from any order or final decision of an office, department, Commission or bureau of the City to the appropriate hearing body.
- (C) Forward any application for major variation and any combined application for major and minor variation to the ~~Zoning Board of Appeals~~ Land Use Commission.
- (D) Review and forward with his recommendation an application for a family necessity variation to the ~~Zoning Board of Appeals~~ Land Use Commission pursuant to Section 6-3-8.
- (E) Receive and process any application for amendment, planned development and unique use, and forward it to the ~~Plan Commission~~ Land Use Commission for its recommendation to the City Council.
- (F) Receive and process any application for special use and forward it, except in the case of a planned development application, to the ~~Zoning Board of Appeals~~ Land Use Commission for its recommendation to the City Council.
- (G) Grant or deny administratively any application for a minor variation and any application for a fence variation pursuant to Section 6-3-8.
- (H) Render interpretations of the provisions of this Ordinance, including use interpretations, pursuant to Section 6-3-9.
- (I) Enforce the Zoning Ordinance.

**SECTION 3:** City Code Section 6-3-1-3 “Design and Project Review (DAPR) Committee” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-1-3. DESIGN AND PROJECT REVIEW (DAPR) COMMITTEE.**

The Design and Project Review Committee is responsible for all site plan reviews authorized pursuant to the provisions of the separate Design and Project Review Ordinance, Ordinance No. 50-O-14, as amended. (A copy of Ordinance No. 50-O-14 is

included in Appendix E of this Ordinance.) Aspects which DAPR addresses in specified zoning districts include, but are not limited to:

- (A) Building and structure location.
- (B) Building design and appearance.
- (C) Landscaping.
- (D) Graphics and signage.
- (E) Circulation.
- (F) Parking areas and lots.
- (G) Open space.
- (H) Site illumination.
- (I) Preservation.
- (J) Completeness.
- (K) Compliance with all other applicable codes.

DAPR decisions may be appealed pursuant to Section 4-14-9 of this Code.

**SECTION 4:** City Code Section 6-3-1-4 “Zoning Board of Appeals” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**~~6-3-1-4. ZONING BOARD OF APPEALS.~~**

~~The responsibilities of the Zoning Board of Appeals are to:~~

- ~~(A) Approve, approve with conditions, or disapprove any application for major variation, and any combined application for a major and minor variation pursuant to Section 6-3-8, except when such application pertains to off-street parking and loading for all uses other than single-family and two-family residential, and height beyond fifty (50) feet.~~
- ~~(B) Approve, approve with conditions, or disapprove any application for a family necessity variation.~~
- ~~(C) Hear and make recommendations to the City Council regarding any application for a major variation pertaining to off-street parking and loading for all uses other than single-family and two-family residential and height beyond fifty (50) feet pursuant to Section 6-3-8.~~
- ~~(D) Hear and make recommendations to the City Council regarding any application for a special use (except a planned development) pursuant to Section 6-3-5.~~
- ~~(E) Hear and decide any appeal from Zoning Administrator decisions regarding any application for a minor variation and fence variation pursuant to Section 6-3-8.~~

- ~~(F) Hear and decide any appeal from any order or final decision made by the Zoning Administrator in the administration or enforcement of the Zoning Ordinance pursuant to Section 6-3-11, except for an appeal of a decision based on the review and recommendation of the Design and Project Review Committee.~~
- ~~(G) Hear and decide or make recommendations on any other matters referred to it by the City Council.~~

**SECTION 5:** City Code Section 6-3-1-5 "Plan Commission" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**~~6-3-1-5. PLAN COMMISSION~~**

~~The responsibilities of the Plan Commission are to:~~

- ~~(A) Review, hold hearings and offer recommendations to the City Council on any zoning matters that involve planning considerations, including but not limited to, an amendment, planned development and unique use.~~
- ~~(B) Review, hold hearings and prepare recommendations on any proposed change to the City's Comprehensive General Plan and other planning policy documents referenced by the Zoning Ordinance, and to the Zoning Ordinance itself.~~
- ~~(C) Review, hold hearings and offer recommendations to the City Council on any application for planned development proposed in those districts deemed appropriate for planned development treatment.~~
- ~~(D) Review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may determine are appropriate.~~

**SECTION 6:** City Code Section 6-3-4-4 "Requirements for Amendment Petitions" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**~~6-3-4-4. REQUIREMENTS FOR AMENDMENT PETITIONS.~~**

~~Petitions for amendment to the Zoning Ordinance, shall be in such form and accompanied by such information as shall be prescribed, from time to time, by the Plan Commission Land Use Commission and as listed in Section 1 of Appendix D, "Submission Requirements for Amendment Petitions."~~

**SECTION 7:** City Code Section 6-3-4-5 "Standard for Amendments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **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~~ Land Use 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.

**SECTION 8:** City Code Section 6-3-4-6 "Procedure for Review and Decision of Proposed Amendments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **6-3-4-6. PROCEDURE FOR REVIEW AND DECISION OF PROPOSED AMENDMENTS.**

A petition to amend the text of the Zoning Ordinance or the Zoning Map shall be processed in accordance with the following procedures:

- (A) Public Hearing: After the filing of a petition for amendment in proper form, the Zoning Administrator shall set a date for a public hearing.
- (B) General Notice of Public Hearing: Notice of the public hearing required by Subsection 6-3-4-6(A) shall be given by the Zoning Administrator by one (1) publication in one (1) or more newspapers of general circulation within the municipality. Notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.
- (C) Mailed Notices Required for Redistricting or Rezoning: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be rezoned or redistricted whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant

to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign must be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice is sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

- (D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing and, in addition, shall include all of the information listed in Section 2 of Appendix D, of this Ordinance, "Submission Requirements for Published and Mailed Notices for Proposed Amendments."
- (E) ~~Plan Commission~~ Land Use Commission Action: Upon receipt of the petition with the copy of the proposed text and map changes, the ~~Plan Commission~~ Land Use Commission shall hold a public hearing scheduled pursuant to Subsection 6-3-4-6(A). Within thirty (30) days after the hearing is closed, the Commission shall recommend the approval or denial of the proposed amendment, or the approval of the amendment with modifications, and shall then submit its written recommendation, together with the petition for the text and/or map change, to the City Council.
- (F) City Council Action: The City Council shall either adopt or reject the recommendation of the ~~Plan Commission~~ Land Use Commission or adopt some modification of the recommendation of the ~~Plan Commission~~ Land Use Commission. Except as provided in Section 6-3-4-7, no amendment to the Zoning Ordinance shall be adopted except by a vote of the majority of the Council.
- (G) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:
1. Posting the continued meeting or hearing notice at the Civic Center; and
  2. Posting the continued meeting or hearing notice on the City's website.
- Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.
- (H) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the board or commission members present may reschedule the meeting to a new date and time. No additional publication or mailing notice will be required for as provided in Section 6-3-4-6(G).

**SECTION 9:** City Code Section 6-3-4-7 “Opposition to Amendment” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-4-7. OPPOSITION TO AMENDMENT.**

If prior to the close of a ~~Plan Commission~~ Land Use Commission hearing held pursuant to Subsection 6-3-4-6(E), a written protest against any proposed map amendment, signed and acknowledged by thirty percent (30%) of the owners of property whose lot lines are located within five hundred (500) feet of the boundary of the area to be amended, inclusive of public rights of way, is filed with the City Clerk, passage of the amendment shall require a favorable vote of three-fourths (3/4) of all the Aldermen elected to the City Council.

**SECTION 10:** City Code Section 6-3-4-8 “Coordinated Review and Approval of an Amendment and Special Use and/or Variation” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-4-8. COORDINATED REVIEW AND APPROVAL OF AN AMENDMENT AND SPECIAL USE AND/OR VARIATION.**

Whenever, in conjunction with a petition for an amendment to the Zoning Ordinance, an applicant files an application(s) for a special use and/or a variation, such applications may be combined and reviewed simultaneously. A ~~joint~~ meeting of the ~~Plan Commission and the Zoning Board of Appeals~~ Land Use Commission shall be held to hear the combined applications. At conclusion of the joint public hearing each reviewing body shall forward its recommendation to the City Council within a maximum of thirty (30) calendar days. The City Council may also combine the applications and review them simultaneously. Before any action is taken on the special use or a variation, as the case may be, the City Council shall first act to approve, approve with modifications or disapprove the petition for amendment of the Zoning Ordinance.

**SECTION 11:** City Code Section 6-3-5-7 “Review Procedure; Recommendation” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-7. REVIEW PROCEDURE; RECOMMENDATION.**

- (A) Review Procedure: After determining that the special use application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall prepare and forward his written recommendation accompanied by the Design and Project Review Committee's written report to the ~~Plan Commission~~ Land Use Commission, ~~in the~~

~~case of planned developments, and to the Zoning Board of Appeals for all other categories of special uses.~~ At the same time, the Zoning Administrator shall, in the case of a planned development, cause notice of a public hearing before the ~~Plan Commission~~ Land Use Commission to be published pursuant to Section 6-3-6-8. In the case of all other special uses, the Zoning Administrator shall cause notice of a public hearing before the ~~Zoning Board of Appeals~~ Land Use Commission to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.

- (B) General Notice of Public Hearing: In the case of a planned development, notice of the public hearing required by Subsection 6-3-5-7(A) shall be given by the Zoning Administrator pursuant to Section 6-3-6-8. In the case of all other special uses, the Zoning Administrator shall cause notice of a public hearing before the ~~Zoning Board of Appeals~~ Land Use Commission to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such amendment. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing. Additionally, the published and mailed notices shall contain the following:
- (a) A statement indicating that the petition is a request for special use approval;
  - (b) The address of the subject property requesting the special use;
  - (c) The current zoning classification of the property requesting the special use;
  - (d) The time and place where the petition proposing to amend the Zoning Ordinance will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - (e) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by publication and mail;



- (f) Any other information requested by the commission ~~or board~~, as the case may be; and
  - (g) A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.
- (E) Recommendations: All written recommendations and reports forwarded by the Zoning Administrator shall be considered at the public hearing. At the conclusion of the public hearing, the commission ~~or board~~, as the case may be, shall recommend, based on written findings of fact, that the council: 1) approve the special use; 2) approve the special use subject to conditions; or 3) deny the special use.
- (F) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:
- 1. Posting the continued meeting or hearing notice at the Civic Center; and
  - 2. Posting the continued meeting or hearing notice on the City's website.
- Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.
- (G) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the ~~board or~~ commission members present may reschedule the meeting to a new date and time. No additional mailed or published notices shall be required for meetings continued as provided in Section 6-3-5-7(F).

**SECTION 12:** City Code Section 6-3-5-8 "Council Decision" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-8. COUNCIL DECISION.**

Upon receipt of the recommendation of the ~~Plan Commission or the Zoning Board of Appeals, Land Use Commission~~ as the case may be, the City Council shall either approve the special use, approve the special use subject to conditions, or deny the special use.

**SECTION 13:** City Code Section 6-3-5-9 "Coordinated Review and Approval of a Special Use and Variation" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-9. COORDINATED REVIEW AND APPROVAL OF A SPECIAL USE AND VARIATION.**

- (A) Whenever in conjunction with an application for a special use an applicant files an application for a variation pursuant to Section 6-3-8 of this Chapter, the ~~Zoning Board of Appeals~~ Land Use Commission shall combine the applications and review them simultaneously. The City Council may also combine the applications and review them simultaneously. Before any action is taken on the special use however, the City Council shall first act to approve, approve with conditions or disapprove the application for the special use.
- (B) This Section shall not apply to applications for planned developments. The approval of a variation in combination with a planned development is expressly prohibited.

**SECTION 14:** City Code Section 6-3-5-10 "Standards for Special uses" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

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

The ~~Zoning Board of Appeals or the Plan Commission, as the case may be~~ Land Use Commission, 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.

**SECTION 15:** City Code Section 6-3-5-11 “Additional Standards for a Special Use for Transitional Shelters” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-11. ADDITIONAL STANDARDS FOR A SPECIAL USE FOR TRANSITIONAL SHELTERS:**

- (A) Based on evidence presented by the applicant, and any other evidence, the ~~Zoning Board of Appeals~~ Land Use Commission may find that: 1) there exists a public need in Evanston for a transitional shelter at a given location; and 2) the property line for the proposed transitional shelter is not within one thousand (1,000) feet of the property line of an existing transitional shelter. The ~~Zoning Board of Appeals~~ Land Use Commission shall determine the minimum number of beds which the applicant is to provide as a preference for those with a relationship to Evanston based on prior residence or employment in Evanston.
- (B) Unless otherwise restricted by the special use permit, such restrictions, based upon the ~~Zoning Board of Appeals’~~ Land Use Commissions’ determination of public need and other special use standards, the maximum number of occupants permitted to remain in any such shelter shall be determined by the applicable requirements of the adopted building code, but in no case shall exceed thirty (30) occupants (subject to requirements set forth in Subsection (A) of this Section).
- (C) In conjunction with the special use authorizing a transitional shelter, the owner or operator of a transitional shelter shall be required to obtain a license for the operation of a transitional shelter from the health and human services department of the City. The license shall be granted for a period of one (1) year commencing on the date of issuance. Thereafter, the license may be renewed for a one (1) year period subject to a review and determination by the health and human services department.

**SECTION 16:** City Code Section 6-3-5-12 “Conditions on Special Uses” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-12. CONDITIONS ON SPECIAL USES.**

The City Council, upon recommendation of the ~~Zoning Board of Appeals or the Plan Commission~~ Land Use Commission, in the case of planned developments, may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a special use as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. However, such conditions shall not be used as a device to authorize as a special use that which is intended to be temporary in nature. Such conditions shall be

expressly set forth in the ordinance granting the special use permit. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the special use permit pursuant to Section 6-3-10-6 of this Chapter.

**SECTION 17:** City Code Section 6-3-5-16 "Administrative Review Uses" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-16. ADMINISTRATIVE REVIEW USES.**

(A) *Purpose.* Administrative review uses are commonly sought in non-residential districts but, because of their potential adverse impact upon the immediate neighborhood and the City, as a whole, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. As such, the determination of administrative review uses as appropriate shall be contingent upon their meeting a set of specific standards pursuant to Section 6-3-5-16(J) "Standards for Administrative Review Uses" and the weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the applicant for ameliorating adverse impacts through special site planning and development techniques based on the common guiding conditions pursuant to Section 6-3-5-16(H) "Conditions", and additional conditions as may be necessary or appropriate.

Administrative review uses are intended to provide appropriate scrutiny for the Zoning Administrator, Community Development Director, and City Manager or his/her/their designee to determine if a specific use in a given location is consistent with the City's goals and policies and designate approval with conditions, denial, or defer to the special use process for a public hearing with public notification and a final determination by the City Council.

(B) *Applicable Uses.*

1. Applicable uses shall be listed as administrative review uses in the underlying zoning district and/or overlay district.
2. All administrative review uses may process as a special use in the underlying zoning district and/or overlay district if the determination by the Zoning Administrator, Community Development Director, and City Manager or his/her/their designee is any one of the following:
  - a. Deferral of the use to the special use process.
  - b. Denial of the administrative review use.
  - c. Appeal of an administrative review use that is approved with conditions.
3. When any administrative review use is processed as a special use, applicable fees shall include the application and mailing fees associated with the special use process pursuant to Section 6-3-5 "Special Uses".

(C) *Combined Applications Prohibited.* Whenever in conjunction with an application for a special use, major variation, amendment, unique use, planned development, or

any other form of zoning relief requiring a final determination by the ~~Zoning Board of Appeals~~ Land Use Commission or the City Council, an administrative review use is expressly prohibited and shall instead process as a special use with a final determination by the City Council pursuant to Section 6-3-5 "Special Uses".

**SECTION 18:** City Code Section 6-3-5-17 "Rights of Applicants and Affected Property Owners at Hearings on Special Uses" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-5-17. RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON SPECIAL USES.**

- (A) Applicants for a special use (exclusive of planned developments) and owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any special use hearing before the ~~Zoning Board of Appeals~~ Land Use Commission:
1. To inspect all documents and material submitted as part of the application for the special use prior to the hearing.
  2. To reasonably examine all witnesses testifying.
  3. To present witnesses on their behalf.
- (B) Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the ~~board~~ Commission.

**SECTION 19:** City Code Section 6-3-6-1 "Purpose Statement" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-6-1. PURPOSE STATEMENT.**

Planned developments are a type of special use that is intended to encourage the efficient use of land and resources, to promote greater efficiency in public and utility services and to encourage innovation in the planning and building of all types of development. A planned development may be approved by the City Council following review and recommendation by the ~~Plan Commission~~ Land Use Commission .

**SECTION 20:** City Code Section 6-3-6-5 "Site Development Allowances" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

### **6-3-6-5. SITE DEVELOPMENT ALLOWANCES.**

Subject to the specific standards and limitations established for planned developments in each zoning district, the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for a planned development relative to the following features affecting bulk and density:

- (A) Floor Area Ratio: The overall floor area ratio of a planned development may exceed the maximum floor area ratio otherwise permitted in the zoning district.
- (B) Height: The maximum height permitted in the zoning districts may be increased in connection with a planned development.
- (C) Location And Placement Of Buildings: The location and placement of buildings may vary from the requirements of the underlying regulations, provided, however, that such allowances are in harmony with surrounding development.
- (D) Off Street Parking And Loading: The number and location of off street parking and loading may vary from the requirements of this Ordinance.
- (E) Number Of Dwelling Units: Increases may be granted in the number of dwelling units per lot area over that otherwise permitted in the underlying zoning district as an incentive for providing the benefits of a planned development.
- (F) Building Lot Coverage: Increase may be granted in the maximum building lot coverage over that otherwise permitted in the underlying zoning district as an incentive for providing the benefits of a planned development.
- (G) Impervious Surface Coverage: Increase may be granted in the maximum allowed impervious surface coverage over that otherwise permitted in the underlying zoning district as an incentive for providing the benefits of a planned development.

**SECTION 21:** City Code Section 6-3-6-6 "Authority to Exceed Site Development Allowances" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

### **6-3-6-6. AUTHORITY TO EXCEED SITE DEVELOPMENT ALLOWANCES.**

The City Council may, upon the recommendation of the ~~Plan Commission~~ Land Use Commission, approve a modification to a site development allowance in excess of that established in a zoning district, provided the City Council shall first make a written finding of fact that the modification is essential to achieve one (1) or more of the public benefits described in Section 6-3-6-3 of this Chapter. Approval of the modification shall require a favorable vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen elected to the City Council, except where a majority vote is allowed per Section 5-7-13 of the City Code.

**SECTION 22:** City Code Section 6-3-6-7 “Application Procedure” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**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~~ Land Use 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~~ Land Use 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~~ Land Use 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~~ Land Use 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."

**SECTION 23:** City Code Section 6-3-6-8 "Review Procedure; Decision" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-6-8. REVIEW PROCEDURE; DECISION.**

- (A) Public Hearing: All applications for planned developments will be given priority review by the Zoning Administrator. Upon the review of an application for a planned development, the Zoning Administrator shall, pursuant to Section 6-3-3-1, notify the developer of any deficiencies and or modifications necessary to perfect the planned development application. After determining that the application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall at the same time schedule a public hearing to be held by the ~~Plan Commission~~ Land Use Commission at which time a formal presentation of the planned development application will be presented. The public hearing shall be held not less than fifteen (15) calendar days and no more than thirty (30) calendar days from the date of receipt of the complete application.
- (B) General Notice of Public Hearing: The Zoning Administrator shall cause notice to be published of a public hearing to be held by the ~~Plan Commission~~ Land Use Commission. The public notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (C) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand (1,000) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject property whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such hearing. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (D) Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing. Additionally, the published and mailed notices shall contain the following:
1. A statement indicating that the petition is a request for a planned development;



2. The address of the subject property requesting the planned development;
  3. The current zoning classification of the property requesting the planned development;
  4. The time and place where the petition proposing the planned development will be available for examination for a period of at least ten (10) days prior to the public hearing;
  5. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by publication and mail;
  6. Any other information requested by the ~~Plan Commission~~ Land Use Commission; and
  7. A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.
- (E) Recommendation: The ~~Plan Commission~~ Land Use Commission shall conduct a public hearing to review the application for the proposed planned development. The ~~Plan Commission~~ Land Use Commission shall make a recommendation within sixty (60) calendar days of the close of the public hearing to the City Council for its decision in accordance with the procedures for special uses set forth in Section 6-3-5-8. The ~~Plan Commission~~ Land Use Commission may, upon agreement with the applicant, extend the sixty (60) calendar day review period. The maximum length of any extension, however, shall be limited to ninety (90) calendar days.
- (F) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:
1. Posting the continued meeting or hearing notice at the Civic Center; and
  2. Posting the continued meeting or hearing notice on the City's website.
- Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.
- (G) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the ~~board~~ or commission members present may reschedule the meeting to a new date and time. No additional mailed or published notices shall be required for meetings continued as provided in Section 6-3-6-B(F).

**SECTION 24:** City Code Section 6-3-6-9 "Standards" of the Evanston City

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

**6-3-6-9. STANDARDS.**

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~~ Land Use 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~~ Land Use 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.

**SECTION 25:** City Code Section 6-3-6-11 “Rights of Applications and Affected Property Owners at Hearings on Planned Developments” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-6-11. RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON PLANNED DEVELOPMENTS.**

- (A) Applicants for a planned development and owners of property within one thousand (1,000) feet inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the ~~Plan Commission~~ Land Use Commission:
1. To inspect all documents and material submitted as part of the application for the special use prior to the hearing.
  2. To present witnesses on their behalf.
- (B) Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the Commission.

**SECTION 26:** City Code Section 6-3-6-12 “Adjustments to Development Plan” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-6-12. ADJUSTMENTS TO DEVELOPMENT PLAN.**

- (A) *New Application Required for Amendments:* Except for minor and major adjustments authorized pursuant to Subsections 6-3-6-12(8) and 6-3-6-12(C) no amendment shall be made in the construction, development or use of a planned

development without a new application under the provisions of this Ordinance. The date of completion of a planned development, for which an amendment has been proposed, may be extended by the City Council for good cause.

- (B) *Minor Adjustments:* During build-out of the planned development, the Zoning Administrator may authorize, following review and recommendation of the Design and Project Review Committee, minor adjustments to the approved development plan, when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following:
1. Altering the location of any one (1) structure or group of structures by not more than one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved development plan between such structure or structures, and any other structure or any vehicular circulation element or any boundary of the site, whichever is less.
  2. Altering the location of any circulation element by not more than one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved development plan between such circulation element and any structure, whichever is less.
  3. Altering the siting of any open space by not more than twenty percent (20%).
  4. Altering any final grade by not more than twenty percent (20%) of the originally planned grade.
  5. Altering the location or type of landscaping elements by not more than twenty percent (20%).
  6. Altering the location or type of utility equipment.

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

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

- (C) *Major Adjustments:* Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, is considered to be a major adjustment. The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand (1,000) foot radius of the property lines of the planned development, inclusive of public roads, streets, alleys and other public ways from the planned development site whose addresses appear on the current tax assessment list. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. Upon providing such notice, the ~~Plan Commission~~ Land Use Commission may approve an application for a major adjustment to the development plan not requiring a plan as

approved, then the Commission shall review the request in accordance with the procedures set forth in Section 6-3-6-8 of this Chapter.

**SECTION 27:** City Code Section 6-3-7-5 "Procedure for Review and Decision of Proposed Use" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

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

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

- (A) Public Hearing: After the filing of a perfected application for a unique use, the Zoning Administrator shall transmit the application to the ~~Plan Commission~~ Land Use Commission and schedule a date for public hearing.
- (B) Staff Review Procedure: The Zoning Administrator shall schedule and conduct a staff review conference to review the comments received from the various departments and boards pursuant to Subsection 6-3-7-4(A) of this Chapter. Following the staff review conference, the Zoning Administrator shall forward staff's written report to the ~~Plan Commission~~ Land Use Commission.
- (C) General Notice of Public Hearing: Notice of the public hearing required in Subsection (A) of this Section shall be given by the ~~Plan Commission~~ Land Use Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (D) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all property owners within one thousand (1,000) feet of the property lines in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (E) Content of Published and Mailed Notices: Published and mailed notice shall contain the time, date and place of the public hearing.

- (F) Application Process: Each unique use application shall be processed in conformance with the procedures of Sections 6-3-6-7, "Application Procedure," and 6-3-6-8, "Review Procedure; Decisions," of this Chapter.
- (G) Applicant Rights: Applicants for a unique use and owners of property within one thousand (1,000) feet inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the ~~Plan Commission~~ Land Use Commission :
1. To inspect all documents and material submitted as part of the application for the unique use prior to the hearing.
  2. To present witnesses on their behalf.
- (H) Objection of Property Owners: Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the commission.
- (I) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:
1. Posting the continued meeting or hearing notice at the Civic Center; and
  2. Posting the continued meeting or hearing notice on the City's website.
- Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.
- (J) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the ~~board of~~ commission members present may reschedule the meeting to a new date and time. No additional mailed or published notices shall be required for meetings continued as provided in Section 6-3-7-5(1).

**SECTION 28:** City Code Section 6-3-7-6 "Opposition to Unique Use" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-6. OPPOSITION TO UNIQUE USE.**

If prior to the close of a ~~Plan Commission~~ Land Use Commission hearing pursuant to Subsection 6-3-4-6(E) of this Chapter a written protest against any proposed unique use, signed and acknowledged by thirty percent (30%) of the owners of property whose lot lines are located within a one thousand (1,000) foot radius of the boundary of the area of the unique use, inclusive of public rights of way, is filed with the City clerk,

approval of the unique use shall require a favorable vote of three-fourths (3/4) of the aldermen elected to the City Council.

**SECTION 29:** City Code Section 6-3-7-7 “Commission Action” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-7. COMMISSION ACTION.**

After receipt of the staff’s written report with respect to the proposed unique use, the ~~Plan Commission~~ Land Use Commission shall hold a public hearing in accordance with the adopted rules and procedures of the commission. The staff’s written report shall be considered at the public hearing. After the public hearing, the commission shall recommend to the City Council based on written findings of fact, that the council: a) approve the unique use; b) approve the unique use subject to specific conditions in applicable zoning requirements; or c) deny the unique use.

**SECTION 30:** City Code Section 6-3-7-8 “Council Decision” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-8. COUNCIL DECISION.**

Upon receipt of the recommendation of the ~~Plan Commission~~ Land Use Commission, the City Council shall either approve the unique use, approve the unique use subject to conditions, or deny the unique use.

**SECTION 31:** City Code Section 6-3-7-10 “Standards for Unique Uses” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-10. STANDARDS FOR UNIQUE USES.**

The ~~Plan Commission~~ Land Use Commission may only recommend approval, approval with conditions, or disapproval of a unique use permit based upon written findings of fact with regard to each of the following standards:

- (A) Evidence of special and extraordinary need for the unique use which shall include evidence of unique characteristics of the subject property, proposed use, and/or the neighborhood surrounding the subject property.
- (B) Evidence that the unique use will be of some affirmative benefit, from a land use or economic standpoint, to the City and its residents.
- (C) Evidence that authorization of the use would not be appropriate through a zoning amendment.

- (D) Evidence that the project is designed to be reasonably compatible with surrounding properties and neighborhood.
- (E) Evidence that the proposed use and the development are consistent with and implement the planning goals and objectives of the City, as contained in the adopted comprehensive general plan and other pertinent policy resolutions, particularly in terms of:
  - 1. Land use intensity.
  - 2. Housing goals.
  - 3. Preservation goals and policies.
  - 4. Population policies.
  - 5. Traffic impact and parking.
  - 6. Environmental goals and policies.
- (F) Each unique use application shall address the planned development standards of Section 6-3-6-9 of this Chapter, the public benefit standards of Section 6-3-6-3 of this Chapter, and the standards for special uses of Section 6-3-5-10 of this Chapter.
- (G) For each R1 residential preservation unique use exception application evidence that these requirements are met:
  - 1. It is in an R1 residential district;
  - 2. It is in a designated Evanston preservation district;
  - 3. It is in a structure designated by ordinance as an Evanston landmark;
  - 4. The parcel for which application for the use is made is a minimum of two (2) acres;
  - 5. The parcel for which application for the use is made is improved with a structure with a minimum of fourteen thousand five hundred (14,500) square feet as defined in Subsection (H) of this Section;
  - 6. Any multi-family structure for which the use is approved must contain no more than four (4) dwelling units. A development plan for an R1 residential preservation unique use exception may provide for more than one (1) principal use on a single zoning lot; and
  - 7. All resultant dwelling units created shall have a minimum floor area, as defined in Section 6-18-3, "Definitions," of this Title, of two thousand (2,000) square feet.
- (H) For purposes of this Subsection, gross floor area is the product of the footprint of the building times the number of floors plus any otherwise uncounted roofed areas, or other areas above the first floor that extend past the perimeter of the first floor.

**SECTION 32:** City Code Section 6-3-7-11 "Conditions on Unique Uses" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-11. CONDITIONS ON UNIQUE USES.**

The ~~Plan Commission~~ Land Use Commission may recommend, and the City Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Section 6-3-7 upon the premises benefited by a unique use as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. However, such conditions shall not be used as a device to authorize as a unique use that which is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the unique use permit. Violation of any such condition or limitation shall be a violation of this Section 6-3-7 and shall constitute grounds for revocation of the unique use permit.

**SECTION 33:** City Code Section 6-3-7-12 “Effect of Approval of Unique Use” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-12. EFFECT OF APPROVAL OF UNIQUE USE.**

The approval of a proposed unique use by the City Council shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a unique use permit, a building permit, a certificate of occupancy and subdivision approval. Development of an approved R1 residential preservation unique use will not require a recommendation from the ~~Plan Commission~~ Land Use Commission or City Council approval provided that it is in conformance with the R1 district regulations.

**SECTION 34:** City Code Section 6-3-7-14 “Coordinated Review and Approval of a Unique Use and Planned Development” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-14. COORDINATED REVIEW AND APPROVAL OF A UNIQUE USE AND PLANNED DEVELOPMENT.**

Whenever in conjunction with an application for a unique use an applicant files an application for a planned development, the ~~Plan Commission~~ Land Use Commission shall and the City Council may combine the applications and review them simultaneously. At conclusion of the public hearing the ~~Plan Commission~~ Land Use Commission shall forward its recommendation to the City Council within a maximum of thirty (30) calendar days. Before any action is taken on the planned development, the



City Council shall first act to approve, approve with conditions or deny the application for a unique use.

**SECTION 35:** City Code Section 6-3-7-15 "Coordinated Review and Approval of a Unique Use and Variation" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-7-15. COORDINATED REVIEW AND APPROVAL OF A UNIQUE USE AND VARIATION.**

Whenever in conjunction with applications for a unique use an applicant files an application for a variation, the ~~Plan Commission~~ Land Use Commission and the ~~Zoning Board of Appeals~~ shall combine and review the applications simultaneously. A joint meeting of the ~~Plan Commission~~ Land Use Commission and the ~~Zoning Board of Appeals~~ shall be held to hear the combined application. At conclusion of the public hearing each the Land Use Commission reviewing body shall forward its recommendation to the City Council within a maximum of thirty (30) calendar days. The City Council may combine the applications and review them simultaneously; however, before any action is taken on the variation, the City Council shall first act to approve, approve with conditions or disapprove the application for the unique use.

**SECTION 36:** City Code Section 6-3-8-2 "Authority" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-2. AUTHORITY.**

The Zoning Administrator, the ~~Zoning Board of Appeals~~ Land Use Commission, and the City Council, as the case may be, are authorized to approve, approve with conditions, or deny requested variations in accordance with the provisions of this Section 6-3-8 as follows:

- (A) The Zoning Administrator is delegated the authority to grant "minor variations" and "fence variations" as defined in Section 6-3-8-3 of this Chapter;
- (B) ~~Zoning Board of Appeals~~ Land Use Commission is delegated the authority to hear appeals from decisions of the Zoning Administrator regarding minor variations and fence variations, to grant family necessity variations, and to grant "major variations," as defined in Section 6-3-8-3 of this Chapter, except as limited below, and combined applications for major and minor variations; and
- (C) The City Council shall retain the authority to grant major variations pertaining to off-street parking for all uses other than single-family and two-family residential, off-street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, and townhouse orientation.

**SECTION 37:** City Code Section 6-3-8-6 “Procedure for Minor Variations and Fence Variations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-6. PROCEDURE FOR MINOR VARIATIONS AND FENCE VARIATIONS.**

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

- (A) *Notice and Opportunity to Comment:* Upon receipt of a completed application for a minor variation or a fence variation, the City will provide notice, through use of a third party service, by first class mail to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's determination.
- (B) *Zoning Administrator's Decision:* Within twenty (20) working days of receipt of a completed application for a minor variation or a fence variation, the Zoning Administrator shall, by written order, either approve, approve with conditions, or deny the requested minor variation.
- (C) *Notification of Decision:* The City shall send the Zoning Administrator's decision within ten (10) working days to the applicant and all other persons previously notified pursuant to Subsection (A) of this Section.
- (D) *Records:* A record of all applications for minor variations and fence variations shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding the applications for minor variations and fence variations.
- (E) *Appeal:* The applicant or an adjacent property owner may appeal the decision of the Zoning Administrator to the ~~Zoning Board of Appeals~~ Land Use Commission within ten (10) working days of the Zoning Administrator's date of mailing of notification.

**SECTION 38:** City Code Section 6-3-8-7 “Procedure for Family Necessity Variation” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-7. PROCEDURE FOR FAMILY NECESSITY VARIATION.**

Applications for family necessity variations shall be reviewed and decided in accordance with the following procedure:

- (A) *Notice and Opportunity to Comment:* Upon receipt of a completed application for a family necessity variation the City will provide notice, through use of a third party service, by first class mail to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. In addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the recommendation of the Zoning Administrator. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's recommendation.
- (B) *Zoning Administrator's Recommendation:* Within twenty (20) working days of receipt of a completed application for a family necessity variation, the Zoning Administrator shall prepare and submit, in writing, a recommendation of approval, approval with conditions, or denial to the ~~Zoning Board of Appeals~~ Land Use Commission.
- (C) *~~Zoning Board of Appeals~~ Land Use Commission Decision:* Upon receipt of the Zoning Administrator's recommendation, the ~~Zoning Board of Appeals~~ Land Use Commission shall first determine if any owner of property located within two hundred fifty (250) feet in each direction of the subject property has commented in opposition to the proposed variation. If no comment in opposition has been received by the Zoning Administrator as of the date of submittal of his recommendation to the ~~board~~ Commission, the ~~board~~ Commission may approve the requested variation, without holding a public hearing, following the procedure of Subsection 6-3-8-10(B) of this Chapter, and the standards set forth in Subsection 6-3-8-12(D) of this Chapter. If comments in opposition have been received as of the date of the Zoning Administrator's recommendation, the ~~board~~ Commission shall hold a public hearing and render its decision in accordance with the procedures of Sections 6-3-8-10 and 6-3-8-11 of this Chapter.

**SECTION 39:** City Code Section 6-3-8-8 "Procedure for Appeals from Decisions of the Zoning Administrator Regarding Minor and Fence Variations" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-8. PROCEDURE FOR APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR REGARDING MINOR AND FENCE VARIATIONS.**

An appeal of any decision of the Zoning Administrator regarding an application for a minor variation or a fence variation shall be made to the ~~Zoning Board of Appeals~~ Land Use Commission and processed in accordance with the provisions of Section 6-3-11 of this Chapter.

**SECTION 40:** City Code Section 6-3-8-10 “Procedure for Decisions on Major Variations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-10. PROCEDURE FOR DECISIONS ON MAJOR VARIATIONS.**

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

- (A) Public Hearing: Upon receipt of a completed application for a major variation, or a combined variation application, the ~~Zoning Board of Appeals~~ Land Use Commission shall hold a public hearing in accordance with its adopted rules and procedures.
  - 1. General Notice of Public Hearing: Notice of the public hearing shall be given by the ~~Zoning Board of Appeals~~ Land Use Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (B) Mailed Notices Required: The City will provide, through the use of a third party service, by first class mail to all property owners within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (C) ~~Zoning Board of Appeals~~ Land Use Commission Decision: Following the close of the public hearing, the ~~Zoning Board of Appeals~~ Land Use Commission shall either approve, approve with conditions, or deny the application for major

variation or the combined variation application, except when the application for major variation pertains to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or when the application for major variation pertaining to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, is combined with any other variation application; for such exceptions, the ~~Zoning Board of Appeals~~ Land Use Commission shall make a recommendation of approval, approval with conditions, or denial to the City Council for their consideration.

- (D) City Council Decision: Upon receipt of the recommendation of the ~~Zoning Board of Appeals~~ Land Use Commission regarding an application for a major variation for off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined application for major variation pertaining to off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other variation, the City Council shall either approve, approve with conditions, or deny the application.
- (E) Appeal: Any person adversely affected by decision of the ~~Zoning Board of Appeals~~ Land Use Commission or the City Council may appeal the decision to the circuit court.
- (F) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:
1. Posting the continued meeting or hearing notice at the Civic Center; and
  2. Posting the continued meeting or hearing notice on the City's website.
- Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.
- (G) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the ~~board~~ or commission members present may reschedule the meeting to a new date and time. No additional mailed or published notices shall be required for meetings continued as provided in Section 6-3-8-10(F).

**SECTION 41:** City Code Section 6-3-8-11 “Rights of Applicants and Affected Property Owners at Hearings on Major Variations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-11. RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON MAJOR VARIATIONS.**

Applicants for major variations and owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the ~~Zoning Board of Appeals~~ Land Use Commission:

- (A) To inspect all documents and material submitted as part of the application for major variation prior to the hearing.
- (B) To reasonably examine all witnesses testifying.
- (C) To present witnesses on their behalf.
- (D) Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearings shall be at the discretion of the ~~board~~ Commission.

**SECTION 42:** City Code Section 6-3-8-12 “Standard for Variations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**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~~ Land Use Commission, 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:

- (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.
- (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.
- (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~~ Land Use Commission 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~~ Land Use Commission regarding said variation.
- (E) *Major Variations*: Major variations may be authorized by the ~~Zoning Board of Appeals~~ Land Use Commission, 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:

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~~ Land Use Commission 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~~ Land Use Commission issues its decision or recommendation to the City Council regarding said variation.

**SECTION 43:** City Code Section 6-3-8-13 “Special Procedures in Connection with Combined Major Variation Applications” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-13. SPECIAL PROCEDURES IN CONNECTION WITH COMBINED MAJOR VARIATION APPLICATIONS.**

Whenever an application for a major variation would, in addition, require a major variation for off street parking, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, the applicant shall indicate that fact on the application where indicated and shall, at the time of filing the application for major



variation, file an 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. The ~~Zoning Board of Appeals~~ Land Use Commission shall and the City Council may combine the applications and review and decide both simultaneously in accordance with the procedures set forth in Section 6-3-8-10 of this Chapter.

**SECTION 44:** City Code Section 6-3-8-14 “Conditions on Variations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-8-14. CONDITIONS ON VARIATIONS.**

The Zoning Administrator, in the case of applications for minor variations and fence variations, the ~~Zoning Board of Appeals~~ Land Use Commission, in the case of applications for family necessity variations, major variations, and combined major and minor variations, and the City Council, in the case of applications for major variations 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, 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, may impose specific conditions and limitations upon the granting of a variation as are necessary to achieve the purposes and objectives of this Ordinance. Such conditions and limitations may include, but are not limited to, those concerning use, construction, character location, landscaping, screening and other matters relating to the purposes and objectives of this Ordinance and shall be expressly set forth in the decision granting the variation. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the variation by the Zoning Administrator pursuant to Section 6-3-10-6 of this Chapter.

**SECTION 45:** City Code Section 6-3-9-4 “Procedure” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-9-4. PROCEDURE.**

- (A) *Application:* Applications for interpretations of this Ordinance shall be filed on a form provided by the Zoning Administrator and shall contain at least the information listed in Appendix D, Section D.7, "Submission Requirements For An Application For Interpretations Of This Zoning Ordinance," of this Title.
- (B) *Action on Application:* Within fifteen (15) working days following the receipt of a properly completed application for interpretation, the Zoning Administrator shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the

Zoning Administrator to act within fifteen (15) working days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such fifteen (15) day period.

- (C) *Records*: A record of all applications for interpretations shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding the applications for interpretations.
- (D) *Appeal*: Appeals from interpretations rendered by the Zoning Administrator may be taken to the ~~Zoning Board of Appeals~~ Land Use Commission pursuant to Section 6-3-9-8 of this Chapter.

**SECTION 46:** City Code Section 6-3-9-5 “Standards for Use Interpretations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-9-5. STANDARDS FOR USE INTERPRETATIONS.**

The following standards shall govern the Zoning Administrator, and the ~~Zoning Board of Appeals~~ Land Use Commission on appeals from the Zoning Administrator, in issuing use interpretations:

- (A) Any use defined in Chapter 18 of this Title shall be interpreted as therein defined.
- (B) No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with the general district regulations established for that particular district.
- (C) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
- (D) If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to Section 6-3-5.
- (E) No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

**SECTION 47:** City Code Section 6-3-9-8 “Appeals from Zoning Administrator Decisions” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-9-8. APPEALS FROM ZONING ADMINISTRATOR DECISIONS.**

The ~~Zoning Board of Appeals~~ Land Use Commission shall, pursuant to Section 6-3-11, hear and decide appeals from any order or final decision of the Zoning Administrator acting pursuant to his authority and duties under this Ordinance except with regard to orders or decisions based upon the review and recommendations of the Design and Project Review Committee, which shall be appealable to the City Council through its Planning and Development Committee, and with the exception of Administrative Review Uses, which shall be appealable through the special use process pursuant to Section 6-3-5-16. Except as expressly provided otherwise, an application for appeal to the ~~Zoning Board of Appeals~~ Land Use Commission may be filed not later than forty-five (45) calendar days following the action being appealed.

**SECTION 48:** City Code Section 6-3-10-4 "Procedures Upon Discovery of Violations" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-10-4. PROCEDURES UPON DISCOVERY OF VIOLATIONS.**

- (A) If the Zoning Administrator finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation indicating the nature of the violation, ordering the action necessary to correct, and specifying a reasonable amount of time for the correction of the violation or the performance of any other act required. Additional written notices may be sent at the administrator's discretion.
- (B) The administrator's notice shall be served upon the owner or his agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof: 1) is served upon him personally, or 2) is sent by certified mail to the last known address, or 3) is posted in a conspicuous place in or about the building, structure or premises affected by the action.
- (C) The final written notice (and the initial written notice may be the final notice) shall state what action the Zoning Administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the ~~Zoning Board of Appeals~~ Land Use Commission pursuant to Section 6-3-11 of this Chapter.
- (D) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 6-3-10-5 of this Chapter.

**SECTION 49:** City Code Section 6-3-10-6 “Revocation of Certificate of Zoning Compliance” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-10-6. REVOCATION OF CERTIFICATE OF ZONING COMPLIANCE.**

A certificate of zoning compliance may be revoked by the Zoning Administrator, in accordance with the provisions of this Section, if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed as a condition of approval of a special use, including a planned development, a unique use, or a variation. Before a certificate of zoning compliance can be revoked, the Zoning Administrator shall undertake the following procedures:

- (A) *Notice and Opportunity to Comment:* The Zoning Administrator shall cause a written notice of intent to revoke the certificate of zoning compliance to be delivered to the recipient of the certificate at least ten (10) working days prior to the date of the proposed revocation. The notice of intent to revoke the certificate shall inform the recipient of the alleged reasons for the revocation and of his right to obtain a hearing on the allegations. The notice shall also inform the certificate holder of the alleged grounds for the revocation.
- (B) *Hearing:* If the certificate holder desires a hearing, the Zoning Administrator shall set a date for a public hearing.
- (C) *Zoning Administrator's Decision:* After the expiration of the ten (10) working day notice and comment period, or within ten (10) working days of the close of the public hearing, the Zoning Administrator shall, by written order, render his decision on the proposed revocation. The written order shall contain a statement of the specific reasons or findings of fact that support his decision.
- (D) *Notification of Decision:* The Zoning Administrator shall send his decision within five (5) working days to the certificate holder and any other person(s) previously requesting notification.
- (E) *Appeal:* An appeal of the decision of the Zoning Administrator may be taken to the ~~Zoning Board of Appeals~~ Land Use Commission pursuant to Section 6-3-11 within ten (10) working days of the Zoning Administrator's date of mailing the decision.
- (F) *Evidence:* The burden of presenting sufficient evidence to the Zoning Administrator to conclude a certificate of zoning compliance should be revoked for any of the reasons set forth in this Section 6-3-10-6 shall be upon the party proposing the revocation.
- (G) *Result of Revocation:* No person may continue to make use of land or buildings in the manner authorized by any certificate of zoning compliance after the

certificate has been revoked in accordance with the provisions of this Section 6-3-10-6.

- (H) *Records*: A record of all written notices of the intent to revoke a certificate of zoning compliance shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding the written notices of the intent to revoke a certificate of zoning compliance.

**SECTION 50:** City Code Section 6-3-11 "Appeals" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-11. APPEALS.**

- (A) Except for administrative review uses, which shall be appealable through the special use process pursuant to Section 6-3-5-16, an appeal may be taken to the ~~Zoning Board of Appeals~~ Land Use Commission from any order or final decision made by the Zoning Administrator by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be taken by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof. All of the papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the ~~Zoning Board of Appeals~~ Land Use Commission. Appeals from an order or final decision based upon the review and recommendations of the Design and Project Review Committee (DAPR) shall be taken directly to the City Council through its Planning and Development Committee.
- (B) The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intent of this Ordinance or the rightful authority of the Zoning Administrator to enforce the requirements of this Ordinance. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Ordinance and to the reasonable interpretations of that language by those charged with the administration of this Ordinance.
- (C) The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ~~Zoning Board of Appeals~~ Land Use Commission, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause, in his opinion, imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the ~~Zoning Board of Appeals~~ Land Use Commission or by a court of record, on application of notice to the Zoning Administrator and on due cause shown.
- (D) The ~~Zoning Board of Appeals~~ Land Use Commission may reverse or affirm, wholly or partly, or may modify the order or final decision as in its opinion ought to be

made in the premises, and to that end has all the powers of the officer from whom the appeal is taken.

**SECTION 51:** City Code Section 6-3-11-1 “Public Hearing; Notice; Findings” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-11-1. PUBLIC HEARING; NOTICE; FINDINGS.**

The findings of the ~~Zoning Board of Appeals~~ Land Use Commission on appeals from rulings or orders or final decisions of the Zoning Administrator shall be in writing and shall be arrived at in each specific case after a public hearing, noticed and held in accordance with the ~~Board's~~ Commission's adopted Rules and Procedures. A report of the ~~Board's~~ Commission's findings with the terms of the relief granted specifically set forth in a conclusion or separate statement, shall be transmitted to the appellant or applicant, with copies to the City Council within a reasonable time.

**SECTION 52:** City Code Section 6-3-11-2 “Right to Grant Variation in Deciding Appeals” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-11-2. RIGHT TO GRANT VARIATION IN DECIDING APPEALS.**

In any case where the application for appeal is accompanied by an application for variation in accordance with Section 6-3-8 of this Ordinance, the ~~Zoning Board of Appeals~~ Land Use Commission shall have the authority to grant, as part of the relief, a variation pursuant to the authority granted in Section 6-3-8-2 but only when in strict compliance with each provision of Section 6-3-8 hereof.

**SECTION 53:** City Code Section 6-3-11-3 “Conditions and Limitations on Rights Granted by Appeal” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-11-3. CONDITIONS AND LIMITATIONS ON RIGHTS GRANTED BY APPEAL.**

In any case where this Ordinance imposes conditions and limitations upon any right, any such right granted by the ~~Zoning Board of Appeals~~ Land Use Commission on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

**SECTION 54:** City Code Section 6-3-11-5 “Appeals; Time Extensions” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-3-11-5. APPEALS; TIME EXTENSIONS.**

- (A) An appeal may be taken to the ~~Zoning Board of Appeals~~ Land Use Commission from a directive by the Zoning Administrator to correct or discontinue any violation of this Ordinance by a specific date. Said appeal may be made to the ~~Zoning Board of Appeals~~ Land Use Commission only for the purpose of providing an extension of time for correcting or discontinuing an existing violation of this Ordinance. Said appeal shall be in such form as may be prescribed by the ~~Zoning Board of Appeals~~ Land Use Commission and shall set forth the circumstances that make unreasonable the time period allowed by the enforcing officer for bringing the subject property into compliance.
- (B) An appeal for a time extension shall not be granted unless the following findings are made, based upon the evidence presented to the ~~Zoning Board of Appeals~~ Land Use Commission:
1. That allowing a time extension for compliance will not be detrimental to the public welfare, or injurious to or depreciate the value of other property or improvements in the neighborhood in which the property is located; and
  2. That there are either circumstances, difficulties or hardships that make unreasonable the time for compliance specified by the Zoning Administrator. For the consideration of time extensions, personal circumstances peculiar to the property owner or occupant may constitute such circumstances within the meaning of this paragraph.
- (C) The ~~Zoning Board of Appeals~~ Land Use Commission may affirm or extend any time limit for compliance previously established by the Zoning Administrator or by the ~~Zoning Board of Appeals~~ Land Use Commission within the following limits:
1. A period for compliance that shall not exceed three (3) years from the date of the ~~Zoning Board of Appeals'~~ Land Use Commissions' first hearing on the matter or a rehearing following a change in ownership or occupancy; or
  2. A period for compliance limited to the period of present ownership of the property or present occupancy of the property or any portion thereof, provided that on rehearing an additional time extension of not to exceed three (3) years may be granted upon a change in ownership or occupancy; or
  3. Any combination of the above.
- (D) As a condition of extending a time limit for compliance, the ~~Board~~ Commission may order immediate correctional work, may require covenants, or may establish such other conditions and restrictions as are necessary and desirable to protect the welfare of the occupants of the property that is the subject of the appeal and public health, safety and welfare.

**SECTION 55:** City Code Section 6-8-1-10 "Planned Developments" of the

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

**6-8-1-10. – PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the residential districts unless they shall determine, based on written findings of fact, that the planned development adheres to the standards set forth herein.

*(A) General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within a historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, any adopted land use or urban design plan specific to the area, this Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:

- (a) Land use.
- (b) Land use intensity.
- (c) Housing.
- (d) Preservation.
- (e) Environmental.
- (f) Traffic impact and parking.
- (g) Impact on schools, public services and facilities.
- (h) Essential character of the neighborhood.



(i) Neighborhood planning.

(j) Conservation of the taxable value of land and buildings throughout the City and retention of taxable land on tax rolls.

3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan submitted as part of the planned development application.

(B) *Site Controls and Standards*: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's Manual of Design Guidelines or in common use by design professionals.

1. The minimum area for a planned development established in the residential districts shall be as follows:

(a) R1	Fourteen thousand four hundred (14,400) square feet.
(b) R2	Ten thousand (10,000) square feet.
(c) R3	Ten thousand (10,000) square feet.

(d) R4	Eight thousand (8,000) square feet.
(e) R5	Eight thousand (8,000) square feet.
(f) R6	Eight thousand (8,000) square feet.

For planned developments established in the R1 district the minimum ground floor area for new construction shall be as follows:

(g)	New construction one-story dwelling units shall have a minimum ground floor area of one thousand two hundred (1,200) square feet.
(h)	New construction multiple-story dwellings shall have a minimum ground floor area of nine hundred (900) square feet.

2. For each planned development there shall be submitted a tree preservation statement evaluating each building site as to whether desirable tree stands or other natural features exist and can be preserved. The preservation statement shall be made part of the required landscape plan submitted as part of the planned development application.

3. For all boundaries of the planned development not immediately abutting dedicated and improved public streets, there shall be provided a transition landscaped strip of at least ten (10) feet consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscape and Screening." Natural features or tree stands identified as desirable in the tree preservation statement shall be incorporated in the transition landscaped strip where possible. The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.

4. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all dwelling units, all project facilities, as well as any off-site destination likely to attract substantial pedestrian traffic. Walkways, when used by substantial numbers of children as play areas, routes to school or other principal destinations, shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be located, designed, and marked to promote the utmost safety. If substantial bicycle traffic is anticipated, bicycle

paths shall be incorporated into the walkway system. Pedestrian ways shall not be used by other automotive traffic.

5. The location, construction, and operation of parking, loading areas, and service areas shall be designed to avoid adverse effects on residential uses within or adjoining the development.
6. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
7. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.
8. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.
9. For every planned development involving twenty (20) or more dwelling units there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of all anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as a result of the construction of the proposed development.
10. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments established in the residential districts. These allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the residential districts shall be no more than twelve (12) feet.
2. The maximum increase in the number of dwelling units, over that otherwise permitted in the residential districts, shall be:
  - (a) R1: None.

- (b) R2: None.
- (c) R3: None.
- (d) R4: Twenty-five percent (25%).
- (e) R5: Twenty-five percent (25%).
- (f) R6: Twenty-five percent (25%).

3. The location and placement of buildings may vary from that otherwise permitted in the residential districts, however, at no time shall any dwelling be closer than fifteen (15) feet from any street or development boundary line, unless otherwise approved as a site development allowance by the City Council. Further, the minimum spacing between any two (2) residential buildings within the planned development shall be twelve (12) feet.

4. The maximum increase in building lot coverage, including accessory structures over that otherwise permitted in the residential districts shall be as follows:

- (a) R1: Ten percent (10%).
- (b) R2: Ten percent (10%).
- (c) R3: Ten percent (10%).
- (d) R4: Fifteen percent (15%).
- (e) R5: Fifteen percent (15%).
- (f) R6: Twenty percent (20%).

*(D) Mandatory Planned Development Minimum Thresholds:* Any development the land use of which is listed among the permitted uses or special uses for the individual zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.

- 1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
- 2. The development provides for the construction of more than twenty-four (24) new residential units.

3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 56:** City Code Section 6-8-1-11 "Special Conditions for Office Use" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-8-1-11. – SPECIAL CONDITIONS FOR OFFICE USES.**

In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

(A) The subject property shall be adjacent to any B, C, D, RP, O1, MU, MUE, MXE, or I zoning district.

(B) The subject property shall be improved with, and the office(s) shall be located within, a dwelling originally constructed as a single-family detached or two-family dwelling.

(C) The ~~Zoning Board of Appeals~~ Land Use Commission shall consider, make findings of fact regarding, and, if necessary, attach specific conditions to address, the following characteristics of the proposed use:

1. The number of employees;
2. The amount of parking;
3. The amount of traffic;

4. The number of clients on the subject property at any one (1) time and per day;
5. The hours of operation;
6. The hours during which pick up and delivery are permitted;
7. The manner in which utilities and other services are provided to the area;
8. Sources of noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission to the area;
9. Exterior alterations to the residential appearance of the subject property, including, but not limited to, creating a separate or exclusive office entrance, signage or other advertising or display to identify the office, fencing, and outdoor storage; and
10. The taxable value of buildings and land on, and within the vicinity of, the subject property.

(D) If the City Council grants the special use, the property owner, or his or her agent, shall provide the Cook County assessor's office with appropriate documentation of the nonresidential use of the subject property, including, but not limited to, the amount of floor area devoted to nonresidential use. The property owner, or his or her agent, shall cause to be placed on file in the office of the zoning division a copy of the above described document. Said document and copy shall be received by the Cook County assessor's office and zoning division before the City may issue a final certificate of occupancy for the nonresidential use.

**SECTION 57:** City Code Section 6-9-1-9 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-9-1-9. PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the business districts unless they shall determine, based on written findings of fact, that the planned development adheres to the standards set forth herein.

(A) *General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the zoning ordinance as set forth in Section 6-1-2, "Purpose And Intent," of this Title.

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within a historic district listed on the national register or for property located within a historic district so designated by the Evanston preservation commission, the planned development shall be compatible with the "secretary of the interior's standards for rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the adopted comprehensive general plan, as amended, any adopted land use or urban design plan specific to the area, this zoning ordinance, and any other pertinent City planning and development policies, particularly in terms of:
  - (a) Land use.
  - (b) Land use intensity.
  - (c) Housing.
  - (d) Preservation.
  - (e) Environmental.
  - (f) Traffic impact and parking.
  - (g) Impact on schools, public services and facilities.
  - (h) Essential character of the business district, the surrounding residential neighborhoods, and abutting residential lots.
  - (i) Neighborhood planning.
  - (j) Business district planning and economic development goals and policies, particularly those of specific adopted plans for individual business districts.
  - (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.
3. Each planned development shall enhance and maintain the pedestrian character of the business districts.
4. Each planned development shall enhance the streetscape and architectural character of the business districts, including where possible, preserving character giving buildings and existing streetscape amenities.
5. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.
6. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

7. All landscaping and streetscape treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping And Screening," of this Title, and shown on the required landscape plan submitted as part of the planned development application.

(B) *Site Controls and Standards:* The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. It is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's "Manual of Design Guidelines" or in common use by design professionals.

1. The minimum area for a planned development established in a business district shall be as follows:

(a) B1	Ten thousand (10,000) square feet.
(b) B1a	Ten thousand (10,000) square feet.
(c) B2	Ten thousand (10,000) square feet.
(d) B3	None.

2. For all boundaries of the planned development abutting a residential property, there shall be provided a transition landscaped strip of at least ten (10) feet consisting of vegetative screening, fencing, or decorative walls in accordance with the "Manual of Design Guidelines" and Chapter 17, "Landscaping and Screening," of this Title. The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.
3. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off site destination likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic.
4. The location, construction, and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the business district in which it is located.
5. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
6. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design



and construction of storm water control facilities, including grading, gutter, piping and treatment of turf and maintenance of facilities.

7. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.
8. For every planned development involving structures exceeding a gross floor area of twenty thousand (20,000) square feet there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as a result of the construction of the proposed development.
9. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. Said allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the business districts shall be no more than:

(a) B1	Twelve (12) feet.
(b) B1a	Twelve (12) feet.
(c) B2	Twelve (12) feet.
(d) B3	Twelve (12) feet.

2. The maximum increase in the number of dwelling units over that otherwise permitted in the business districts shall be:

(a) B1	Twenty percent (20%).
(b) B1a	Twenty percent (20%).
(c) B2	Twenty percent (20%).
(d) B3	Twenty-five percent (25%).

3. The location and placement of buildings may vary from that otherwise permitted in the business districts; however, at no time shall any building be closer than five (5) feet to any interior side lot line abutting a residential district or closer than ten (10) feet to any rear lot line abutting a residential district.
  4. The maximum increase in floor area ratio, over that otherwise permitted in the business districts, shall be 1.0.
- (D) *Mandatory Planned Development Minimum Thresholds:* Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.
1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
  2. The development provides for the construction of more than twenty-four (24) new residential units.
  3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
  4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
  5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 58:** City Code Section 6-9-1-10 "Inclusionary Housing Bonuses"

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

**6-9-1-10. INCLUSIONARY HOUSING BONUSES.**

(A) Any covered development, as defined under City Code Section 5-7-3, providing on-site affordable units and that is otherwise compliant with the City's Inclusionary Housing Ordinance is entitled to the following development bonuses:

1. For developments providing five percent (5%) on-site affordable housing or ten percent (10%) on-site housing with public financing:

	Commercial (B, C, M, & O Districts)
Density	+1 per Inclusionary Dwelling Unit
FAR	+1.0
Parking	No parking for Inclusionary Dwelling Unit
Height	—
Building Lot Coverage and Impervious Surface Coverage	—

2. For developments providing ten percent (10%) on-site affordable housing or twenty percent (20%) on-site affordable housing with public financing:

	Commercial (B, C, M, & O Districts)
Density	+2 per Inclusionary Dwelling Unit
FAR	+1.0
Parking	No parking for Inclusionary Dwelling Units
Height	—
Building Lot Coverage & Impervious Surface Coverage	—
Site Development Allowances for Planned Developments	Majority vote of City Council required to exceed maximum Site Development Allowances for Planned Developments (instead of Supermajority vote)

3. For covered developments and primarily affordable non-covered developments in non-TOD areas that provide on-site affordable units, the parking requirements for the entire development shall be reduced to:

Unit Size	In TOD Area	Outside TOD
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		Area
0—1 Bedroom	0.55 parking spaces	0.75 parking spaces
2 Bedroom	1.1 parking space	1.25 parking spaces
3+ Bedroom	1.65 parking spaces	1.5 parking spaces

(B) Residential developments processed as planned developments, shall have bonuses and reductions set forth in this Section calculated prior to the site development allowances set forth in Section 6-9-1-9.

**SECTION 59:** City Code Section 6-10-1-9 “Planned Developments” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-10-1-9. – PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the commercial districts unless they shall determine, based on written findings of fact, that the planned development adheres to the standards set forth herein.

(A) *General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within a historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the Comprehensive General Plan as amended, any adopted land use or urban design plan specific to the area, this Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:

(a) Land use.

- (b) Land use intensity.
- (c) Housing.
- (d) Preservation.
- (e) Environmental.
- (f) Traffic impact and parking.
- (g) Impact on schools, public services and facilities.
- (h) Essential character of the business district, the surrounding residential neighborhoods, and abutting residential lots.
- (i) Neighborhood planning.
- (j) Commercial district planning and economic development goals and policies, particularly those of specific adopted plans for individual business districts.
- (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.

3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan submitted as part of the planned development application.

(B) *Site Controls and Standards*: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site

design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's Manual of Design Guidelines or in common use by design professionals.

1. For all boundaries of the planned development immediately abutting a residential property, there shall be provided a transition landscaped strip of at least ten (10) feet consisting of vegetative screening, fencing or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.
2. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site destination likely to attract substantial pedestrian traffic. Pedestrian-ways shall not be used by other automotive traffic.
3. The location, construction, and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and where possible, provide additional parking beyond that required for the planned development to service the business district in which it is located.
4. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
5. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.
6. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed, and other pertinent information concerning the need or demand for such uses of land.
7. For every planned development involving twenty (20) dwelling units or more there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study shall also show the amount and direction of anticipated traffic flow and clearly describe what road and traffic control improvements might become necessary as result of the construction of the proposed development.

8. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. Said allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the commercial districts shall be no more than:

(a) C1	Fifteen (15) feet.
(b) C1a	Thirty (30) feet.
(c) C2	Fifteen (15) feet.

2. The maximum increase in the number of dwelling units over that otherwise permitted in the commercial districts shall be:

(a) C1	Twenty percent (20%).
(b) C1a	Forty percent (40%).
(c) C2	Twenty-five percent (25%).

3. The location and placement of buildings may vary from that otherwise permitted in the commercial districts, however, at no time shall any building be closer than ten (10) feet to any lot line abutting a residential district.

4. The maximum increase in floor area ratio over that otherwise permitted in the commercial districts shall be as follows:

(a) C1	One (1.0).
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(b) C1a	One and one-half (1.5).
(c) C2	One (1.0).

(D) *Mandatory Planned Development Minimum Thresholds:* Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 60:** City Code Section 6-11-1-10 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:



**6-11-1-10. PLANNED DEVELOPMENTS.**

In the downtown, planned developments are an allowed special use in the D1, D2, D3 and D4 districts. In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," the ~~Plan~~-Commission Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the downtown districts unless they shall determine, based on written findings of fact, that the planned development adheres to the following standards:

*(A) General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within an historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall enhance the identity and character of the downtown, by preserving where possible character-giving buildings, enhancing existing streetscape amenities, maintaining retail continuity in areas where it is prominent, strengthening pedestrian orientation and scale and contributing to the mixed use vitality of the area.
3. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, the Plan for Downtown Evanston, any adopted land use or urban design plan specific to the area, this Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:
  - (a) Land use.
  - (b) Land use intensity.
  - (c) Housing.
  - (d) Preservation.
  - (e) Environmental.
  - (f) Urban design.
  - (g) Traffic impact and parking.
  - (h) Impact on schools, public services and facilities.
  - (i) Essential character of the downtown district, the surrounding residential neighborhoods, and abutting residential lots.
  - (j) Neighborhood planning.
  - (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.

4. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan that shall be submitted as part of the planned development application.
- (B) *Site Controls and Standards*: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in or interpolated from the Plan for Downtown Evanston, and the City's Manual of Design Guidelines or in common use by design professionals.
1. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic.
  2. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the downtown district in which it is located.
  3. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
  4. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways

and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.

5. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.
6. For every planned development there shall be provided a traffic circulation impact study which shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study shall also show the amount and direction of anticipated traffic flow and clearly describe what road and traffic control improvements might become necessary as a result of the construction of the proposed development.
7. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. Said allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the downtown districts shall be as follows:

(a) D1	Twenty-four (24) feet.
(b) D2	Forty-three (43) feet.
(c) D3	Eighty-five (85) feet. (For lots that exceed ninety-five (95) feet in width a tower or towers may be erected to a height of two hundred twenty (220) feet, provided that the tower or towers above a height of 42 feet shall be set back not less than thirty (30) feet from any front lot line or side lot line abutting a street and twenty-five (25) feet from an interior side lot line. Further, no tower shall be located less than fifty (50) feet from any other tower located on the same lot.)
(d) D4	Forty (40) feet.

The height of any story of a building approved as a planned development pursuant to Section 6-3-6 of this Title may be excluded from the calculation of building height when seventy-five percent (75%) or more of the gross floor area of such story consists of parking required for the building, excluding mechanical penthouse, however, in no case shall this exclusion be greater than four (4) stories or forty (40) feet, whichever is less.

2. The maximum increase in floor area ratio over that otherwise permitted in the D2, D3 or D4 district shall be as follows:

(a) D2	1.25.
(b) D3	3.5.
(c) D4	0.5 (0.6 when incorporating residential dwelling units).

(D) *Mandatory Planned Development Minimum Thresholds:* Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 61:** City Code Section 6-12-1-7 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-12-1-7. – PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the research park district unless they shall determine, based on written findings of fact, that the planned development adheres to the following standards:

(A) *General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within an historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the research park master plan as amended and the Comprehensive General Plan as amended.

3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with requirements set forth in the research park master plan and Chapter 17, "Landscaping and Screening." All landscaping treatment shall be shown on the required landscape plan submitted as part of the planned development application.

(B) *Site Controls and Standards:* The following site controls and standards are established to provide a regulatory framework that will promote excellence in site

design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the research park master plan, the City's Manual of Design Guidelines, or in common use by design professionals.

1. The minimum area for a planned development established in the research park districts shall be nineteen thousand five hundred (19,500) square feet.
2. For each planned development there shall be submitted a tree preservation statement evaluating each building site as to whether desirable tree stands or other natural features exist and can be preserved. The preservation statement shall be made part of the required landscape plan submitted as part of the planned development application.
3. Walkways developed for a planned development shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, all project facilities, as well as any off-site destination likely to attract substantial pedestrian traffic. Walkways, when used by substantial numbers of children as play areas, routes to school or other principal destinations, shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be located, designed, and marked to promote the utmost safety. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated into the walkway system. Pedestrian ways shall not be used by other automotive traffic.
4. The location, construction and operation of parking, loading areas and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development.
5. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
6. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.
7. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned

developments established in the research park districts. These allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the research park districts shall be the minimum height necessary to achieve the desired building density as referenced in the research park master plan.
2. The maximum increase in floor area ratio over that otherwise permitted in the research park district shall be 2.0 for buildings and 0.8 for parking structures.

*(D) Mandatory Planned Development Minimum Thresholds:* Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 62:** City Code Section 6-13-1-10 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-13-1-10. PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development unless they shall determine in the transitional manufacturing districts, based on written findings of fact, that the planned development adheres to the standards set forth herein.

*(A) General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the zoning ordinance as set forth in Section 6-1-2, "Purpose And Intent," of this Title.  
If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within a historic district so designated by the Evanston preservation Commission, the planned development shall be compatible with the "Secretary of the interior's standards for rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.
2. Each planned development shall be compatible with and implement the adopted comprehensive general plan, as amended, any adopted land use or urban design plan specific to the area, this zoning ordinance, and any other pertinent City planning and development policies, particularly in terms of:
  - (a) Land use.
  - (b) Land use intensity.
  - (c) Housing.
  - (d) Preservation.
  - (e) Environmental.
  - (f) Traffic impact and parking.
  - (g) Impact on schools, public services and facilities.
  - (h) Essential character of the downtown district, the surrounding residential neighborhood, and abutting residential lots.
  - (i) Neighborhood planning.
  - (j) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.
3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.
4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is



actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan submitted as part of the planned development application.
- (B) *Site Controls and Standards:* The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's Manual of Design Guidelines or in common use by design professionals.
1. For planned developments incorporating residential uses a minimum of forty-five percent (45%) of the total gross area of the planned development shall be devoted to usable open space. Said open space and its proposed treatment shall be depicted on the required landscape plan submitted as part of the planned development application.
  2. For planned developments incorporating manufacturing uses said uses shall be conducted entirely within an enclosed building. Outdoor storage of merchandise or production material may be permitted, provided the storage area consists of no more than ten percent (10%) of the subject site and further provided that the storage area is completely enclosed by screened fences, walls or landscaping designed to a height and density to shield the storage area from view when viewed from off the site.
  3. For all boundaries of the planned development not immediately abutting a dedicated and improved public street, there shall be provided a transition landscaped strip of at least five percent (5%) of the average depth of the lot or twenty-five (25) feet, whichever is greater, consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan and submitted as part of the planned development application.
  4. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site designation likely to attract substantial pedestrian traffic. Walkways designed to be used by substantial numbers of children as play areas, routes to school or other principal destinations shall be located and safeguarded to minimize contacts with normal automobile traffic. Street crossings shall be located, designed, and marked to promote the utmost safety. Pedestrian-ways shall not be used by other automotive traffic.

5. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the manufacturing district in which it is located.
  6. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
  7. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water control facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.
  8. For every planned development involving twenty (20) dwelling units or more there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.
  9. For every planned development there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study shall also show the amount and direction of anticipated traffic flow and clearly describe what road and traffic control improvements might become necessary as a result of the construction of the proposed development.
  10. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.
- (C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. These allowances shall be limited as follows:
1. The maximum height increase over that otherwise permitted in the transitional manufacturing districts shall be no more than fifteen (15) feet.
  2. The maximum increase in the number of dwelling units over that otherwise permitted in the transitional manufacturing districts shall be twenty-five percent (25%).
  3. The location and placement of buildings and structures may vary from that otherwise permitted in the transitional manufacturing districts, however, at no time, shall any building or structure be closer than twenty-five (25) feet to any lot line abutting a residential district.
  4. The maximum increase in floor area ratio over that otherwise permitted in the transitional manufacturing districts shall be 0.1.

- (D) *Mandatory Planned Development Minimum Thresholds:* Any proposed development the land use of which is listed among the permitted uses or special uses for the individual zoning district in which the subject property is located meeting any one (1) of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6 of this Title. For purposes of this Subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in Section 6-18-3 of this Title.
1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
  2. The development provides for the construction of more than twenty-four (24) new residential units.
  3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any commercial, business, retail or office uses.
  4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one (1) type or in any combination of any residential, commercial, business, retail, or office uses.
  5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one (1) roof for any commercial, business, retail or office use. For purposes of this Subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3 of this Title.

**SECTION 63:** City Code Section 6-14-1-10 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-14-1-10. – PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," the ~~Plan Commission~~ Land Use Commission in the industrial districts shall not recommend approval of, nor shall the City Council adopt a planned development unless they shall determine, based on written findings of fact, that the planned development adheres to the standards set forth herein.

(A) *General Conditions:*

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within an historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, any adopted land use or urban design plan specific to the area, this Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:

- (a) Land use.
- (b) Land use intensity.
- (c) Housing.
- (d) Preservation.
- (e) Environmental policies.
- (f) Traffic impact and parking.
- (g) Impact on schools, public services and facilities.
- (h) Essential character of the downtown district, the surrounding residential neighborhood, and abutting residential lots.
- (i) Neighborhood planning.
- (j) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.

3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan that shall be submitted as part of the planned development application.

(B) *Site Controls and Standards*: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's Manual of Design Guidelines or in common use by design professionals.

1. For all boundaries of the planned development immediately abutting a residential property there shall be provided a transition landscaped strip of at least five percent (5%) of the average depth of the lot or twenty (20) feet, whichever is greater, consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.

2. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site designation likely to attract substantial pedestrian traffic. Pedestrian-ways shall not be used by other automotive traffic.

3. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the industrial district in which it is located.

4. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. If the planned development employs local streets within the development said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

5. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.

6. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed, and other pertinent information concerning the need or demand for such uses of land.

7. For every planned development there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as result of the construction of the proposed development.

8. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) *Development Allowances:* As provided in Section 6-3-6, "Planned Developments," of this Title, the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. These allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the industrial districts shall be no more than fifteen (15) feet.

2. The location and placement of buildings may vary from that otherwise permitted in the industrial districts, however, at no time shall any building be closer than the following standards to any lot line abutting a residential lot line:

(a) R1	Fifty (50) feet
(b) R2	Fifty (50) feet
(c) R3	Twenty-five (25) feet

(d) R4	Twenty (20) feet
(e) R5	Twenty (20) feet
(f) R6	Twenty (20) feet

3. The maximum increase in floor area ratio over that otherwise permitted in the industrial districts shall be twenty-five percent (25%).

**SECTION 64:** City Code Section 6-15-1-9 "Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-15-1-9. PLANNED DEVELOPMENTS.**

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission shall not recommend approval of, nor shall the City Council adopt a planned development in any special purpose district in which planned developments are authorized unless they shall determine, based on written findings of fact, that the planned development adheres to the following standards:

(A) General Conditions:

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the zoning ordinance as set forth in Section 6-1-2, "Purpose And Intent," of this Title.

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within a historic district so designated by the Evanston preservation commission, the planned development shall be compatible with the "secretary of the interior's standards for rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall be compatible with and implement the adopted comprehensive general plan, as amended, any adopted land use or urban design plan specific to the area, this zoning ordinance, and any other pertinent City planning and development policies, particularly in terms of:
  - (a) Land use.
  - (b) Land use intensity.
  - (c) Housing.

- (d) Preservation.
  - (e) Environmental.
  - (f) Traffic impact and parking.
  - (g) Impact on schools, public services and facilities.
  - (h) Essential character of the downtown district, the surrounding residential neighborhood, and abutting residential lots.
  - (i) Neighborhood planning.
  - (j) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls.
3. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.
  4. No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the ~~Plan Commission~~ Land Use Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.
  5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping And Screening," of this Title and shown on the required landscape plan submitted as part of the planned development application.
- (B) Site Controls and Standards: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Site Plan and Appearance Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City's Manual of Design Guidelines or in common use by design professionals.
1. For all boundaries of the planned development not immediately abutting a dedicated and improved public street, there shall be provided a transition landscaped strip a width of at least the following:

(a) O1	Twenty-seven (27) feet.
(b) T1	Twelve (12) feet.
(c) T2	Twenty (20) feet.



(d) U1	Twenty (20) feet.
(e) U2	Thirty-five (35) feet.
(f) U3	None.

The transitional landscape strip shall consist of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan and submitted as part of the planned development application. Residential planned developments shall provide a transition landscape strip of the type noted above in this Subsection (B)1 of at least eight (8) feet in width.

2. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site destination likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas, routes to school or other principal destinations shall be located and safeguarded to minimize contact with normal automobile traffic. Street crossings shall be located, designed and marked to promote safety. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated in the walkway system. Pedestrianways shall not be used by other automotive traffic.
3. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and where possible, provide additional parking beyond that required for the planned development to service the district in which it is located.
4. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
5. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.
6. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed, and other pertinent information concerning the need or demand for such uses of land.

7. For every planned development involving twenty (20) or more dwelling units or forty thousand (40,000) square feet in gross area, there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as result of the construction of the proposed development.
  8. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.
- (C) Development Allowances: As provided in Section 6-3-6, "Planned Developments," of this Title the ~~Plan Commission~~ Land Use Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. These allowances shall be limited as follows:

**SECTION 65:** City Code Section 6-15-10-5 "Institutional Development Plan" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-15-10-5. INSTITUTIONAL DEVELOPMENT PLAN.**

An institutional development plan shall be required for any hospital action requiring special use approval. The institutional development plan shall be submitted in conjunction with an application for a special use approval and shall be reviewed as part of the special use approval process.

- (A) *Submission Requirements:* An institutional development plan shall be submitted in conjunction with an application for special use approval pursuant to Section 6-3-5 of this Title. Each institutional development plan shall contain at least the information listed in Section D.8 of Appendix D of this Title.
- (B) *Review Procedure:* The Design and Project Review Committee shall review the in situational development plan concurrently with the site plan submitted pursuant to this Section 6-15-10-5. The Design and Project Review Committee shall prepare a written report of their recommendation that shall be forwarded to the ~~Zoning Board of Appeals~~ Land Use Commission pursuant to Section 6-3-5-7 of this Title.

**SECTION 66:** City Code Section 6-15-10-10 "Review by Zoning Board of Appeals" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-15-10-10. REVIEW BY ~~ZONING BOARD OF APPEALS~~ LAND USE COMMISSION.**

Changes in hospital buildings, uses, programs or offices requiring review by the ~~Zoning Board of Appeals~~ Land Use Commission involve such special considerations of the public interest that in addition to the general requirements and standards for special use approval set forth in Section 6-3-5 of this Title, the following specific requirements and standards are hereby established:

- (A) Application Review And Hearing: An application for special use listed in Section 6-15-10-7 of this Chapter shall be filed with the Zoning Administrator and processed in accordance with the requirements set forth in Section 6-3-5 of this Title, and shall be in such form and accompanied by such information as shall be established from time to time by the ~~Board~~ Commission. Each application shall contain the information listed in Section D.3 of Appendix D of this Title, in addition to the following information:
1. The location, dimensions, and total area of the site affected.
  2. The location, dimensions, floor area, type of construction and use of each proposed building and structure.
  3. The number, size and type of dwelling units, if any, in each building and the overall dwelling unit density.
  4. The proposed treatment of open spaces and the exterior surfaces of all structures.
  5. Means of ingress and egress and the number, location and dimensions of parking spaces and loading docks.
  6. The proposed traffic circulation pattern within the area of the development, together with the location and description of public improvements to be installed.
  7. The location and purpose of any proposed dedication or easement.
  8. The general drainage plans of the developed tract.
  9. The location, dimensions, and uses of: a) adjacent properties, b) abutting public rights of way or easements, and c) utilities serving the site.
  10. Preliminary sketches (elevations and plan views) of proposed structure(s) and landscaping.
  11. Significant topographical or physical features of the tract.
  12. A statement as to why the proposed hospital use will not cause substantial injury to the value of other property in the neighborhood.
- (B) Required Findings: The ~~Zoning Board of Appeals~~ Land Use Commission shall not recommend approval of, nor shall the City Council grant a special use permit for, an additional hospital use unless they find, based on written findings of fact, that the standards governing special uses generally, and the following specific standards, have been satisfied:

1. That the proposed hospital use is compatible with the development allowed under the basic provisions of the zoning ordinance in the area in which it is proposed, and it is not of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the zoning ordinance as specifically set forth herein.
  2. That the proposed hospital use is compatible with and/or implements the adopted comprehensive general plan, as amended, this zoning ordinance, and any other pertinent City planning and development policies, particularly in terms of:
    - (a) Land use.
    - (b) Housing.
    - (c) Traffic impact and parking.
    - (d) Impact on schools, public services and facilities.
    - (e) Essential character of the neighborhood.
    - (f) Neighborhood planning.
    - (g) Conservation of the tax value of land and buildings throughout the City and retention of taxable land on the tax rolls.
  3. That the proposed use of any office or examining rooms within the hospital by a physician for treatment of his or her private patients is required because such practice or treatment is not feasible outside the hospital or is essential to the function of the hospital.
  4. That the existing or proposed utility services are adequate for the proposed hospital use.
- (C) Exception: The ~~Zoning Board of Appeals~~ Land Use Commission may recommend approval of, and the City Council may grant a special use permit for a needed additional hospital use notwithstanding a temporary existing or expected noncompliance with the off street parking requirements in Chapter 16 of this Title, so long as the plan is specified for compliance within a reasonable period of time.
- (D) Additional Requirements And Restrictions: The ~~Zoning Board of Appeals~~ Land use Commission shall report to the City Council its findings and recommendations in writing. The ~~Zoning Board of Appeals~~ Land Use Commission may recommend, and the City Council may require such additional conditions as are deemed necessary for the protection of the public interest, including dates for initiation and completion of the use.

**SECTION 67:** City Code Section 6-15-11-4 "Relationship to Planned Developments" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **6-15-11-4. RELATIONSHIP TO PLANNED DEVELOPMENTS.**

Whenever a planned development application, filed pursuant to Section 6-3-6 of this Title, pertains to a historic landmark or is wholly or partially located within an officially designated historic district it shall be first referred to the preservation commission for its review and recommendation. The ~~Plan Commission~~ Land Use Commission shall be granted the discretionary power to grant relief from certain planned development requirements to allow greater flexibility and to ensure preservation of a historic district. Such relief shall be granted subject to guidance by the preservation commission.

**SECTION 68:** City Code Section 6-15-12-3 "Designation of the Overlay District" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **6-15-12-3. DESIGNATION OF THE OVERLAY DISTRICT.**

The City Council may, upon the recommendation of the ~~Plan Commission~~ Land Use Commission and in accordance with the procedures for amending the Zoning Map set forth in Chapter 3 of this Title, designate an area as an oRE district.

**SECTION 69:** City Code Section 6-15-13-2 "Procedure for District Designation" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **6-15-13-2. PROCEDURE FOR DISTRICT DESIGNATION.**

- (A) The City Council may, upon the recommendation of the ~~Plan Commission~~ Land Use Commission and in accordance with the procedures for amending the Zoning Map set forth in Chapter 3 of this Title, designate any area carrying the following zoning district designations as an oRD district: O1, I1, I2, C1, C2, B2, B3, D2, D3, and D4.
- (B) Any oRD district designated by the City Council shall be known as an overlay to the underlying zoning district with the designation oRD on the Zoning Map.

**SECTION 70:** City Code Section 6-15-13-7 "Permitted Uses" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

#### **6-15-13-7. PERMITTED USES.**

The permitted uses for the oRD district shall be as follows:

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- (A) Any use listed as permitted in the underlying base zoning district.
- (B) Dwellings - multiple-family (when not more than thirty percent (30%) of a planned development site, excluding affordable housing, as determined by the ~~Plan Commission~~ Land Use Commission. In no case, however, shall the total housing area, including affordable housing and other housing, exceed sixty percent (60%) of the site).
- (C) Mixed use development.
- (D) Retail goods/services establishment, when located on the ground floor.

**SECTION 71:** City Code Section 6-15-13-9 “Bulk Requirement Subject to Change” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-15-13-9. BULK REQUIREMENT SUBJECT TO CHANGE.**

The following bulk requirements may vary beyond those established for the underlying base zoning district if approved by the ~~Plan Commission~~ Land Use Commission pursuant to the procedures for planned development set forth in Section 6-3-6 of this Title:

- (A) Floor area ratio (FAR), if applicable.
- (B) Maximum building height.
- (C) Yards.

**SECTION 72:** City Code Section 6-15-13-10 “Coordination with Relevant Plans” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-15-13-10. COORDINATION WITH RELEVANT PLANS.**

The ~~Plan Commission~~ Land Use Commission shall, in arriving at its recommendation, consider the adopted Comprehensive General Plan, as amended, this Zoning Ordinance, and any other adopted land use or urban design plans relevant to the specific site. The ~~Plan Commission~~ Land Use Commission shall, at the time of forwarding its recommendations to City Council, forward any recommendation pertaining to the specific site, contained in the Comprehensive General Plan, and any adopted land use or urban design plan.

**SECTION 73:** City Code Section 6-15-13-11 “Incentive System” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

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**6-15-13-11. INCENTIVE SYSTEM.**

In order to encourage and attract facilities and amenities which are of public benefit and deemed desirable by the ~~Plan Commission~~ Land Use Commission and City Council, a system of incentives shall be available to all applicants for a building permit within the oRD district. The incentives provide for incremental increases in floor area ratio (FAR) and building height in exchange for the inclusion of one (1) or more public benefit features as determined, from time to time, by the City Council.

**(A) Public Benefit Features:**

1. Inclusion of nonexclusive childcare/adultcare in building.
2. Inclusion of below-grade public parking facility.
3. Inclusion of public parking spaces over and above what is required by the Ordinance.
4. Inclusion of street level landscape garden, plaza or park available for public use.
5. Inclusion of fifteen percent (15%) affordable housing units of residential total (affordable housing to be defined from time to time by the Evanston Housing and Homelessness Commission).
6. Inclusion of special access features or provisions to existing or planned public transit facilities.
7. Inclusion of a mixed use development plan where no single use exceeds eighty percent (80%) of the total floor area.
8. Public art.

For the purposes of this district, public benefit features are not considered to be the principal use on a zoning lot, but rather an accessory feature or use complementary to the principal use(s) whether they be permitted uses or special uses. Works of art and their locational setting shall require approval by the Evanston Arts Commission.

- (B) Application For Incentives:** FAR incentive shall be applied for as part of the planned development approval procedures set forth in Section 6-3-6 of this Title. The applicant shall include within the planned development application a request for such FAR/height incentive and detail the following: type, size, location in the proposed project, the design, an operational, maintenance and management plan, and the nature of public access to and/or availability of such public benefit features.
- (C) Standards For The Granting Of Incentives:** The City Council shall, upon recommendation from the ~~Plan Commission~~ Land Use Commission, decide in each case whether the proposed public benefit feature(s) proposed has sufficient merit to justify the granting of an FAR/height incentive. In reviewing bonus proposals, the ~~Plan Commission~~ Land Use Commission and City Council shall consider the degree to which the following standards are met by the proposed public benefit feature(s) within the overall context of the principal use(s) in which the proposed public benefit features are offered:

1. The size or capacity of the facility, feature, or provision.
2. The degree to which the location of the facility or feature within the structure, or on the site of which it is part, enhances the environment of the zoning district of which it is part, the street frontage where it is to be located and the zoning lot itself.
3. The degree of public accessibility to the facility or feature given its location and the specific nature and function of the public benefit feature.
4. The quality of design of the facility or feature in the context of the principal use of the zoning lot, the location of said zoning lot in the overlay redevelopment district, adjacent properties and uses, the use and street frontage character of the zoning lot, the purpose of the underlying base zoning district, said zoning lot within, and the policies, designs and plans of the City.
5. The degree to which the facility or feature enhances and protects the environment of the overlay redevelopment district including such elements as air quality, noise reduction, wind effect, temperature moderation, views, pedestrian environment, landscaping and areas for relaxation, and the enjoyment of the City's historic resources.
6. The degree to which the facility or feature lessens automobile traffic congestion and supports car-pooling, public transit, pedestrian and bicycle usage.
7. The degree to which the facility or feature increases the availability of quality employment opportunities to residents of the City.
8. The degree to which the facility or feature enhances the economy of the City.
9. The degree to which the facility or feature provides for or incorporates social services for the residents of the City such as, but not limited to, child daycare, counseling services, or adult daycare.
10. The degree to which the facility or feature provides for and protects the public health, welfare, and safety of residents, and employees, and the visitors to the City.

The City Council may find that the degree to which any of the above standards are met are not sufficient to grant an incentive and may deny the incentive being sought by the applicant.

- (D) Limitation On Incentives: The City Council may grant, upon recommendation of the ~~Plan Commission~~ Land Use Commission, a fixed increase over the standards provided for each underlying base district. That increase may be either a percentage increase in allowable floor area ratio (FAR) or an increase in allowable building height, or both.

To protect the scale and functional capacity of the potential redevelopment areas of the City, an aggregate maximum floor area ratio and an aggregate maximum building height are provided for each zoning district that can be designated as an oRD district. These maximums are listed in Table 15-A of this Section. In no case shall the total exceed these listed maximum values.



**SECTION 74:** City Code Section 6-16-2-8 "Design and Maintenance" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**6-16-2-8. – DESIGN AND MAINTENANCE.**

Parking lots and areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot. The number of curb cuts onto major roads should be minimized. Parking lot islands should be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.

Parking lots shall be designed in accordance with the guidelines contained in the Manual of Design Guidelines to be prepared by the ~~Plan Commission~~ Land Use Commission and adopted by the City Council. Such guidelines shall address:

- Minimum distances between curb cuts;
- Proximity of curb cuts to intersections;
- Provisions for shared driveways;
- Location, quantity and design of landscaped islands; and
- Design of parking lot interior circulation system.

(A) *Plan:* The design of parking lots or areas shall be subject to the approval of the Design and Project Review Committee, in accordance with standards set forth in the Manual of Design Guidelines and any additional standards established by the Zoning Administrator.

(B) *Landscaping and Screening:* Landscaping and screening shall be provided in accordance with the requirements of Chapter 17, "Landscaping and Screening," and the landscape standards for parking lots set forth in the Manual of Design Guidelines.

(C) *Lighting:* Where a parking area or parking lot is illuminated fixed lighting shall be arranged to prevent direct glare beams onto any public property, including streets and any adjoining private property.

(D) *Signs:* Accessory signs shall be permitted on parking areas in accordance with the provisions specified in the Sign Ordinance of the City.

(E) *Parking Lot Surface:* All open parking areas or lots shall be improved in accordance with regulations applicable to driveway pavement thickness contained in Subsection 7-3-8(C) of the Evanston City Code.

**SECTION 75:** City Code Section 6-17-2-2 "Manual of Design Guidelines"

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

**6-17-2-2. MANUAL OF DESIGN GUIDELINES.**

The ~~Plan Commission~~ Land Use Commission shall prepare a Manual of Design Guidelines for review and approval by the City Council that shall be a separate document from this Ordinance. The manual shall include detailed landscape design guidelines to assist developers in the preparation of landscape plans and the Design and Project Review Committee in its review of landscape plans. The detailed design guidelines contained in the manual shall guide the Design and Project Review Committee in its implementation of the general landscape guidelines set forth in this Chapter 17, "Landscaping and Screening."

The scope of landscaping guidelines that shall be contained in the Manual of Design Guidelines is set forth in Section 6-17-2-3 below.

**SECTION 76:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 77:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 78:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 79:** If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

Introduced: \_\_\_\_\_, 2022      Approved: \_\_\_\_\_  
Adopted: \_\_\_\_\_, 2022      \_\_\_\_\_, 2022

\_\_\_\_\_  
Daniel Biss, Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation  
Counsel



**MEETING MINUTES EXCERPT**

**LAND USE COMMISSION**

Wednesday, April 13, 2022

7:00 PM

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

Members Present: George Halik, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Myrna Arevalo, Violetta Cullen, John Hewko

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Alexandra Ruggie

Presiding Member: Matt Rodgers

**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.**

Chair Rodgers shared that he spoke with staff and the intention is to do omnibus on a quarterly basis as needed.

Ms. Klotz read the agenda item into record and provided a brief background on the overall text amendment; she then went through each specific item.

Item 1

Ms. Klotz provided an explanation of this item. There was no discussion.

Item 2

Ms. Klotz provided a summary of this item stating intention to have regulations match current ADA regulations which is updated and is better policy.

Commissioner Mirintchev asked for clarification on code wording still using "handicapped" versus "accessible". Ms. Klotz responds that the code would only reference ADA compliance.

Item 3

Ms. Klotz provided a summary. Ms. Ashbaugh is now staff's sign reviewer, and the proposed amendment is not changing regulations, just moving them into Zoning Code and establishing minor/major variation processes for signs that do not meet the code. She then stated that staff looked back at the previous 5 years of sign variations and is proposing thresholds for minor variations for wall and blade sign height and/or area to be no more than 35%, similar to what other existing minor variations are subject to. If a sign is significantly above that threshold it would be brought to the Commission for review.

Commissioner Lindwall clarified that the regulations within the packet existing and references would be updated. Ms. Klotz confirmed.

Commissioner Westerberg asked if sign variations currently go to DAPR for review. Ms. Klotz confirmed this has been the case then added that there is a referral from City Council to look at modifying the DAPR Committee. Depending on how that goes it may change where sign reviews go to, specifically if DAPR becomes a closed meeting.

Commissioner Halik expressed that he was disturbed at the possible elimination of DAPR, explaining that they provide a service that the Commission does not. Commissioner Lindwall agreed explaining that the Comprehensive Plan is clear on the need for this type of Committee and it provides an important function.

Commissioner Halik asked if DAPR doesn't do the review who would; it would change the Commission's purview. Ms. Klotz responded that this and other concerns of the Commission are being taken into consideration.

Commissioner Johnson clarified if this item would be both moving the sign code and possibly adding billboard regulations into the code. Ms. Klotz confirmed this to be the case.

Item 4

Ms. Klotz explained that this item is a referral from the City Council to regulate billboards throughout the city and was discussed at a previous Commission meeting. She stated that staff is proposing that billboards be a Special Use in all districts should it move forward. She added that If there is significant concern, staff recommended pulling this item out for a separate discussion. Chair Rodgers stated this was discussed as the plan for this item; other things move forward with an accompanying denial for things the Commission does not agree with.

Commissioner Lindwall expressed that she has a big problem with billboards. Chapter 13 of the Comprehensive Plan has an explicit policy to eliminate billboard advertisements. Moving to allow billboards is not consistent with the plan. Purpose of sign controls is to reduce visual clutter while allowing businesses to advertise, but a big issue is safety. There are only 4: on Green Bay Road. Some on the Chicago side of Howard. Drivers in Evanston need to be careful, do not want to create an attractive nuisance. Also need to look at the notion of not impacting adjacent properties. Should not be looking to enrich one property at the expense of a neighbor. Commissioner Lindwall then suggested a discussion with the City Council. Commissioner Halik agreed, saying the Commission made a strong recommendation against billboards and if it comes back before the Commission, that can be done again.

Commissioner Johnson agreed and asked about the best route forward. Rodgers does not think Evanston is appropriate for billboards and used Central Street as an example. Lindwall gave Chicago Avenue as an example. Halik agreed, saying it speaks to the character of the community as well. Mirintchev suggested adding language that says no billboards are allowed in Evanston.

Ms. Klotz asked if there was an appetite of the Commission for wall mounted billboards rather than freestanding. Chair Rodgers responded that he thinks the wall mounted signs are what the Commission is really thinking of. There are some businesses with their names on the side of buildings but those are more signs that fall under the sign regulations and not true billboards which could be allowed

Commissioner Puchtel expressed the same sentiment as other Commissioners and asked if item 3 would need to be held. Chair Rodgers responded that the Commission could pull billboards out of that discussion and move the rest forward.

Commissioner Lindwall stated that there is no definition that regulates how big the billboard could be which would need to be included in regulations. Also, in general billboards regulations need to be content neutral and cannot be regulated much outside of prohibiting obscene or pornographic ads. In business signs, more than likely the signage will relate to the business and likely not be as potentially problematic. There could be more messaging on billboards that someone driving by could deem offensive.

Item 4

Ms. Klotz provided a summary of this item which would move the subdivision regulations into zoning code where most communities have them. Planning and Zoning staff handles the subdivision process and variations come to the Land Use Commission. The amendment would codify actual steps in the process so that it is clear to the community. There was no further discussion on this item.

Item 5

Klotz provided a summary explaining that in the review process for planned developments, there are a large number of standards and many are more general guidelines and requirements than they are standards. Proposed standards would be more similar to those of special uses, variations or amendments. It is a policy change but the wording is very similar to that of other standards that currently exist.

Chair Rodgers requested an explanation of standard 6 as it was his understanding that public benefits had to be near the development versus city wide. Ms. Klotz stated that this is correct and this standard was pulled from major variations and was left general as there are some benefits that benefit the entire city such as on-site affordable housing. Chair Rodgers wanted the language to be clear so that developers are clear on what can and can't be done. Ms. Klotz responded that staff makes this clear to applicants when reviewing projects.

Commissioner Lindwall stated that City Council has reserved the right to review and negotiate the public benefits and it is not in Commission's purview. She then asked if the proposed amendment would change that. Ms. Klotz responded that Commissioner Lindwall was correct in that the negotiations of public benefits are not in the Commission's purview but that this reference is not listed to go through each listed public benefit but to gauge their general appropriateness.

Commissioner Westerberg stated that the language in the first standard around potential impact is broad and can give a lot of room to the developer. Commissioner Halik expressed that he has a problem with standard 4 due to developers not really having a hardship and that it is incompatible with standard 1. Chair Rodgers gave the example of a ziggurat setback being a hardship on most lots; any development is going to have an impact, and with standard 1, maybe wording is not right but the idea is to not max out everything. Halik and Westerberg reiterated their concerns regarding impact and reasonable expectations. Commissioner Lindwall stated that there is a window of base zoning with additional building potential from site development allowance. Additional discussion continued with additional concerns being expressed on being able

to approve or deny a project with conflicting standards, what would be considered a hardship, and the need to have a practical application of zoning regulations for the real world.

Chair Rodgers asked if there was a way to modify standard 4, referencing that standard number 5 for major variations- no additional income unless a public benefit offsets it. It could be used to tweak the language surrounding potential hardship.

Commissioner Halik mentioned that the public comment letter provided on this item mentioned that the existing public benefits are vague and that he believes being more specific is the way to go. Chair Rodgers pointed out that a potential problem with very specific public benefits is that good projects may die because they don't meet them and ties the Commission's hands.

Commissioner Lindwall agreed that standards would be helpful. She suggested going forth with this list and reserving the option to tweak them after some time. Commissioner Westerberg expressed concern with standard 1 and requested that stronger language be included. A brief discussion followed with Commissioner Lindwall suggesting "within the scope of the applicable site development allowances" and there being general agreement. Commissioner Lindwall suggested keeping standard 4 as it is currently proposed and see how it goes. General discussion followed with agreement to remove 4 and bring it back with the next omnibus. Ms. Klotz then clarified that Special Use standards still apply to planned developments

There was general agreement to keep standard 1 with edits, strike 4, edit standard 5 as it relates to standard 8 for special uses and change "environmental" to "climate" or "sustainability".

#### Item 6

Klotz provided a summary of the proposed changes. Commissioner Lindwall noted that for step 7, it is important to continue having the DAPR Committee as a staff review Committee.

#### Item 7

Ms. Klotz provided a brief summary of what was proposed and why. Chair Rodgers stated that it makes sense to be able to do both auto repair and auto body repair, especially as there is more likely to be toxic issues dealing with oils and fluids. Most people doing both illegally likely do not realize that they cannot do both.

Commissioner Puchtel asked why auto body repair was not originally included. Ms. Klotz responded that that is largely lost history but is likely due to the painting of vehicles needing a painting bay with proper exhaust in order to prevent fumes. Chair Rodgers

Ms. Klotz stated that we are in danger of zoning out these types of uses out of industrial districts due to loss of its industrial properties and zoning districts. Chair Rodgers



cautioned that when uses are reviewed to operate within industrial districts that the Commission make sure they are not taking up spaces for actual industrial uses that can only operate in these districts.

Public Comment

There were no members of the public wishing to provide testimony. The record was then closed.

Deliberations

The Commission then reviewed the standards for text amendments

1. Met
2. Met (with removal of billboards from possible regulations)
3. Met
4. Met

Commissioner Puchtel motioned to approve the proposed omnibus amendment with the following changes: **In item #3 - not adding provisions for billboards into the sign regulations for their placement; and in item #5 – changing proposed standard 1 to read: “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 scope of the applicable site development allowances.”, striking the proposed standard 4, and changing “environmental” in proposed standard 5 to “sustainability” or “climate”. A roll call vote was taken and the motion was approved, 7-0.**

Chair Rodgers suggested that Commissioners write a note to the Council regarding their concerns and that he would make a point to the P&D meeting to share those concerns in person. Commissioner Lindwall suggested that the Commission have a discussion with Council, referencing the Comprehensive Plan explicitly stating that they be prohibit and that the appropriate time to consider billboards would be during the revision of the Comprehensive Plan

**Commissioner Lindwall made a motion to continue to prohibit billboards in the City of Evanston (emphasizing that the Commission’s reasons be shared with City Council). Seconded by Commissioner Puchtel. A roll call vote was taken and the motion was approved, 7-0.**



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Johanna Nyden, Director of Community Development  
Subject: Ordinance 34-0-22, Amending Title 4, Chapter 14, "Design and Project Review (DAPR)" of the City Code"  
Date: June 13, 2022

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Recommended Action:

Staff recommends adoption of Ordinance 34-O-22 "Amending Title 4, Chapter 14, "Design and Project Review (DAPR)" of the City Code". The revised ordinance dissolves the formal committee structure and maintains the projects and evaluation measures of Design and Project Review.

CARP:

Municipal Operations

Council Action:

For Introduction

Summary:

During the May 9, 2022 Planning & Development Committee meeting, the Committee tabled Ordinance 34-O-22 in order to make additional changes to the ordinance. In follow-up to that discussion, the existing ordinance governing design and project review was modified to focus on the review measures that staff make in order to make sure the project is compliant with all aspects of the City Code, but removed the structured Committee.

It is contemplated that staff would continue to review and recommend projects, but the removal of formalities would give staff more flexibility as to when to meet and the frequency. Projects could be reviewed more quickly and there are instances where fewer staff would need to gather if only applicable staff are reviewing projects. The following changes were made to the ordinance:

- The "Committee" portions are removed from the Ordinance and replaced with "staff participation/staff responsible".
- Removal of listed "officers" for the Committee and replaced with "staff responsibilities". These include convening and organizing meetings (when necessary, keeping notes and records of items discussed with findings and recommendations).

- Voting shall occur when making recommendations to the Land Use Commission and City Council. It is anticipated that this will be used to organize staff to determine if staff is making a recommendation on a particular project or not.
- Sign Variance Review: All authority to regulate sign variances will be reviewed and determined by the Land Use Commission.

Operationally, staff believes that this will introduce greater efficiencies to the development review process:

- The ability to review projects for code compliance, and conformance with City plans and other policies and plan documents early in development processes is a noted important step for developers or anyone seeking a variance. Changes in later stages of projects can be more costly and time-consuming.
- Applicable staff can attend meetings or review projects and prepare comment sheets based on the scope of the project on a case-by-case basis, rather than convening all the staff listed in the ordinance. This can reduce meetings for staff. Additional follow-up for corrections or revisions to comments can be reviewed within a day or two of receiving and will not have to wait a week for the next Committee meeting.

Following the adoption of the ordinance, the following changes would be implemented for reviewing projects:

- Staff would make information available on the City website new projects that are under review. If interested individuals wanted to provide comments or feedback, there would be a location for this information to be submitted (online form or staff email). Currently, the website contains information on [large projects](#), but more information could be added to indicate what is under review. This feedback would be shared with staff in coordination with review of projects. It would be anticipated that greater emphasis on community participation at neighborhood/ward meetings, the Land Use Commission, and Planning & Development/City Council meetings would take place.
- Summary findings from staff's review of projects could be posted on the City website or would accompany recommendations to the Land Use Commission or Planning & Development Committee/City Council.
- The page dedicated to the current [Design & Project Review Committee](#) would be moved to "Dissolved/Completed/Inactive Committees".

Legislative History:

Ordinance 34-O-22 was tabled from May 9, 2022.

Attachments:

[34-O-22 Amending 4-14 of the City Code](#)

**34-O-22**

**AN ORDINANCE**

**Amending Title 4, Chapter 14, “Design and Project Review (DAPR)” of the City Code**

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

**SECTION 1:** City Code Title 4, Chapter 14, “Design and Project Review (DAPR)” of the Evanston City Code of 2012, as amended, is hereby deleted and to read as follows:

**CHAPTER 14 DESIGN AND PROJECT REVIEW (DAPR)**

**4-14-1. STATEMENT OF PURPOSE.**

- (A) *Objective.* Design and project review is a procedure for the review of proposed developments or redevelopments to ensure they are compatible with adjacent development by taking into account the relationship of the new development to its surroundings with review and discussion by members of City staff and community members from various disciplines. Design and project review also includes sign review.
- (B) *Address Details Not Covered.* The purpose of design and project review is to go beyond the basic zoning requirements and to deal with the site details on which zoning and other codes are silent. Design and project review is not a substitute for zoning.
- (C) *Elements Examined.* In carrying out the purpose of Design and Project Review, the following are examples of elements which are examined:
  - 1. Parking arrangement.
  - 2. Circulation.
  - 3. Traffic access.
  - 4. Building location on the site.
  - 5. Landscaping.

6. Signage.
  7. Drainage.
  8. Exterior building design and materials.
  9. Emergency phone structure, as defined in City Code Section 6-18-3.
  10. Small cell height waiver requests, as required in City Code Subsection 7-16-3(C)(9).
- (D) *Authority Limited.* Design and project review does not have any authority to determine land use, and in certain circumstances acts as a recommending body to the Zoning Board of Appeals and/or the Plan Commission.
- (E) *Result of Review Process.* In addition to upgrading site development planning, the City hopes to create a process which will expedite the review of development proposals through providing a coordinated staff review.
- (F) *Authority Related to Sign Regulations.* The Design and Project Review Committee is also vested with the following jurisdiction and authority:
1. ~~Sign Administrator Appeals.~~ The Design and Project Review Committee will hear all appeals from any order, requirement, decision, determination, or interpretation of the Sign Administrator acting within the authority vested from Title 4, Chapter 10 of the Evanston City Code, "Sign Regulations," and make written findings and decisions for the disposition of such appeals. For this subsection only, the Design and Project Review Committee will exclusively follow the procedures set forth in City Code Section 4-10-15, "Appeals."
  2. ~~Sign Variations.~~ The Design and Project Review Committee will hear all petitions for variations from the provisions of Title 4, Chapter 10 of the Evanston City Code, "Sign Regulations," make written findings, and approve, modify, approve with conditions or deny such petitions for variations. For this subsection only, the Design and Project Review Committee will exclusively follow the procedures set forth in City Code Section 4-10-16, "Variations."
  3. ~~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. For this subsection only, the Design and Project Review Committee will exclusively follow the procedures set forth in City Code Section 4-10-17, "Unified Business Centers."

#### **4-14-1-1. DESIGN AND PROJECT REVIEW.**

- (A) *Staff Responsible.* Various City staff members from Departments across the City of Evanston will participate in the Design and Project Review process. The staff involved may vary depending on the project, but at minimum include the following: ~~The membership of the Design and Project Review Committee is composed of two (2) groups: (1) voting members; and (2) advisory members. Voting members shall be the only class of members entitled to vote on any matter put before the Design and Project Review Committee. Advisory members shall provide the Design and~~

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~~Project Review Committee with insight related to their area of expertise as the Committee as a whole discusses each matter. In the case of City Staff, the named member may designate a department member to attend in his/her stead. The following are the list of members:~~

~~Voting members:~~

1. Representative from City Manager's Office/Economic Development Division;
2. Director of Community Development;
3. Director of Public Works Agency or Representative;
4. City Engineer;
5. Representative from the Fire Department;
6. Planning and Zoning Manager;
7. Representatives from the Planning and Zoning Division (2);
8. Manager of Building and Inspection Services;
9. Representative from the Public Works Agency, Water Production Bureau;
10. Civil Engineer/Storm Water Management;
11. Transportation and Mobility Coordinator;
12. Sustainability Coordinator.

~~Additional participants in the review process may include: Non-Voting Committee Advisers:~~

1. Traffic Engineer;
2. Representative from Administrative Services/Parking Services Manager;
3. Housing and Grants Administrator;
4. Representative from the Parks and Recreation Department;
5. Representative from the Police Department;
6. Certified arborist from the Public Works Agency;
7. Representative from the Health Department; and
8. ~~An architect or urban designer who is employed in Evanston or is a resident of Evanston and appointed by the Mayor with the advice and consent of the City Council. Said mayoral appointment shall be for a term of no longer than two (2) years.~~

~~(B) Staff Responsibilities. *Officers.*~~

1. ~~The officers of the Committee shall consist of the Chair, Vice-Chair and Secretary.~~
2. The Director of Community Development or his/her designee shall convene staff from various departments as necessary to review and make

recommendations to projects in a manner as outlined in Section 4-14-6.  
~~preside as the Chair of the Committee.~~

3. ~~The Planning and Zoning Manager shall serve as the Vice-Chair of the Committee.~~
  4. Staff from the Planning and Zoning Division shall maintain notes and records on the projects and shall perform the following duties: ~~serve as the Secretary of the Committee.~~
  5. ~~The Chair, or his/her designee, shall supervise the Committee and shall preside at all Committee meetings.~~
  6. ~~The Vice Chair, in the absence of the Chair, shall perform all duties and exercise all powers of the Chair.~~
  7. ~~The Secretary shall:~~
    - a. Be custodian of the active files of submitted projects ~~the Committee~~ and keep all of the records.
    - b. ~~Conduct the correspondence of the Committee.~~
    - c. Promptly prepare and distribute meeting materials in advance of staff meetings. ~~agenda in consultation with the Chair. The rules shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.~~
    - d. Keep records of any findings or staff recommendations
    - e. ~~Record each member's vote for every question, whether or not each member was present for the vote, and if a member abstained from voting for a particular question.~~
    - f. ~~Perform such additional duties as may be requested by the Chair or Committee.~~
- (C) *Voting.* Voting privileges are extended to ~~voting~~ core members listed under Section 14-4-1-1(A) when providing a recommendation to the Land Use Commission and/or the Planning & Development Committee of City Council. ~~Advisory members shall abstain from voting.~~
- (D) *Objective.* Such a review will bring together staff from various departments to meet with developers to help resolve any site or appearance problems and more directly communicate the City's requirements. By identifying the applicable codes and ordinances through this process, costly delays from oversights or incomplete applications may be avoided. In such joint meetings, there is opportunity for exchange between all affected parties which should improve communications and also provide the developer with professional expertise in site and building design. The resulting design should also promote efficiency and economy in providing any necessary City services. Beyond the specific improvements to the site itself, design and project review should help reduce adverse impact, promote harmony of development with its surroundings and maintain property values.

**4-14-2. DEVELOPMENTS REQUIRING DESIGN AND PROJECT REVIEW APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.**

(A) The following are developments requiring Design and Project Review approval prior to issuance of building permits for the development:

1. Construction of a new building or structure, or modifications to the exterior of an existing structure (including additions) for any land use requiring a building permit.
2. Developments requiring a zoning variation.
3. Developments requiring a zoning ordinance text or map amendment.
4. All planned developments.
5. All municipal or other public developments.
6. Any proposed developments for which parking is to be located off-site.
7. All development proposals for which public and/or quasi-public financial assistance has been requested.
8. Emergency phone structures, as defined in City Code Section 6-18-3.
9. Small cell height waiver requests, as required in City Code Subsection 7-16-3(C)(9).
10. Any other use or development as determined by the Director of Community Development.

(B) *Exceptions.* No design and project review shall be required for the following uses:

1. Permitted single-family and two-family residential.
2. Permitted temporary uses.

**4-14-3. PRELIMINARY AND FINAL DESIGN AND PROJECT REVIEW REQUIRED.**

For the types of developments defined in Section 4-14-2(A), a site plan, prepared in accordance with the provisions of this Section, shall be required for a concept, preliminary, or final design project review conference. Additional submittal materials may be required as determined by the Director of Community Development.

(A) *Concept Design and Project Review.*

1. Concept Design and Project Review is optional and intended for large and/or complex construction projects in which applicants seek input from City staff during the initial design stage. Concept design and project review is for projects that have not yet applied for zoning review or a building permit for said project.
2. ~~The Design and Project Review Committee does not provide a vote or official recommendation at concept review.~~
3. Concept review is scheduled directly through the Zoning Office upon request of the applicant.

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- (B) *Preliminary Design and Project Review.*
1. A preliminary design and project review conference is required. The purpose of the preliminary design and project review is to assist the applicant in bringing the site and building plans into conformity with applicable regulations and seek input from City staff at the stage of development when designs are flexible and adjustments are possible. Preliminary review may occur only upon the completion of a zoning analysis by City staff.
  2. The staff performing design and project review ~~Committee~~ will provide ~~provides~~ an official ~~vote~~ or recommendation at preliminary reviews.
  3. Preliminary review occurs in conjunction with final review unless otherwise specified by the applicant through the Zoning Office.
- (C) *Final Design and Project Review.*
1. A final design and project review conference is required. The purpose of the final design and project review is to verify that the final site plan complies with all applicable regulations and meets the design goals of the City. Final review may occur only upon the completion of a zoning analysis by City staff that is in conjunction with a building permit application.
  2. The staff performing design and project review ~~committee~~ will provide ~~provides~~ an official ~~vote~~ or recommendation at reviews.
  3. Final design and project review is required prior to the issuance of a building permit.
- (D) *~~Committee~~ Action Recorded and Transmitted.* Official recommendation to City boards and/or Commissions of the design and project review shall be recorded and transmitted to the City Council.

#### **4-14-4. SUBMISSION REQUIREMENTS AND PROCEDURES.**

- (A) *Submission Requirements and Procedures.* The following documents are required for proper submission and all documents must be submitted digitally. (~~Note: Director of Community Development or his/her designee may require digital documentation~~):
1. *Preliminary Design and Project Review:* ~~Three (3) copies of a~~ Preliminary site plan, current plat of survey which accurately reflects the premises at the time of submission, and preliminary elevation drawings.
  2. *Final Design and Project Review:* A zoning analysis of the proposed development is required prior to final design and project review. ~~Four (4) copies of~~ The following exhibits shall be submitted and include a final site and building plan containing the following:
    - a. Existing and proposed development on the site and adjacent sites.
    - b. Elevation drawings of all proposed buildings. A color rendering of the primary facade may also be required.

- c. Actual building material samples and manufacturer's product information representing accurate color, texture, pattern, finish and range of variations of all exterior building materials proposed.
  - d. Parking plans and access drives including dimensions, stall markings, required screening, landscaping and surfacing.
  - e. Lighting plan identifying the location, height and type of all site, sign and exterior building illumination proposed.
  - f. Landscape development plan including plant names, quantities, locations and sizes of major plant masses, and locations of all existing trees with a trunk diameter in excess of four (4) inches.
  - g. Signage plan identifying the location, height, type, size, color and proposed message of all exterior signage proposed, consistent with all other signage regulations.
  - h. Sidewalks and any other elements of pedestrian circulation.
  - i. Major accessory elements including, but not limited to, signage, outdoor furniture, bike racks, outdoor art, etc.
  - j. Any proposed improvements on the public right-of-way which the developer may be required to make as part of the site improvements, such as parkway trees, public sidewalks, adjacent alley surfacing, driveway removal and curb and gutter replacement.
  - k. A current plat of survey which accurately reflects the premises at the time of submission.
  - l. A completed zoning analysis on the proposed project.
  - m. Other materials and data which may be required of the applicant for an adequate plan review (such as, but not limited to: traffic studies, a sustainability plan, preliminary engineering and drainage/storm water control plans, preliminary utility locations, floor plans, etc.).
- (B) ~~Review Conference. The developer or his/her representative shall be present at the final design and project review conference to explain the project and to answer any questions thereon.~~

**4-14-5. PRELIMINARY AND FINAL DESIGN AND PROJECT REVIEW APPROVAL.**

- (A) The Director of Community Development, or his/her designee, shall schedule and conduct the preliminary or final Design and Project Review conference. At the preliminary or final Design and Project Review conference, the Director of Community Development or his/her designee will either:
- 1. Approve the site and building plan;
  - 2. On the basis of written findings as to how the proposed development does not meet the evaluation criteria set forth below, approve the site and building plan subject to specific modifications; or

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3. On the basis of such written findings as to how the proposed development does not meet the evaluation criteria, decline to approve the site plan.
- ~~(B) At the conclusion of the review, the Director of Community Development or his/her designee shall return to the applicant one (1) copy of the submitted plans permanently marked to indicate one (1) of the following options: approval, approval subject to further specified approvals, lack of approval, or approval subject to modifications.~~

#### **4-14-6. EVALUATION CRITERIA.**

The goals and objectives of the comprehensive general plan or other applicable Evanston planning and design documents shall be utilized in the review of proposed site and building plans. In addition, the following criteria shall also be used to determine whether a proposed site and building plan fulfills the objectives of this Chapter.

- (A) *Building and Structure Location.* The arrangement of the structures on the site shall allow for the effective use of the proposed development. Furthermore, such arrangement shall be compatible with development on adjacent properties. Also, the arrangement of structures on the site shall be evaluated for their potential impact on the ability to deliver Municipal services, such as access for emergency equipment.
- (B) *Building Design and Appearance.* The appearance of buildings shall be designed to respect the attributes of adjacent and surrounding development to reduce any adverse impacts caused by differing architectural styles, while maintaining and promoting the City's diverse architectural fabric. Architectural style, massing, scale, proportion, window fenestration, rhythm of design elements, color palette and building materials shall be considered in determining compliance with this objective.
- (C) *Landscaping.* Landscape design shall create a logical transition to adjoining development, screen incompatible uses, and minimize the visual impact of parking lots on adjacent sites and roadways. Plant materials shall be selected to withstand Evanston's climate and the microclimate on the property. Plant materials shall be selected with the advice of City staff.
- (D) *Graphics and Signage.* Signs shall be minimized in number and size, and integrated with architectural and site landscape features. Placement of signs shall not unduly obscure or interfere with sight lines to other properties.
- (E) *Circulation.* All circulation systems shall provide adequate and safe access to the site and be compatible with the public circulation systems to minimize dangerous traffic movements. Pedestrian and auto circulation shall be separated. Curb cuts on the site shall be minimized.
- (F) *Parking Areas and Lots.* Proposed parking areas or lots shall be designed, located, and screened to minimize adverse visual impact on adjacent properties. Perimeter parking lot screening/landscaping shall be provided. Interior parking lot landscaping is also required to break up large areas of parking with plant material. Parking lot drainage shall not adversely affect surrounding properties.

- (G) *Open Space*. Open space on the site shall create a desirable and functional environment.
- (H) *Site Illumination*. Site illumination shall be designed, located and installed so as to minimize adverse impact on adjacent properties. A site lighting plan may be required by City staff.
- (I) *Preservation*. Preservation of unique architectural resources and development designs that respect desirable historical architectural resources of surrounding sites should be provided.
- (J) *Completeness*. The application for design and project review must contain all the information required in Section 4-14-4 of this Chapter.
- (K) *Compliance With All Other Applicable Codes*. These may include, but are not limited to, the following:
  1. The Evanston zoning ordinance.
  2. The adopted building codes.
  3. This Code.

#### **4-14-7. AMENDMENTS.**

Amendments to an approved site and building plan shall require approval in the same manner required for the original site plan.

#### **4-14-8. TIME LIMIT ON APPROVAL.**

- (A) No site and building plan approval shall be valid for a period longer than one (1) year from the date of approval unless a building permit is issued and construction is actually begun within that period.
- (B) Time extensions may be authorized by the Director of Community Development or his/her designee provided the applicant demonstrates that there are circumstances, difficulties or practical hardships which make compliance with the original one (1) year approval period unreasonable.

#### **4-14-9. APPEALS.**

~~Except for appeals related to sign variation decisions, and Unified Business Center decisions any~~ Any final Design and Project Review decision may be appealed to the Planning and Development Committee for additional consideration, modification, reversal or affirmation by the Committee upon appeal by the applicant. Such appeal shall be filed with the Committee within fifteen (15) business days of the decision by the Director of Community Development, or his/her designee, and the Committee shall consider and decide said appeal within thirty (30) business days thereafter.

#### **4-14 Development Review**

##### **4-14-1 Review for Building Permits:**

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Any development requiring a building permit that includes exterior modifications may be reviewed for parking arrangement, circulation, traffic access, building location, landscaping, signage, stormwater control, exterior building design and materials, and other elements pertaining to the proposed construction or development to ensure appropriate compatibility with City requirements and the surrounding environment.

#### **4-14-2 Conditions for Approval**

Conditions for approval may be authorized by the City Manager or his/her/their designee that relate to the above items may be required as part of the official building permit issuance.

#### **4-14-3 Requested Reviews**

Any applicant or potential applicant may request a Development Review while in the Concept stage, Preliminary Review stage where a Zoning Analysis has been submitted and reviewed by staff, and/or at the Final Review stage prior to building permit issuance.

#### **4-14-4 Appeals**

Any final determination or condition for approval may be appealed to the Planning & Development Committee for additional consideration, modification, reversal or affirmation by the Committee. Such appeal shall be filed with the Committee within ten (10) business days of the decision by the City Manager, or his/her/their designee, and the Committee shall consider and decide said appeal at the next available meeting.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 4:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: \_\_\_\_\_, 2022

Approved:

Adopted: \_\_\_\_\_, 2022

\_\_\_\_\_, 2022

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation Counsel



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Johanna Nyden, Director of Community Development  
CC: Melissa Klotz, Zoning Administrator  
Subject: Ordinance 53-O-22, Amending City Code Title 6 to Add “Billboards” as a Special Use  
Date: June 13, 2022

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Recommended Action:

The Land Use Commission recommends denial of Ordinance 53-O-22, Amending City Code Title 6 to Add “Billboards” as a Special Use. This is a Text Amendment to the Zoning Ordinance to establish zoning regulations for Billboards as Special Uses in all zoning districts. The proposed text amendment does not meet the Standards for Approval, specifically the proposal does not meet the goals and objectives of the Comprehensive General Plan (Comp Plan).

CARP:

N/A

Council Action:

For Introduction

Summary:

A referral was made by Councilmember Suffredin to establish zoning regulations for Billboards, in consideration of ways to generate income for struggling property owners in all parts of the city, and also as a potential means to generate licensing revenue.

The few existing Billboards in the City are legally non-conforming with zoning and cannot be relocated, and new Billboards are prohibited since they are not currently listed as an eligible use within the Zoning Ordinance.

Proposal

Based on the aldermanic referral, the following zoning regulations could be established to allow new Billboards within the city:

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, the aldermanic referral suggests allowing Billboards as an eligible use in all zoning districts. As an eligible Special Use in all zoning districts, the City Council would act as the final determining body. Additionally, licensing fees could be established to generate income for the City.

Proposed Ordinance 53-O-22 establishes a zoning definition for Billboards and lists Billboards as an eligible Special Use in all zoning districts, including residential and university districts.

Legislative History:

March 9, 2022 - The Land Use Commission discussed the possibility of a text amendment to establish Billboard regulations with hesitancy. Staff suggested a Special Use requirement would put the final determination with the City Council, which may be appropriate in such situations. Staff agreed to return to the LUC with a full text amendment proposal based on the referral.

April 13, 2022 - The Land Use Commission unanimously recommended denial of the proposed text amendment to establish regulations for Billboards as Special Uses in all zoning districts. The Commission found the request did not meet the Standards for Approval, specifically that the proposed text amendment does not keep with the goals and objectives of the Comprehensive General Plan (Comp Plan).

The text amendment was heard as a part of the Omnibus Text Amendment package by the Land Use Commission.

[Land Use Commission Packet](#) (item begins on p.30)

Attachments:

[Ordinance 53-O-22 Amending Title 6 to Include Billboards](#)  
[Land Use Commission Meeting Minutes Excerpt - March 9, 2022](#)  
[Land Use Commission Meeting Minutes Excerpt - April 13, 2022](#)



**53-O-22  
AN ORDINANCE**

**Amending City Code Title 6 to Add “Billboards” as a Special Use**

**WHEREAS**, the Evanston City Council finds it is in the best interest of the City to support local businesses; and

**WHEREAS**, the use of billboard signage generates potential income for private property owners; and

**WHEREAS**, the Evanston City Council finds that it is in the best interest of the City to allow billboards as a special use in certain districts; and

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

**SECTION 1:** City Code Section 6-18-3 “Definitions” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

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

For the purposes of this Ordinance, the following terms shall have the following meanings:

ABUTTING:	Having a common property line or district line.
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ACCESSORY USE OR STRUCTURE[1]:	A structure or use that: a) is subordinate to and serves a principal building or a principal use, except for a drive-in facility; b) is subordinate in area, extent, and purpose to the principal structure or principal use served; c) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and d) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Ordinance. Accessory parking facilities may be authorized to be located elsewhere. An accessory structure attached to a principal building in a substantial manner by a wall or roof shall be considered part of the principal building.
ADJACENT:	Nearby, or next to, but not necessarily touching or abutting. (e.g., across from a street or alley).
ADJOINING:	Touching or joining at any one (1) point, line, or boundary.
ADULT DAYCARE:	A community-based, structured comprehensive program of a variety of health, social, and related support services in a protective setting for persons who for reasons of physical or mental impairment are in need of such services during any part of a day not exceeding twelve (12) hours in a twenty-four-hour period.
ALLEY:	A public or private right of way that affords a service access to abutting property.
ANIMAL HOSPITAL:	A use or structure intended or used primarily for the testing and treatment of the disorders of animals, including the indoor boarding of animals for such purpose, but not the training or grooming of animals, or outdoor cages, pens, or runs for the animals.
ANTENNA:	Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services. (Ord. No. 44-O-21 , § 1, 5-10-2021)

APARTMENT:	See definition of Dwelling, Multiple-Family.
AQUAPONICS:	The symbiotic propagation of plants and fish in an indoor or outdoor re-circulating environment that results in the harvest of said plants or fish. (Ord. No. 56-O-14, § 2, 5-27-2014)
ASSISTED LIVING FACILITY:	A facility for adults in need of some protective oversight or assistance due to functional limitations that provides a living arrangement integrating shelter, food and other supportive services to maintain a resident's functional status. Those facilities that include personal care such as assistance with activities of daily living shall be licensed as sheltered care facilities pursuant to provision of the Evanston City Code.
ATTIC:	The top story of a building under a sloping roof with no finished floor and/or finished ceiling; rather, the area is defined by the top of the ceiling beams of the story immediately below the top story and the roof rafters. An attic may be further defined as a half-story, provided the sum of all areas of the top story where the vertical clearance is seven and one-half (7½) feet or more does not exceed sixty percent (60%) of the story immediately below the top story (as measured within the outer face of all exterior walls). (Ord. 13-O-98)
AUTOMOBILE BODY REPAIR ESTABLISHMENT:	A building, property, or activity the principal use of which is automobile body repair or auto detailing other than those types of repairs permitted at automobile service stations (gas stations) and automobile repair service establishments.

AUTOMOBILE REPAIR SERVICE ESTABLISHMENT:	A building, property, or activity the principal use of which is the repair or replacement of parts, oils, coolants, lubricants, tires, and other similar services. "Automobile repair establishment" shall include, but is not limited to, muffler shops, oil change shops, car care centers, tire centers and other uses similar in nature and impact. "Automobile repair establishment" shall not include an automobile body repair establishment or a car wash or other use that is otherwise in a zoning district as a permitted or special use.
AUTOMOBILE SERVICE STATION (GAS STATION):	A building, property, or structure the principal use of which dispenses or offers for retail sale of automotive fuels or oils and incidental convenience goods; having pumps and storage tanks thereon, and where battery, tire and other similar services, are rendered, but only if rendered wholly within lot lines. "Automobile service stations" shall not include an automobile body repair establishment or a car wash.
BANQUET HALL:	A principal use consisting of a large room or hall that is available for rent for use for specific banquets, exhibitions, and/or meetings that may include the provision of food, drink, and/or entertainment. (Ord. No. 129-O-12, § 2, 1-14-2013)
BASEMENT:	A portion of a building located partly underground but having less than one-half (½) its clear floor-to-joist height below the average grade of the adjoining ground. (See also definition of Cellar.)
BED AND BREAKFAST ESTABLISHMENT[ 2]:	An owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation.
BERM:	A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

<u>BILLBOARD</u>	<u>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.</u>
BLOCK:	A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways, or corporate boundary lines.
BOARDING HOUSE:	A building or portion thereof where lodging and meals are provided to five (5) or more persons who are not members of the operator's family, and by prearrangement for definite periods of time and for compensation, whether direct or indirect.
BREW PUB:	An establishment in which the principal use is a Type 1 Restaurant that also brews or produces wine, beer, or any other alcoholic liquor as an accessory use on-site, either for on-site consumption or off-site consumption in containers that are sealed on-premise and compliant with all applicable local, State, and Federal regulations. (Ord. No. 105-O-18 , § 1, 10-8-2018)
BUILDING:	Anything constructed for the shelter or enclosure of persons, animals, or movable property of any kind and that includes a roof and is permanently affixed to the land.
BUILDING, COMPLETELY ENCLOSED:	A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls having only windows and normal entrance or exit doors, or by party walls.
BUILDING ENVELOPE:	The three-dimensional space within which a structure is permitted to be built on a zoning lot and that is defined with respect to such bulk regulations as height, yards, building coverage, and floor area ratio.

<p><b>BUILDING ENVELOPE (For Review of Fences Only):</b></p>	<p>That area of a zoning lot within which a structure may be built and consisting of that area not within the required front yard, required street side yard, required side yard(s), and required rear yard (see Figure 6-18-3, "Zoning Lot Components," of this Section).</p>
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<p><b>BUILDING HEIGHT, ABSOLUTE:</b></p>	<p>The perpendicular distance above the established grade to the highest point of the building, including parapet walls, but excluding chimneys, spires, and mechanical penthouses, provided the penthouses cannot be seen from the street. The highest point of turrets, towers, belfries, cupolas, lanterns, window's walks, and similar structures or features are used as the highest point of the structure when said structure or structure feature is: a) the highest point of the structure, and b) has an outer perimeter enclosing an area of sixteen (16) square feet or more regardless of the presence of floors. Said structure or feature is a spire when it has an outer perimeter enclosing an area of less than sixteen (16) square feet. Said structures or structure features include: turrets, towers, belfries, cupolas, lanterns, widow's walks or similar structures. (Ord. 112-O-03)</p>
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<p>BUILDING HEIGHT, MEAN:</p>	<p>(A) The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street. The highest point of the following structures or structure features is used as the high point of the roof in computing mean height level when said structure or feature is: 1) the highest point of the structure and 2) has an outer perimeter enclosing an area of sixteen (16) square feet or more regardless of the presence of floor. Said structure or feature is treated as a spire when having an outer perimeter enclosing an area of less than sixteen (16) square feet. Said structures or features include: turrets, towers, belfries, cupolas, lanterns, window's walks or similar structures.</p>
	<p>(B) The height of any story of a structure shall be excluded from the calculation of its height when seventy-five percent (75%) or more of the gross floor area of such story consists of parking required for the structure (excluding mechanical penthouse or solar collector). This exclusion of required parking from the calculation of building height shall be applicable to all permitted and special uses in the B3, D2, D3, and D4 zoning districts including planned developments. Where the required parking exclusion is applicable, it shall in no case be greater than four (4) stories or forty (40) feet, whichever is less.</p>

	(C) Anywhere in this zoning ordinance where the words building height are indicated without designation of mean building height or absolute building height the reference is to mean building height. (Ord. 35-O-08; Ord. No. 121-O-15 , § 3, 10-26-2015)
BUILDING MATERIALS ESTABLISHMENT:	A building, property or activity, the principal use of which is the selling of lumber or other associated building material and supplies in bulk to contractors and the general public. "Building materials establishment" shall not include a retail goods establishment or a wholesale goods establishment.
BUILDING, NONCOMPLYING[3]:	A lawfully established building that by virtue of the adoption hereof does not comply with all the applicable requirements of this Title governing height, bulk and location on a lot.
BUILDING, PRINCIPAL:	A building in which the business of the principal use of the lot on which the building is located is conducted.
BUILDING, RESIDENTIAL:	A principal building arranged, designed, used or intended to be used for residential occupancy by one (1) or more families. "Residential building" shall include, but is not limited to, the following types: a) single-family dwelling, b) two-family dwelling, c) multiple-family dwelling, and d) a row of single-family attached dwellings developed initially under single ownership or control.
BUILDING, TEMPORARY:	A building not designed or intended to be permanently placed or affixed on the lot upon which it is located.
BULK:	A composite characteristic of a given building or structure as located upon a given lot, not definable as a single quantity but involving all of these characteristics: 1) size and height of building or structure, 2) location of exterior walls at all levels in relation to lot lines, streets or to other buildings or structures, 3) floor area ratio, 4) all open spaces allocated to the building or structure, and 5) amount of



	lot area provided per dwelling unit, and 6) lot coverage.
<b>BUSINESS:</b>	An occupation, employment, or enterprise that occupies time, attention, labor, and materials, or wherein merchandise is exhibited, bought or sold, and/or where services are offered for compensation.
<b>BUSINESS OR VOCATIONAL SCHOOL:</b>	A privately-owned or publicly-owned post-secondary school, other than a community college or four-year "college/university institution," providing occupational or job skills in a variety of technical subjects and trades for specific occupations. (Ord. No. 3-O-14, § 2, 2-10-2014)
<b>CANDLEPOWER:</b>	The total luminous intensity of a light source expressed in footcandles. Maximum (peak) candlepower is the largest amount of footcandles emitted by any lamp, light source, or luminaire.
<b>CANNABIS CRAFT GROWER:</b>	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 31-O-20 , § 1, 2-24-2020)

CANNABIS DISPENSARY:	A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a registered cultivation center for the purpose of dispensing cannabis, cannabis infused products, paraphernalia, or related supplies and educational materials to purchasers or registered qualifying patients as defined in the Compassionate Use of Medical Cannabis Program and the Cannabis Regulation and Tax Act as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 126-O-19 , § 1, 10-28-2019)
CANNABIS CULTIVATION CENTER:	A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 31-O-20 , § 1, 2-24-2020)
CANNABIS INFUSER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 31-O-20 , § 1, 2-24-2020)
CANNABIS PROCESSOR:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 31-O-20 , § 1, 2-24-

	2020)
CANNABIS TRANSPORTER:	An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. No. 31-O-20 , § 1, 2-24-2020)
CAR WASH:	A building or portion thereof where facilities for washing, cleaning and detailing automobiles are provided, that involve machine or hand-operated mechanical devices or equipment.
CATERER:	A building, property, or activity, the principal use or purpose of which is the preparing and serving and delivering of meals or food items only for consumption off the premises at public or private functions such as: weddings, receptions, dinners or banquets. Over-the-counter sales of prepared food items shall be prohibited in conjunction with this use. (Ord. 39-O-95)
CELLAR:	The portion of a building located partly or wholly underground and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-joist height below the average grade of the adjoining ground.
CERTIFICATE OF OCCUPANCY:	The official certification that a premises conforms to the provisions of the Zoning Regulations and Building Code and may be used or occupied. A certificate of occupancy must be issued before a structure may be

	occupied.
<b>CERTIFICATE OF ZONING COMPLIANCE:</b>	A written certification that a structure, use, or parcel of land is, or will be in compliance with the requirements of this Ordinance. (See Section 6-3-2.)
<b>CHILD RESIDENTIAL CARE HOME:</b>	A dwelling unit shared by four (4) to eight (8) unrelated persons, under the age of twenty-one (21) years, exclusive of staff, who require assistance and/or supervision while pursuing a primary or secondary education curriculum, and who reside together in a family-type environment as a single housekeeping unit. "Child residential care home" shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or who are criminal or juvenile offenders serving on work release, probationary or court-ordered supervisory programs for offenders; nor a dormitory, fraternity/sorority dwelling, boarding house, rooming house or nursing home. (Ord. 40-O-95)
<b>COACH HOUSE:</b>	A type of detached Accessory Dwelling Unit which includes a garage. (Ord. No. 47-O-18 , § 1, 5-14-2018; Ord. No. 171-O-19 , § 1, 1-13-2020; Ord. No. 86-O-20 , § 1, 9-29-2020)
<b>COLLEGE/ UNIVERSITY INSTITUTION:</b>	A privately-owned or publicly-owned institution providing full-time or part-time education, other than "business or vocational school," beyond the high school level, including any lodging rooms or housing for students or faculty. (Ord. No. 3-O-14, § 2, 2-10-2014)
<b>COLLOCATE or COLLOCATION:</b>	To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. (Ord. No. 44-O-21 , § 2, 5-10-2021)

<p>COMMERCIAL INDOOR RECREATION:</p>	<p>Public or private recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Commercial indoor recreation" shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars that sell prepackaged food items, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial indoor recreation" shall not include cultural facilities, community centers and recreation centers, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. For purposes of this definition, the term "commercial purpose," as defined in this Section, shall not apply. (Ord. No. 47-O-13, § 2, 6-10-2013)</p>
<p>COMMERCIAL OUTDOOR RECREATION:</p>	<p>Public or private swimming pools, tennis courts, ball fields, ball courts, and fishing piers that are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Commercial outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and clubhouses that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial outdoor recreation" shall not include skateboarding courses, water slides, mechanical rides, go-cart or motorcycle courses, raceways, drag strips, stadiums, marinas, overnight camping, or gun firing ranges, or any use that is otherwise listed specifically in a zoning district as a permitted or special use.</p>
<p>COMMERCIAL PARKING GARAGE:</p>	<p>A privately or publicly owned and used structure used for parking or storage of automobiles, generally available to the public, and involving payment of a charge for such parking or storage.</p>

COMMERCIAL PARKING LOT:	An area reserved or used for parking or storage of automobiles, which is either privately or publicly owned generally available to the public, and involving payment of a charge for such parking or storage.
COMMERCIAL PURPOSE:	An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not for profit organization that utilizes the proceeds of such activities solely for the purposes for which it is organized.
COMMERCIAL SHOPPING CENTER:	A concentration of related commercial establishments with one (1) or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownership/operations/management control and may include out parcels as well as architecturally connected units.
COMMERCIAL STORAGE FACILITY:	A commercial land use consisting of the rental of fully enclosed interior building space for the storage of personal property (miniwarehouse). An industrial warehouse is not considered commercial storage facility. (Ord. No. 43-O-93)
COMMUNITY CENTER:	A place, structure, area or other facility that is open to the public, under the jurisdiction of a public or nonprofit agency, and is used for community recreation, education and/or service activities. A community center may include, but is not limited to, the following uses: auditorium, multipurpose room, gymnasium, meeting space, open space, playground, playing courts, playing field, and swimming pool. Community center does not include retail services, membership organizations, commercial indoor recreation, commercial outdoor recreation, transitional shelter, transitional treatment facility, short or long term care facility. (Ord. 67-0-09)

<p>CONFERENCE FACILITY (COLLEGE/ UNIVERSITY):</p>	<p>A building or portion thereof operated by a college/university institution used for holding assemblies, conferences, conventions, public meetings, seminars, workshops, or other similar activities. Such a facility may include executive level training programs and executive level educational seminars but may not include classrooms or other facilities used for regular college or university degree program classes. A conference facility may include dining facilities for the use of participants, as well as other compatible accessory uses but may not include sleeping or dwelling quarters or lodging as an accessory use to the conference facility.</p>
<p>CONFERENCE FACILITY (NONCOLLEGE/ UNIVERSITY):</p>	<p>A building or portion thereof used for holding assemblies, conferences, conventions, public meetings, seminars, trade shows, workshops, or other similar activities that is not a conference facility (college/university). A conference facility may include dining facilities for the use of participants, as well as other compatible accessory uses but may not include sleeping or dwelling quarters or lodging as an accessory use to the conference facility. (Ord. 82-0-98)</p>
<p>CONGREGATE HOUSING:</p>	<p>Rental housing which provides a living arrangement of self-contained units that integrates shelter, food service and other services for independent adults who do not require twenty-four (24) hour oversight. Services may include meals, laundry, transportation, housekeeping and organized activities which create opportunities for socialization.</p>
<p>CONVENIENCE STORE:</p>	<p>Any food store establishment having a building size or occupying a sales floor space under three thousand two hundred (3,200) square feet. (Ord. 114-O-02)</p>

CRAFT ALCOHOL PRODUCTION FACILITY:	A commercial facility that: (1) produces beer, wine, or other alcoholic liquor in quantities compliant with all applicable local, state, and federal regulations; and (2) includes an accessory tasting room in zoning districts where the facility is a Special Use. A tasting room is only permitted to serve alcohol as permitted by Title 3, Chapter 4 of the Evanston City Code of 2012, as amended (Liquor Control Regulations). A Craft Alcohol Production Facility may have a Type 1 Restaurant as an accessory use. (Ord. No. 105-O-18 , § 1, 10-8-2018; Ord. No. 63-O-19 , § 1, 8-5-2019)
CULTURAL FACILITY:	An indoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a library, museum or gallery operated primarily for the display, rather than the sale, of works of art. A "cultural facility" does not include a performance entertainment venue. (Ord. 2-O-00)
DAYCARE CENTER — ADULT:	Any place other than a family home in which persons receive adult daycare services during any part of a day not exceeding twelve (12) hours in a twenty-four (24) hour period licensed pursuant to this Code.
DAYCARE CENTER — CHILD:	Any place other than a family home in which children nine (9) years of age and under receive child daycare services during any part of a day not exceeding twelve (12) hours in a twenty-four (24) hour period licensed pursuant to this Code.
DAYCARE HOME — ADULT:	A family home in which not less than four (4) and not more than eight (8) persons receive adult daycare services during any part of a day not exceeding twelve (12) hours in a twenty-four (24) hour period.



<p>DAYCARE HOME — CHILD[5]:</p>	<p>A family home that receives not less than four (4) and not more than eight (8) children, nine (9) years of age and under, for care during any part of the day not exceeding twelve (12) hours in a twenty-four (24) hour period. The maximum of eight (8) children includes the family's natural or adopted children under age eighteen (18) and those children who are in the home under full time care.</p>
<p>DAYCARE CENTER— DOMESTIC ANIMAL:</p>	<p>Any establishment for which the principal use or purpose is the housing of domestic animals for periods of time that shall neither exceed fourteen (14) hours in any twenty-four (24) hour period, nor include overnight stays. Multiple animals shall be permitted outside on the premises when accompanied by staff and only between the hours of 8:30 a.m. and 4:30 p.m. on any day. Individual animals shall be permitted outside on the premises to relieve themselves at any time during the Center's hours of operation when accompanied by staff. Prior to beginning operation of any such Center, the operator shall submit to the Zoning Administrator a contingency plan for those times when an owner fails to claim his/her animal(s) before the Center closes for the day, and, thereafter, comply with said plan. The operator of any such Center shall comply with the applicable regulations of Title 8, Chapter 4, and Title 9, Chapter 4 of the City Code, as amended. (Ord. No. 67-O-11, § 2, 9-12-2011; Ord. No. 95-O-20 , § 1, 10-26-2020)</p>
<p>DECK:</p>	<p>A structure which is either freestanding or attached to a principal or accessory building, located in the rear yard or side yard and constructed above grade and unenclosed by solid or nonsolid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks. (Ord. No. 165-O-15 , § 10, 5-23-2016)</p>

DESIGN AND PROJECT REVIEW COMMITTEE (DAPR):	The committee addressed by Ordinance 50-O-14, as amended, whose major purpose is to review development plans pursuant to the provisions of this Title. (Ord. No. 50-O-14, § 21, 10-27-2014)
DISABLED:	As defined pursuant to Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendment Act of 1988, a person having: a) a physical or mental impairment that substantially limits such person's ability to live independently; b) a record of having such an impairment; or c) being regarded as having such an impairment. "Disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of the other individuals.
DISTRICT OVERLAY:	An overlay district is a second set of regulations applied to any part or all of a zoning district or any number of districts. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries. Such districts are mapped on the City of Evanston zoning map.
DORMER:	A structure projecting from a slanting roof to accommodate a window.
DORMITORY:	A building or portion thereof that contains living quarters for students, staff, or members of an accredited college, university, boarding school, theological school, hospital, religious order, or comparable organization; provided that said building is owned or managed by said organization and contains not more than one (1) cooking and eating area; and further provided that said building complies with the rooming house ordinance of the City.

DRIVE-THROUGH FACILITY:	A facility, establishment or portion thereof that is designed, intended or used for transacting business with customers located in motor vehicles. "Drive-through facility" shall only be permitted in connection with a listed permitted or special use. (Ord. 39-O-95)
DRIVEWAY:	A private access way that provides direct access from a street to a parking space.
DRIVEWAY, SHARED:	Private way for vehicular use by two (2) or more owners.
DWELLING:	A residential building or portion thereof. "Dwelling" shall not include a hotel, motel, boarding house, rooming house, dormitory, nursing home, mobile home, or institution.
DWELLING, FRATERNITY/ SORORITY:	A building that is occupied only by a group of university or college students who are associated together in a fraternity/sorority that is chartered by a national or international fraternity/sorority or is officially recognized by the university or college and who receive from the fraternity/sorority lodging and/or meals on the premises for compensation.
DWELLING, MULTIPLE-FAMILY:	A detached residential building containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or town houses.
DWELLING, SINGLE-FAMILY ATTACHED (GROUP, ROW, OR TOWN HOUSES):	Three (3) or more dwelling units joined side by side.
DWELLING, SINGLE-FAMILY DETACHED:	A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

DWELLING, TWO-FAMILY:	A residential building containing not more than two (2) dwelling units entirely surrounded by open space on the same lot.
DWELLING UNIT:	A room or group of contiguous rooms that include facilities used or intended to be used for living, sleeping, cooking and eating, and that are arranged, designed or intended for use exclusively as living quarters.
DWELLING UNIT, ACCESSORY (ADU):	A smaller, secondary independent housekeeping establishment located on the same zoning lot as a residential building. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation, and may be internal, attached or detached. (Ord. No. 86-O-20 , § 1, 9-29-2020)
EDUCATIONAL INSTITUTION - PRIVATE:	A privately owned preschool, elementary school, middle school, or high school.
EDUCATIONAL INSTITUTION - PUBLIC:	A publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one (1) or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families; district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students. (Ord. 24-0-01)
EFFICIENCY HOME:	A small residential building, with a ground floor area of five hundred (500) square feet or less, containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot and permanently affixed to a foundation. A mobile home or recreational vehicle shall not be considered an efficiency home. (Ord. No. 13-O-21 , § 1, 3-22-2021)

EFFICIENCY UNIT:	A dwelling unit consisting of one (1) principal room together with bathroom, kitchen, hallway, closets and/or dining room alcove directly off the principal room, provided such dining alcove does not exceed one hundred twenty-five (125) square feet in area. An efficiency unit created after December 2, 1960, shall contain at least three hundred (300) square feet of floor area. (Ord. No. 13-O-21 , § 1, 3-22-2021)
EMERGENCY PHONE STRUCTURE:	A structure with a phone specifically provided for making calls to emergency services for security and safety precaution in public areas. Emergency phone structures are typically highly visible due to high intensity lighting. Examples include, but are not limited to: emergency phones, phone stanch ions, call stations, and call boxes. (Ord. No. 66-O-15 , § 36, 6-22-2015)
EVANSTON LANDMARK:	A landmark of historic importance as defined in Title 2, Chapter 8, "Historic Preservation," as amended. (Ord. No. 79-O-18 , § 5, 7-23-2018)
FACADE OF THE PRINCIPAL BUILDING, FRONT-FACING:	Any facade of the principal building which approximately parallels the front lot line, exceeds ten (10) feet in length, and is located within fifteen (15) feet of that portion of, or is, the facade of the principal building closest to the front lot line (see Figure 6-18-3, front-facing facade of the principal building).

FACADE OF THE PRINCIPAL BUILDING, STREET FACING:	Any facade of the principal building which approximately parallels a street lot line(s), exceeds ten (10) feet in length, and is located within fifteen (15) feet of that portion of, or is, the facade of the principal building closest to the corresponding street lot line (see Figure 6-18-3, "Street-Facing Facade of the Principal Building," of this Section).
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(Ord. 15-O-99)

FAMILY:	(A) Type (A) Family: One (1) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
	(B) Type (B) Family: Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.
	(C) Type (C) Family: A group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.
	(D) Type (D) Family: A group of two (2) or more persons containing within it one (1) or more families, as defined in Subsections (A) and (B) of this definition, including a husband and wife married to one another and their children, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bona fide not for profit corporation organized for religious purposes chartered by the state of Illinois, that owns or rents the property and has been in existence for at least five (5) years prior to seeking certification by the director of planning and zoning as provided herein; provided, that in no case shall the total occupancy of the dwelling unit exceed two (2) persons per bedroom, nor shall the premises be utilized for religious public assembly. This type (D) family may occupy a dwelling unit only in accordance with the procedures in Section 6-4-1-14 of this Title.
	"Family" shall not be construed to mean a club, a lodge or a fraternity/sorority house.

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FENCE[6]:	A structure, other than a building, that is a barrier and used as a boundary or means of protection or confinement. (Ord. No. 43-O-93)
FENESTRATION:	The design and placement of windows in a building. (Ord. 5-9-08)
FIELD HOUSE:	A place, structure, or other facility used for and providing athletic and recreational programs for a college/university institution. "Field house (college/university)" shall include any accessory uses, such as, but not limited, to locker rooms, snack bars, administrative offices and classrooms which are designed and intended primarily for the use of college/university related persons and patrons of the principal recreational use.
FINANCIAL INSTITUTION:	A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions, and mortgage companies. "Financial institution" shall not include any use or other type of institution that is otherwise listed specifically in a zoning district as a permitted or special use.
FIREARM RANGE:	Any indoor establishment where the discharging of a firearm, as defined in Section 9-8-1, is allowed for a sporting event or for practice, instruction, testing, or training in the use of a firearm. A firearm range may also include rental of a firearm for allowable uses within the establishment and a firearm dealer as defined and regulated by Title 9, Chapter 8 — Weapon of the City Code. (Ord. No. 51-O-15 , § 4, 6-22-2015)

<p>FLOOR AREA (GROSS FLOOR AREA):</p>	<p>The sum of the gross horizontal areas of the several floors of a building, except a cellar floor, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall also include, but not be limited to, basements, all attic space, finished or unfinished, having five (5) feet or more space from floor to rafters, interior balconies and mezzanines; and enclosed porches or porches covered by a roof suitable for covering a habitable room. Any space devoted to required off-street parking or loading for the building shall not be included in "floor area." The following areas shall be excluded from calculations for "floor area": elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building.</p>
<p>FLOOR AREA OF A DWELLING UNIT OR A LODGING ROOM:</p>	<p>The sum of the gross horizontal areas of the rooms constituting the dwelling unit or lodging room, including closets, baths, utility rooms, enclosed porches and hallways when accessible only to the occupants of said dwelling unit or lodging room and not accessible to other occupants of the building or to the general public, and only when such rooms, halls or other areas are an integral part of said dwelling unit or lodging room. Floor area shall be measured from the interior faces of the outermost walls defining the dwelling unit or lodging room but shall not include any unfinished space or finished space having a head room of less than five (5) feet.</p>
<p>FLOOR AREA, GROUND:</p>	<p>The sum of the gross horizontal area of the ground floor of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The ground floor area of a building also shall include recessed, unenclosed, or partially enclosed areas under a floor above exterior stairways, porches, and similar areas but excluding open terraces.</p>



FLOOR AREA RATIO:	The numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.
FOOD STORE ESTABLISHMENT:	A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. "Food store establishments" shall include, but not be limited to, a candy or confectionery store, grocery store, a food and drug supermarket, meat or fish market, fruit and vegetable market, retail bakery, and other uses similar in nature and impact. "Food store establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Seating for the consumption of food and/or beverages by customers is prohibited. (Ord. 39-O-95)
FOOT-CANDLE:	A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.
FOSTER CHILD:	A child giving, receiving, and sharing affection and care in a family other than his or her biological family, as if related by blood or as if legally adopted.
GARAGE, PRIVATE:	An accessory building or an accessory portion of the principal building, including a carport, that is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on.

GARAGE, STORAGE:	A building or premises used for the housing only of motor vehicles, boats, and trailers and where no equipment or parts are sold and vehicles are not rebuilt, serviced, repaired, hired or sold.
GOVERNMENT INSTITUTION:	A building or structure owned and operated by a municipal, state, federal, or other taxing body institution in which governmental services are provided or conducted.
GRADE, ESTABLISHED:	The elevation established for regulating the height of buildings. Established grade shall be the mean level of the public sidewalk, where present, or if no sidewalk, the mean finished surface of the ground off the subject property immediately adjacent to the front lot line. (Ord. 112-O-03)
GUEST, PERMANENT:	A person who occupies or has the right to occupy a residential accommodation for a period of thirty (30) days or more.
GUEST, TRANSIENT:	A guest who does not have a lease and occupies an apartment, lodging room, or other living quarters on a daily or weekly basis.
HEALTH HAZARD:	A classification of a chemical for which there is statistically significant evidence based on at least one (1) study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons. The term "health hazard" includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
HISTORIC LANDMARK:	See definition of Evanston Landmark.

HOME OCCUPATION:	An accessory use of a dwelling unit that is used for a gainful activity involving the provision, assembly, processing or sale of goods and/or services that is incidental and secondary to the use of a dwelling unit, but excluding the provision of shelter or lodging. (See Chapter 5 of this Title.)
HOSPITAL:	An institution licensed by state law providing health services and medical or surgical care to patients and injured persons. (See Section 6-15-10 of this Title.)
HOSPITAL BASED SPECIALIST:	A medical practitioner licensed by the state of Illinois to practice medicine who restricts his/her practice to one (1) of the following seven (7) medical specialties: a) emergency medicine; b) radiology; c) nuclear medicine; d) pathology; e) anesthesiology; f) neonatology; and g) perinatology. These physicians see essentially all of their patients in the hospital facilities.
HOTEL:	A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls and stairways.
HOTEL, APARTMENT:	A hotel with dwelling units in which all accommodations are provided in dwelling units and in which at least twenty-five percent (25%) of the guestrooms are for occupancy by transient guests. An apartment hotel may have a dining room open to the public that is accessible only from an inner lobby or corridor.
IMPERVIOUS SURFACE:	Any hard surfaced, manmade area that does not readily absorb or retain water, including but not limited to any paved, asphalt or concrete areas, parking and graveled driveway areas and sidewalks. (Ord. No. 165-O-15 , § 9, 5-23-2016)

INDEPENDENT LIVING FACILITY:	A living arrangement of dwelling units or rooming units for older adults who do not require any oversight or assistance with personal or medical care needs. Facility may provide general services such as meals, transportation, housekeeping, and opportunities for socialization. (See definitions of Retirement Hotel and Congregate Housing.)
INDOOR RECREATION FACILITY (COLLEGE/ UNIVERSITY):	A place, structure, or other facility used for and providing indoor recreation facilities, tennis, ball, racquet or other courts, swimming pools, bowling alleys, or similar uses that are enclosed in buildings and are operated primarily for the use of college/university related persons. "Indoor recreation facilities (college/university)" shall include any accessory uses, such as, but not limited to, cafeterias, administrative offices, classrooms and locker rooms, which are designed and intended primarily for the use of college/university related persons and patrons of the principal recreational use. "Indoor recreation facilities (college/university)" shall not include theaters, cultural facilities, commercial recreation centers, community centers and recreation centers, or any use which is otherwise listed specifically in the zoning districts as a permitted or special use.
INDUSTRIAL SERVICE ESTABLISHMENT:	A building, property, or activity of which the principal use or purpose is the provision of industrial oriented services directly to the industrial use establishments. This term shall include, but will not be limited to, tool shops, machine repair and service shops, blade sharpening shops and similar establishments. "Industrial services establishments" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.
INSTITUTION:	An organization or establishment providing religious, educational, charitable, medical, cultural, or governmental services.

INVISIBLE PET FENCE:	An electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a visible barrier. (Ord. No. 22-O-15, § 7, 4-13-2015)
JOINT PARKING FACILITY:	A parking facility used for joint parking by two (2) or more businesses or other establishments.
JUNKYARD:	An open area where discarded, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. Junkyard includes wrecking yards, but does not include landfills, waste transfer stations or uses carried on entirely within enclosed buildings. (Ord. No. 43-O-93)
KENNEL:	Any establishment for which the principal use or purpose is the housing of domestic animals, including overnight stays. Multiple animals shall be permitted outside on the premises when accompanied by staff and only between the hours of 8:30 a.m. and 4:30 p.m. on any day. Individual animals shall be permitted outside on the premises to relieve themselves at any time during the Center's hours of operation when accompanied by staff. Prior to beginning operation of any such Kennel, the operator shall submit to the Zoning Administrator a contingency plan for those times when an owner fails to claim his/her animal(s), and, thereafter, comply with said plan. The operator of any such Kennel shall comply with the applicable regulations of Title 8, Chapter 4, and Title 9, Chapter 4 of the City Code, as amended. (Ord. No. 67-O-11, § 2, 9-12-2011)

KNEE-WALL, EXTERIOR:	That portion of a building, with vertical walls, located between the top full story and a half story. Exterior knee-walls shall not exceed three (3) feet in height. In order to allow for additional height while minimizing bulk, exterior knee-walls above the second story are not allowed except on buildings with gable or hip roofs. (Ord. No. 72-O-12, § 11, 10-22-2012)
LIVE-WORK UNIT:	A structure or a tenant space where allowed nonresidential activity occurs as the principal use of the structure or tenant space and a living quarters accessory to the allowed nonresidential activity serves as a dwelling unit on the premises. A live-work unit shall not consist of solely the allowed nonresidential activity and a sleeping unit without a kitchen for use exclusively by the occupant. (Ord. 67-0-09; Ord. No. 82-O-21 , § 1, 9-13-2021)
LODGING:	A place of business including the following uses: hotels, motels, inns, and other uses similar in nature and impact.
LODGING ROOM (ROOMING UNIT):	A room or group of rooms forming a single habitable unit that is not physically a part of a dwelling unit or, though physically a part of a dwelling unit, is used or intended for use by a person or persons other than members of the family occupying said dwelling unit, and that is used or intended to be used as sleeping and living quarters, but without facilities for cooking, eating, food storage or food preparation.
LONG TERM CARE FACILITY:	A facility that provides personal, sheltered, intermediate or skilled care for persons in need of such care, regardless of age. (Ord. No. 43-O-93)
LOT:	A parcel of land located within a single block which shall be either a "lot of record" or a "zoning lot" and shall have frontage upon a "street." (Ord. 10-0-95)
LOT AREA:	The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT, CORNER:	A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).
LOT COVERAGE, BUILDING:	The ratio between the ground floor areas of all buildings or structures, including covered decks attached to the principal building or free-standing, on a lot and the total area of the lot. (Ord. No. 165-O-15 , § 9, 5-23-2016)
LOT DEPTH:	The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
LOT, FLAG:	A lot with access provided to the bulk of the lot by means of a narrow corridor.
LOT LINE:	A line dividing one (1) lot from another lot or from a street or alley.
LOT LINE, FRONT:	A lot line that is a street lot line. Any street lot line of a corner lot may be established by the Zoning Administrator as the front lot line. (Ord. No. 45-O-17 , § 2, 9-11-2017)
LOT LINE, REAR:	That boundary of a lot that is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
LOT LINE, SIDE:	Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

LOT, NONCONFORMING:	A use or activity that lawfully existed prior to the adoption, revision, or amendment of this Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the requirements of the zoning district in which it is located. (See Chapter 6 of this Title.)
LOT OF RECORD:	Is a lot that is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Cook County, or a parcel of land, the deed to which was recorded in the office of said recorder of deeds prior to the adoption of this Ordinance.
LOT, OPEN SALES:	Any zoning lot or portion of a zoning lot used for retail sales in which said sales or the inspection of merchandise by prospective purchasers predominantly occurs outside of an area enclosed by walls. Open sales lot does not include the following uses: uses allowed and/or regulated in Section 6-4-8-3, "Permitted Temporary Use Regulations," of this Title; automobile and recreational vehicle sales and/or rental; truck sales and/or rental; sales of plants for landscaping or gardening; the "farmers' market" as defined and regulated by Title 3, "Business Regulations," Chapter 25, "Farmers' Market" of this Code. (Ord. 114-O-02; Ord. No. 154-O-15 , § 4, 2-8-2015)
LOT, REVERSED CORNER:	A corner lot where the street side lot line is substantially a continuation of the front lot line of the first lot to its rear.
LOT, THROUGH:	A lot with lot lines on two (2) streets, that is not a corner lot. All street lot lines shall be deemed front lot lines. (Ord. 18-0-94)
LOT WIDTH:	(A) The distance between the side lot lines measured across the rear of the required front yard; or
	(B) One hundred twenty-five percent (125%) of the distance between the side lot lines at the point where said side lot lines intersect the street, whichever is



	shorter.
LOT, ZONING:	A single tract of land located within a single block that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
MANUFACTURING, HEAVY:	The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five percent (25%) of the floor area of all buildings on the property. Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials or products involving flammable or explosive materials and processes that require extensive floor areas or land areas for the fabrication and/or incidental storage of the products. "Heavy manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

<p><b>MANUFACTURING, LIGHT:</b></p>	<p>The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five (25) percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. "Light manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.</p>
<p><b>MEDIA BROADCAST STATIONS:</b></p>	<p>A building or portion thereof used for the production and broadcast of media related programming. This term shall include, but will not be limited to, radio and television broadcasting stations and other uses similar in nature and impact.</p>
<p><b>MEMBERSHIP ORGANIZATION:</b></p>	<p>Lands, buildings or portions thereof, or premises owned or operated by an organization of a professional, business, trade, civic, social, fraternal, political, or religious nature operating on a membership basis and engaged in promoting the interest of their members. (Ord. No. 43-O-93)</p>
<p><b>MICRO WIRELESS FACILITY:</b></p>	<p>A small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches. (Ord. No. 44-O-21 , § 2, 5-10-2021)</p>
<p><b>MINIMUM LINEAR FENESTRATION:</b></p>	<p>A minimum total horizontal distance along a facade containing fenestration that meets the specified criteria, usually in terms of height and placement of windows and doors. (Ord. 5-O-08)</p>

MODULE WIDTH, DOUBLE LOADED (OF PARKING SPACES):	The distance between parking spaces (stalls) on both (2) sides of any access aisle as measured perpendicular to said aisle and from the farthest point of spaces (stalls) on one (1) side of said aisle to the farthest point of spaces (stalls) on the other side of said aisle.
MODULE WIDTH, SINGLE LOADED (OF PARKING SPACES):	The distance between parking spaces (stalls) on one (1) side of an access aisle as measured perpendicular to said aisle from the farthest point of said spaces (stalls) and including the width of said aisle (at its minimum dimension).
MOTOR VEHICLE:	A self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.
NEIGHBORHOOD GARDEN:	A principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, and is managed by a specific person or group responsible for maintenance and operations. (Ord. No. 81-O-14, § 2, 8-11-2014)
NURSERY SCHOOL:	See definition of Daycare Center—Child.
OFFICE:	A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, medical clinics and laboratories, dental laboratories, psychological counseling, real estate and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting or styling of hair, or recreational facilities or amusements. "Office" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

<p>OPACITY, FENCE:</p>	<p>A measurement of the amount of vision blocked by the various components of a fence, expressed as a percent. Fence opacity shall be measured across a typical section of fence, from the vertical centerline of one (1) fence post to the vertical centerline of a second fence post (see Figure 6-18-3, "Fence Opacity," of this Section).</p>
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(Ord. 15-O-99)

<p>OPEN SPACE:</p>	<p>An area of naturally existing or planted vegetation adjacent or surrounding a land use, unoccupied in its entirety by any enclosed structure, or portion of such land use, used as a buffer for the purposes of screening and softening the effects of the use, building or structure, no part of which buffer is used for parking or outdoor storage.</p>
<p>OUTDOOR RECREATION FACILITY (COLLEGE/ UNIVERSITY):</p>	<p>A place or other facility used for and providing outdoor recreation facilities, tennis, ball, racquet or other courts, swimming pools, golf courses and fishing piers which are not enclosed in buildings and are operated primarily for the use of college/university related persons. "Outdoor recreation facilities (college/university)" shall include any accessory uses, such as, but not limited to, clubhouses, locker rooms, or bleachers which are designed and intended primarily for the use of college/university related persons and patrons of the principal recreational use. "Outdoor recreation facilities (college/university)" shall not include skateboarding courses, go-cart or motorcycle courses, stadiums, field houses, marinas, overnight camping, or gun firing ranges, or any use which is otherwise listed specifically in the zoning districts as a permitted or special use.</p>

OUTDOOR STORAGE:	The keeping or storage of any goods, material, equipment, part or merchandise in an enclosed, but open to the sky, area, for more than a twenty-four (24) hour period. "Open storage" shall not include junkyard or salvage yard establishments or landfills.
OWNER:	Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial Title to the whole or to part of a structure or land.
PARKING AREA:	One (1) or more parking spaces including access drives, aisles, ramps and maneuvering area, serving a principal building located on the same lot.
PARKING LOT:	An area reserved or used for parking or storage of motor vehicles, hauling trailers or boats on premises on which there is no principal building.
PARKING SPACE:	An accessible area used or intended for use for temporary storage of one (1) motor vehicle, hauling trailer or trailer mounted boat; said parking space may be located in a private or storage garage, a private or public parking lot, a parking garage, a carport or in the open. Temporary storage is further limited to include only the storage of vehicles that are fully capable of legal operation on the public streets. Any other storage of vehicles shall be considered as the storage of goods and shall be prohibited except where specifically permitted by this Ordinance.
PARKING STRUCTURE, DECK, OR GARAGE:	A structure used for the parking or storage of motor vehicles.
PATIO:	A portion of a lot which is improved with a hardscape material at grade detached anywhere on a lot or attached to the house in side or rear yards. (Ord. No. 165-O-15 , § 10, 5-23-2016)

PAWNBROKER:	A building or use, the principal purpose of which is the lending of money on deposit or pledge of personal property, or dealing in the purchase of personal property on condition of selling the same back at a stipulated price and that is licensed pursuant to Title 3, Chapter 12 of this Code. (Ord. No. 43-O-93)
PAYDAY LOAN OR CONSUMER LOAN ESTABLISHMENT:	Any business that makes or offers a loan transaction where a cash advance, post-dated check, or other financial instrument, which the parties agree will be held for a period of time before presentment for payment or deposit, is accepted as collateral for the loan, or by which a loan transaction is made or offered in lieu of a title to personal or real property, in an amount not exceeding twenty-five thousand dollars (\$25,000.00), that is not expressly done through a bank, savings and loan association, or credit union. No payday loan or consumer loan establishment shall be permitted within one thousand (1,000) feet, measured property line to property line, of another such establishment. (Ord. No. 35-O-12, § 2, 3-26-2012)
PEDESTRIAN AREA:	The area between the front facade of a building and the curb. The pedestrian area consists of a sidewalk clear zone closest to the building, and a parallel parkway/street furniture zone that is between the sidewalk and the curb. (Ord. 5-O-08)
PERFORMANCE ENTERTAINMENT VENUE:	A commercial land use in which the principal activity is the provision of performance entertainment in a nontheatrical setting without a theatrical stage other than a raised platform or without fixed seating. A performance entertainment venue may or may not, subject to all applicable legislation, include the service of alcoholic liquor, and may or may not allow dancing. A performance entertainment venue is not an establishment in which the principal use is the service of prepared food and beverages and in which the land user provides entertainment as an accessory or incidental to the service of prepared food and beverages, nor is a performance entertainment venue

	a cultural facility in which performance entertainment is provided in a theatrical setting or with fixed seating.
	A performance entertainment venue includes, without limitation:
	(A) Live music venues;
	(B) Venues for the provision of musical entertainment which is not live for compensation;
	(C) Dance or "DJ" (disc jockey) halls or clubs in which for compensation live or recorded musical entertainment is provided with or without a dance floor;
	(D) Comedy clubs; and
	(E) Rap clubs.
	A performance entertainment venue does not include poetry clubs or the use of the property of nonprofit institutions for theatrical or musical performances accessory to the nonprofit institution or by another nonprofit organization. (Ord. 2-O-00)
PERSON:	An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

PLANNED DEVELOPMENT[7]:	A tract of land that is developed as a unit under single ownership or control. One (1) or more principal buildings may be located on a single lot.
POND, DETENTION:	An area containing a temporary pool of water and with the capacity to detain storm water for long periods of time.
POND, RETENTION:	An area containing a permanent pool of water as well as capacity to detain additional storm water for long periods of time.
PORCH:	An open or enclosed area attached to the building and located between the exterior wall of a building and the right-of-way. A porch may be covered by a roof which may be attached to a side wall or common with the main roof of the building. (Ord. No. 165-O-15 , § 10, 5-23-2016)
PORCH, ENCLOSED:	A roofed area that features walls and/or windows that exceed fifty percent (50%) opacity but is not heated or cooled, attached to the building and located between the exterior wall of a building and the right-of-way. (Ord. No. 40-O-18 , § 2, 8-13-2018)
PORCH, OPEN:	An open, unroofed or roofed area that features openings with a maximum opacity of fifty percent (50%), attached to the building and located between the exterior wall of a building and the right-of-way. (Ord. No. 40-O-18 , § 2, 8-13-2018)
PREMISES:	A distinct portion of real estate, land or lands with or without buildings or structures. It may or may not have the same meaning as "lot," "building" or "structure."
PRESERVATION ORDINANCE:	Ordinance 14-0-83, as amended, of the City of Evanston.



PUBLIC TRANSPORTATION CENTER:	A building or portion thereof used as a terminus for rail or bus passenger service. This term shall include, but not be limited to, train and bus stations and other uses similar in nature and impact.
PUBLIC UTILITIES:	A building or portion thereof used for providing, monitoring, and housing utilities for public consumption or use. This term shall include, but will not be limited to, operations providing water, sewer, gas, public works facilities, and other uses similar in nature and impact.
READY MIX/ CONCRETE:	A place, structure, or activity primarily engaged in the manufacturing and sale of Portland cement concrete. "Ready mix/concrete" shall include, but not be limited to, establishments engaged in the production and sale of central mixed concrete, shrink mixed concrete, and truck mixed concrete.
RECREATION CENTER:	A place, structure, area or other facility used for and providing recreation programs and facilities generally open to the public and designed to accommodate and serve significant segments of the community.
RECYCLING DROP OFF STATION:	An accessory use, structure, or set of outdoor containers designed or intended for the depositing or collection of clean, source separated, and recyclable papers, glass, metals, or plastics, but having no mechanical facilities for the processing of such materials.
RELIGIOUS INSTITUTION:	A church, synagogue, temple, meetinghouse, mosque, or other place of religious worship, including any accessory use or structure, such as a school, daycare center, or dwelling.
REPAIR (For Review Of Fences Only):	Any action in which a person fixes, mends, restores, or removes that portion of a fence which provides its opacity (e.g., vertical boards, slats, pickets, chainlink) and/or associated horizontal supports. Repair shall include any action to an existing fence not specifically included within the definition of "replace." (Ord. No. 43-

	O-93)
REPLACE (For Review Of Fences Only):	Any action in which a person removes more than twenty-five percent (25%) of the number of posts within a fence, except any action in which a person removes three (3) or fewer posts. (Ord. 15-O-99)
RESALE ESTABLISHMENT:	A building, property, or activity, the principal use or purpose of which is the resale of used clothing, furniture, and/or other goods, products or merchandise directly to the consumer. "Resale establishment" shall not include businesses that sell primarily cars, antiques, books, recorded music, and/or artwork. (Ord. 122-O-09)
RESEARCH AND DEVELOPMENT INDUSTRIES:	A building, property, or structure in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the building, property, or structure.
RESIDENTIAL CARE HOME - CATEGORY I[8]:	A dwelling unit shared by four (4) to eight (8) unrelated persons, exclusive of staff, who require assistance and/or supervision and who reside together in a family type environment as a single housekeeping unit. "Residential care home - category I" shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

RESIDENTIAL CARE HOME — CATEGORY II[9]:	A dwelling unit shared by nine (9) to fifteen (15) unrelated persons, exclusive of staff, who require assistance and/or supervision and who reside together in a family type environment as a single housekeeping unit. "Residential care home — category II" shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs. (Ord. No. 43-O-93)
RESTAURANT, TYPE 1:	An establishment in which the principal use is the service of prepared food and beverages for consumption on the premises. All service of prepared food and beverages for consumption on the premises shall require customers to order at a table, booth, or dining counter with service by a waiter or waitress at said table, booth, or dining counter and shall also require the use of reusable (nondisposable) flatware and dishware. Drive-through facilities are prohibited.
RESTAURANT, TYPE 2:	An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant, type 1" as defined herein. This definition shall not include establishments where incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses. (Ord. 9-0-10)

<p>RETAIL GOODS ESTABLISHMENT:</p>	<p>A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. "Retail goods establishment" shall include, but not be limited to, department stores, hardware stores, apparel stores, art galleries, and other uses similar in nature and impact. "Retail goods establishment" shall not include dealers in firearms, handguns, or ammunition, or any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or a special use.</p>
<p>RETAIL SERVICES ESTABLISHMENT:</p>	<p>A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barbershops, beauty facilities, laundry and dry cleaning establishments (plant off premises), tailoring shops, shoe repair shops and the like. "Retail services establishment" shall not include: businesses that exchange, loan, rent, manufacture, service, alter, repair, or otherwise transfer for consideration, firearms, handguns, or ammunition; tattoo facilities; or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. (Ord. 126-0-08)</p>
<p>RETIREMENT COMMUNITY:</p>	<p>Housing developed, planned, designed, and operated to provide a full range of accommodations and services for older adults including independent living, assisted living, sheltered care, and nursing home care. Residents may move from one (1) level to another as needs change. This term shall include, but will not be limited to, continuing care communities and life care retirement communities.</p>
<p>RETIREMENT HOME (HOME FOR THE AGED):</p>	<p>A facility for older adults that provides services and rooming units, dwelling units of any type, sheltered care, or intermediate or skilled nursing care services.</p>

RETIREMENT HOTEL:	An establishment where meals are provided as part of the price of the accommodations, that caters primarily to nontransient guests and either holds itself out to the public as a retirement facility, selectively caters to or solicits the elderly, or has admission standards based on age. A retirement hotel may not offer any type of long term care, including nursing or sheltered care services.
RIGHT-OF-WAY:	A strip of land dedicated to or owned by the public for use as a roadway, walk or other way. (Ord. No. 43-O-93)
ROOMING HOUSE:	A building or portion thereof containing lodging rooms that accommodate more than three (3) persons who are not members of the keeper's family, and where lodging, excluding food service, is provided for compensation, whether direct or indirect. (Ord. 49-0-09)
SATELLITE DISH ANTENNA[10]:	A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a flat plate, shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based equipment. This term shall include, but will not be limited to, what are commonly referred to as satellite earth stations, television receive only antennas (TVROs) and satellite microwave antennas or towers.
SCOREBOARD:	A display device, appurtenant to an athletic facility, that enables spectators and/or participants in an athletic contest to be informed of the progress of such contest.
SCREENING:	A structure erected, and earth mound constructed, vegetation planted or some combination of these devices used for concealing the area behind it from view.

SHELTER FOR ABUSED PERSONS:	A building, or portion thereof, in which residential accommodations are provided on an emergency basis for persons who are victims of abusive treatment.
SHELTERED CARE HOME:	An establishment that provides shelter, food, assistance with meals, assistance with activities of daily living, and twenty-four (24) hour supervision and monitoring of the mental and health status of residents who are incapable of maintaining a private independent residence or incapable of managing themselves.
SHORT TERM CARE FACILITY:	An establishment that provides personal care, sheltered care, and intermediate or skilled care for persons in need of such care, regardless of age.
SITE PLAN AND APPEARANCE REVIEW COMMITTEE (SPARC):	The committee established by ordinance 31-0-93[11], as amended, whose major purpose is to review submitted site plans pursuant to the provisions of this Title. (Ord. No. 43-O-93)
SLOPE RATIO:	The ratio of the vertical rise of a sloped surface to its horizontal run (e.g., a surface that rises two (2) inches within a run of twelve (12) inches has a slope ratio of 2:12). (Ord. No. 72-O-12, § 11, 10-22-2012)
SOLAR COLLECTOR:	A silent device, structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical, or electrical energy. The solar collector shall be used as part of a system which makes use of such energy for the purposes of water heating, space heating or cooling, or power generation. (Ord. 35-O-08)

<p><b>SMALL WIRELESS FACILITY:</b></p>	<p>A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. (Ord. No. 44-O-21 , § 2, 5-10-2021)</p>
<p><b>SPECIAL EDUCATIONAL INSTITUTION—PUBLIC:</b></p>	<p>A publicly owned special education secondary school, or a facility owned or leased by a public school district (provided the owned or leased property remains subject to real estate taxes) providing occupational or job skills in a variety of technical subjects and trades for specific occupations, as well as classrooms and educational services and related programs for faculty and staff and for secondary school students who are eligible to receive special education services. (Ord. No. 148-O-17 , § 1, 12-11-2017)</p>
<p><b>STADIUM:</b></p>	<p>An enclosed athletic or sports ground with tiers of seats for spectators. (Ord. No. 43-O-93)</p>
<p><b>STEPBACK:</b></p>	<p>An additional setback that applies to upper stories of a building. Stepbacks can be effective in reducing the perception of building mass at ground level, reducing potential "wind tunnel" effects, increasing the amount of sunlight at ground level, providing increased articulation of the street wall, and avoiding a "canyon effect" for corridors. (Ord. 5-O-08)</p>

STORY:	That portion of a building included between the surface of any floor and the surface of the floor above; or if there is no floor above, the attic, or space between the floor and the ceiling above. A basement shall be counted as a story, except in residential districts. A cellar shall not be counted as a story.
STORY, HALF:	That portion of a building between a sloped roof and the building's top story or exterior knee-wall, if applicable. The minimum slope ratio of any roof above a half story shall be 2:12. (Ord. 13-O-98; Ord. No. 72-O-12, § 10, 10-22-2012)
STREET (AVENUE, COURT, PLACE, ROAD, TERRACE OR PARKWAY):	A publicly dedicated right of way not less than thirty-three (33) feet in width or a permanently reserved easement of access approved by the City Council, that affords a primary means of access to abutting property.
STREET, TYPE 1:	A street or portion thereof upon which the City Council has found by ordinance that fences are permitted in the required front or required street side yards of properties adjacent to said street or portion thereof. (Ord. 15-O-99)
STRUCTURAL ALTERATIONS:	Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.
STRUCTURE:	Anything erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.



STUDENT RELIGIOUS ORGANIZATION MEETINGHOUSE:	A building or premises owned or operated by a religious organization primarily engaged in providing religious, educational and other services, meals and socialization to a limited segment of the university and student population. There shall be no overnight sleeping accommodations permitted in a student religious organization meetinghouse. "Student religious organization meetinghouse" shall not include a student union, recreational facility or any other facility that is designed and intended to serve the university or college population as a whole or which otherwise is specifically listed as a permitted or special use in the university housing, university athletic facilities, university lakefront campus or transitional campus districts. (Ord. 20-0-97)
SUBSTANTIAL REHABILITATION AND SUBSTANTIAL ADDITIONS:	Construction or proposed construction that increases the floor area of the principal structure by thirty-five percent (35%) or more including as added floor area any newly constructed areas at or above the first floor with an interior vertical clearance of seven (7) feet or more. (Ord. 112-O-03)
TATTOO AND BODY ART ESTABLISHMENT:	Any place, where the act of puncturing the skin to insert jewelry, ink, or other foreign items through, into, or under the skin are performed, in accordance with The Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54) and The Illinois Department of Public Health's Body Art Code (77 Ill. Adm. Code 797). A salon or other similar facility that engages in minor cosmetic procedures such as microblading as an accessory use shall not be considered a tattoo and body art establishment for purposes of this Section. (Ord. 100-O-97; Ord. No. 3-O-21 , § 1, 1-15-2021)
TERRACE:	An uncovered outdoor surface attached to the building and located between the building and the right-of-way. When roofed, a terrace shall be considered a porch. (Ord. No. 165-O-15 , § 10, 5-23-2016)

TOWNHOUSE:	See definition of Dwelling, Single-Family Attached (Group, Row Or Town Houses).
TRADE CONTRACTOR:	A building or portion thereof used for the housing of where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact.
TRANSIT ORIENTED DEVELOPMENT OR TOD:	A development pattern created around a transit station that is characterized by higher density, mixed uses, pedestrian environment, reduced parking, and a direct and convenient access to the transit station. (Ord. No. 117-O-16 , § 10, 12-12-2016)
TOD AREA:	The area that has the designation for an identified transit station and the area around it. The area provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment. (Ord. No. 117-O-16 , § 10, 12-12-2016)
TRANSIT STATION:	The area including the platform which supports transit usage and that is owned and/or operated by the transit agency. (Ord. No. 117-O-16 , § 10, 12-12-2016)
TRANSITION LANDSCAPE STRIP:	A designated area, located primarily along lot lines, consisting of vegetative screening, earth berms or mounds, fencing or decorative walls that creates a transition between districts or incompatible uses. (All transition landscape strips shall be designed and built in accordance with the City's "Manual Of Design Guidelines.")

TRANSITIONAL HEIGHT PLANE:	A two-dimensional, geometric plane that defines the upper boundary (i.e., maximum permitted height) of the buildable area of a higher intensity district that is adjacent to a lower intensity residential district. The effect of a transitional height plane (plane) is to progressively lower the allowable building height of a higher intensity district as one approaches that district's boundary and the adjacent lower intensity residential district. The plane does not supersede other building height restrictions; it is an additional height restriction that must be considered in conjunction with any other height restrictions imposed.
	A transitional height plane extends over the higher intensity district, upward and away from all adjacent lower intensity residential districts, as follows:
	(A) The origin of the plane is a horizontal line in space in the higher intensity district at the location of the defined setback closest to the adjacent lower intensity residential district, and having a height the same as the defined maximum building height of the adjacent lower intensity residential district.
	(B) The plane extends orthogonally from this line of origin away from the lower intensity residential district and upward over the higher intensity district at an elevation of forty-five degrees (45°) from horizontal, as measured from the grade directly below the line of origin.
	(C) If the higher intensity district is adjacent to a lower intensity residential district(s) on more than one (1) side, transitional height planes must be calculated for each such adjacent side. (Ord. 5-O-08)
TRANSITIONAL SHELTER[12]:	A building, or portion thereof, in which sleeping accommodations are provided on an emergency basis for the temporarily homeless.

TRANSITIONAL TREATMENT FACILITY[13]:	A facility licensed by the state of Illinois that provides supervision, counseling and therapy through a temporary living arrangement for individuals recovering from addiction to alcohol or narcotic drugs in order to facilitate their transition to independent living. Residents of this facility have been previously screened in another treatment setting and are determined to be sober/drug free but require twenty-four (24) hour staff supervision and a peer support structure in order to strengthen their recovery/sobriety. Transitional treatment facility shall not include any facility for persons awaiting adjudication by any court of competent jurisdiction or any facility for persons on parole from correctional institutions.
URBAN FARM:	Indoor or outdoor principal use that includes growing plant products for wholesale or retail sales and may include one (1) or more of the following: washing; packaging; storage. Typical urban farms may include growing beds, greenhouses, and orchards. (Ord. No. 81-O-14, § 2, 8-11-2014)
URBAN FARM, ROOFTOP:	A rooftop operation that includes growing plant products for wholesale or retail sales and may include one (1) or more of the following: washing; packaging; storage. Typical urban rooftop farms may include growing beds, greenhouses, and orchards. (Ord. No. 81-O-14, § 2, 8-11-2014)
USE:	The purpose or activity for which the land, building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.
USE, ALLOWED:	Listed use either permitted or special, principal or accessory.

USE, INSTITUTIONAL:	A use of land employed by public or quasi-public organizations providing services to the public that individuals cannot readily provide for themselves. Institutional uses include, but are not limited to, churches, cemeteries, hospitals, nursing homes, libraries, museums, government buildings, facilities of fraternal orders, school, community centers, schools or homes for the disabled, religious retreats, monasteries, convents, and group homes.
USE, NONCONFORMING[1 4]:	A use of land, buildings, structures, or premises that was lawfully established as of the date of the adoption of this Ordinance and is not listed as a permitted use, special use or a unique use, under the provisions of this Ordinance.
USE, PERMITTED:	Any use of land, buildings, structures or premises that is a listed permitted use in the zoning district in which such use is located.
USE, PRINCIPAL:	The main use of land, building, or structure as distinguished from a subordinate or accessory use.
USE, R1 RESIDENTIAL PRESERVATION UNIQUE:	A use determined by the City Council to be a residential use which is not listed as an authorized use, but that will be of substantial land use or economic benefit to the City, whose authorization would not be appropriate through a zoning amendment. Such a land use may be approved only as follows:
	(A) It is in an R1 residential district;
	(B) It is in a designated Evanston preservation district;
	(C) It is in a structure designated by ordinance as an Evanston landmark;
	(D) The parcel for which application for the use is made is a minimum of two (2) acres;

	(E) The parcel for which application for the use is made is improved with a structure with a minimum gross floor area of fourteen thousand five hundred (14,500) square feet as defined in Subsection 6-3-7-10(H) of this Title;
	(F) Any multi-family structure for which the use is approved must contain no more than four (4) dwelling units. A development plan for an R1 residential preservation unique use exception may provide for more than one (1) principal use on a single zoning lot; and
	(G) All resultant dwelling units created shall have a minimum floor area, as defined in this Section, of two thousand (2,000) square feet. (Ord. 49-0-04)
USE, SPECIAL[15]:	Any building, structure or use that, on the effective date hereof, complies with the applicable regulations governing special uses in the zoning districts in which such building, structure, or use is located.
USE, TEMPORARY:	A land use of a duration less than ninety (90) days or as listed, allowed and regulated in Section 6-4-8-3 of this Title. (Ord. 114-O-02)
USE, UNIQUE[16]:	A use determined by the City Council, to be an unusual one of a kind use that is not listed as an authorized use, but that will be of substantial land use or economic benefit to the City and whose authorization would not be appropriate through a zoning amendment. (Ord. 49-0-04)
VEHICLE SALVAGE:	A place, structure, or activity, the principal use of which is the salvaging of motorized vehicles, including buses. "Vehicle salvage" shall not include automobile and recreation vehicle sales, automobile repair service, automobile service station establishments and vehicle storage establishments.

VEHICLE STORAGE ESTABLISHMENT:	A building, property, or activity, the principal use of which is the storage of nondisabled motorized vehicles, including buses. "Vehicle storage establishment" shall not include automobile and recreational vehicle sales, automobile repair service, automobile service station establishments, and vehicle salvage establishments.
VEHICLE TOWING ESTABLISHMENTS:	A building, property, or activity, the principal use of which is the retrieving or securing of distressed, disabled, abandoned, or illegally parked motorized vehicles.
WAREHOUSE:	A building or portion thereof used for the storage of goods and/or materials. This term shall include, but not be limited to, commercial storage facilities, miniwarehouses, and other uses similar in nature and impact.
WHOLESALE GOODS ESTABLISHMENT:	A building, property, or activity, the use or purpose of which is the sale of goods, products, or merchandise, in bulk quantities to retailers or persons who will in turn sell the goods, products, or merchandise directly to the consumer. "Wholesale goods establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or a special use.

WIRELESS FACILITY:	Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna. (Ord. No. 44-O-21 , § 2, 5-10-2021)
WIRELESS SUPPORT STRUCTURE:	A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole. (Ord. No. 44-O-21 , § 2, 5-10-2021)
YARD:	An open space on a lot that is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A required yard extends along a lot line and at right angles to such line to a minimum depth or width specified in the yard regulations for the district in which such lot is located.
YARD, FRONT:	A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
YARD, FRONT REQUIRED (For Review Of Fences Only):	That area on a zoning lot between the front lot line, two (2) side lot lines (interior or street), and the line established by the front yard requirement of each zoning district of Subsection 6-4-1-9(A)3 or (A)5 of this Title (see Figure 6-18-3, "Zoning Lot Components," of this Section).



YARD, INTERIOR SIDE REQUIRED (For Review Of Fences Only):	That area on a zoning lot between the interior side lot line, the line established by the front yard requirement of each zoning district or Subsection 6-4-1-9(A)3 or (A)5 of this Title, the line established by the rear yard requirement of each zoning district, and the line established by the side yard requirement of each zoning district (see Figure 6-18-3, "Zoning Lot Components," of this Section). (Ord. 15-O-99)
YARD, REAR:	The portion of the yard on the same lot with the principal building located between the building and the rear lot line extending for the full width of the lot.
YARD, REAR REQUIRED (For Review Of Fences Only):	For zoning lots that are not also corner lots, that are on a zoning lot between the rear lot line, two (2) side lot lines, and the line established by the rear yard requirement of each zoning district. For zoning lots that are also corner lots, that area on a zoning lot between the rear lot line, the interior side lot line, the line established by the side yard abutting a street requirement of each zoning district, and the line established by the rear yard requirement of each zoning district (see Figure 6-18-3, "Zoning Lot Components," of this Section). (Ord. 9-0-01).
YARD, SIDE:	A yard extending along a side lot line between the front and rear yards, except that a side yard abutting a street shall be defined as the yard extending along a side lot line between the front yard and the rear lot lines.
YARD, STREET SIDE REQUIRED (For Review Of Fences Only):	That area on a zoning lot between the street side lot line, the line established by the front yard requirement of each zoning district or Subsection 6-4-1-9(A)3 or (A)5 of this Title, the rear lot line, and the line established by the side yard abutting a street requirement of each zoning district (see Figure 6-18-3, "Zoning Lot Components," of this Section). (Ord. 9-0-01)

YARD WASTE TRANSFER FACILITY:	A nongovernmental facility that accepts yard waste, as defined in City Code Section 8-4-1, as amended, and/or landscape waste, as defined in 415 ILCS 5/3.270, as amended, for sorting and/or consolidation prior to transfer to an off-site recycling and/or composting facility. Yard/landscape waste shall remain onsite before such transfer for no longer than twenty-four (24) hours or other time period designated in 415 ILCS 5/39.2(o), as amended. Composting onsite is prohibited. Any mechanical facilities used for the processing of such yard/landscape waste must be incidental in nature. (Ord. No. 46-O-13, § 2, 5-28-2013)
ZIGGURAT SETBACK:	A design characteristic in three-dimension (3-D) that forms one (1) or more setbacks to a vertical plain.
ZONING ADMINISTRATOR:	The staff person or persons to whom the administrative responsibilities under this Ordinance are assigned by the director of planning and zoning.
ZONING MAP:	The official map delineating the boundaries of the zoning districts established in Section 6-7-2 of this Title.

**SECTION 2:** City Code Section 6-8-2-4 "Special Uses" of the Evanston

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

**6-8-2-4 - SPECIAL USES.**

The following uses may be allowed in the R1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed and Breakfast Establishments," of this Title).

Billboard.

Cemetery.

Child residential care home.

Cultural facility.

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

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

Education institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Religious institution.

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

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

**SECTION 3:** City Code Section 6-8-3-3 "Special Uses" of the Evanston

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

**6-8-3-3 - SPECIAL USES.**

The following uses may be allowed in the R2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Cemetery.

Child residential care home.

Cultural facility.

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

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

Education institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Religious institution.

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

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

**SECTION 4:** City Code Section 6-8-4-3 "Special Uses" of the Evanston

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

**6-8-4-3 - SPECIAL USES.**

The following uses may be allowed in the R3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Cemetery.

Child residential care home.

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Cultural facility.

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

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

Educational institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Religious institution.

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

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

**SECTION 5:** City Code Section 6-8-5-3 "Special Uses" of the Evanston

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

**6-8-5-3 - SPECIAL USES.**

The following uses may be allowed in the R4 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Cemetery.

Child residential care home.

Community center—Public.

Congregate housing.

Cultural facility.

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

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

Educational institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of Section 6-8-1-11, "Special Conditions For Office Uses," of this Title).

Planned development (subject to the requirements of Section 6-3-6, "Planned Developments," of this Title and Section 6-8-1-10, "Planned Developments," of this Chapter).

Public utility.

Recreation center—Public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

Shelter care home.

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

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

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

**SECTION 6:** City Code Section 6-8-6-3 "Special Uses" of the Evanston

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

**6-8-6-3 - SPECIAL USES.**

The following uses may be allowed in the R4a district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Cemetery.

Child residential care home.

Community center—Public.

Congregate housing.

Cultural facility.

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

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

Dwellings (any increase in the number of dwellings on a single zoning lot above the number legally existing on the effective date hereof, or any

dwelling other than a single-family dwelling on a zoning lot created after the effective date hereof).

Educational institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of Section 6-8-1-11, "Special Conditions For Office Uses," of this Chapter).

Planned development (subject to the requirements of Section 6-3-6, "Planned Developments," of this Title and Section 6-8-1-10, "Planned Developments," of this Chapter).

Public utility.

Recreation center—Public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

Shelter care home.

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

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



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

**SECTION 7:** City Code Section 6-8-7-3 "Special Uses" of the Evanston

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

**6-8-7-3 - SPECIAL USES.**

The following uses may be allowed in the R5 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Child residential care home.

Community center—Public.

Congregate housing.

Cultural facility.

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

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

Educational institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of Section 6-8-1-11, "Special Conditions For Office Uses," of this Chapter).

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Planned development (subject to the requirements of Section 6-3-6, "Planned Developments," of this Title and Section 6-8-1-10, "Planned Developments," of this Chapter).

Public utility.

Recreation center—Public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

Shelter care home.

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

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

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

**SECTION 8:** City Code Section 6-8-8-3 "Special Uses" of the Evanston

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

**6-8-8-3 - SPECIAL USES.**

The following uses may be allowed in the R6 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Apartment hotel.

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Billboard.

Child residential care home.

Community center—Public.

Congregate housing.

Cultural facility.

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

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

Educational institution—Private.

Efficiency home (when additional zoning relief is requested, subject to the general requirements of Section 6-8-1-14, "Efficiency Homes," of this Title).

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of Section 6-8-1-11, "Special Conditions For Office Uses," of this Chapter).

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Recreation center—Public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

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Shelter care home.

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

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

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

**SECTION 9:** City Code Section 6-9-2-3 "Special Uses" of the Evanston

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

**6-9-2-3 - SPECIAL USES.**

The following uses may be allowed in the B1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses."

Animal hospital.

Aquaponics.

Banquet hall.

Bed and breakfast establishments.

Billboard.

Boarding house.

Business or vocational school.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult.

Daycare center—Child.

- Daycare center—Domestic animal.
- Dwelling—Multiple-family.
- Dwelling—Single-family detached.
- Food store establishment.
- Funeral services excluding on-site cremation.
- Government institutions.
- Kennel.
- Membership organization.
- Micro-Distillery.
- Open sales lot.
- Planned development.
- Public utility.
- Religious institution.
- Resale establishment.
- Residential care home—Category II.
- Urban farm, rooftop.
- Uses permitted pursuant to Section 6-9-2-2 of this Chapter and this Section exceeding seven thousand five hundred (7,500) square feet.

**SECTION 10:** City Code Section 6-9-3-3 “Special Uses” of the Evanston

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

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

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

- Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".
- Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Billboard.

Boarding house.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

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Membership organization.

Micro-Distillery.

Open sales lot.

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

Public utility.

Resale establishment.

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

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Trade contractor (provided there is no outside storage).

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

Urban farm, rooftop.

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

**SECTION 11:** City Code Section 6-9-4-3 "Special Uses" of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Assisted living facility.

Automobile service station.

Banquet hall.

Billboard.

Boarding house.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Commercial outdoor recreation.

Commercial parking lots.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store.

Funeral services excluding on-site cremation.



Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

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

Public utility.

Recording studio.

Religious institution.

Resale establishment.

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

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Trade contractor (provided there is no outside storage).

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

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

Urban farm, rooftop.

**SECTION 12:** City Code Section 6-9-5-3 "Special Uses" of the Evanston

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

**6-9-5-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Banquet hall.

Billboard.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult.

Daycare center—Child.

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services, excluding on-site cremation.

Independent living facility.

Kennel.

Membership organization.

Micro-Distillery.

Planned development.

Public utility.

Resale establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

Vocational training facility.

**SECTION 13:** City Code Section 6-10-2-3 "Special Uses" of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Billboard.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Car wash.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Funeral services excluding on-site cremation.

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

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

Resale establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

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Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 14:** City Code Section 6-10-3-3 "Special Uses" of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Billboard.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

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

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Drive-through facility (accessory only).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Long-term care facility.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

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

Recording studio.

Resale establishment.

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

Residential care home—Category II (subject to the general requirements of Section 6-4-4 of this Title).

Retirement hotel.

Sheltered care home.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

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

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 15:** City Code Section 6-10-4-3 "Special Uses" of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Automobile body repair establishment.

Banquet hall.

Billboard.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Car wash.

Commercial parking garage.

Commercial parking lot.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

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

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

Resale establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 16:** City Code Section 6-11-2-3 "Special Uses" of the Evanston

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

**6-11-2-3 - SPECIAL USES.**

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

Assisted living facility.

Banquet hall.

Billboard.

Boarding house.

Business or vocational school.

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Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Convenience store.

Craft alcohol production facility.

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

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

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility.

Long term care facility.

Neighborhood garden.

Open sales lot.

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

Resale establishment.

Retirement home.

Retirement hotel.

Sheltered care home.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

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

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 17:** City Code Section 6-11-3-4 "Special Uses" of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

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

Banquet hall.

Billboard.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Convenience store.

Craft alcohol production facility.

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

Educational institution—Private.

Educational institution—Public.

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

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

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

Religious institution.

Resale establishment.

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

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 18:** City Code Section 6-11-4-3 “Special Uses” of the Evanston

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

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

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Apartment hotel.

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

Banquet hall.

Billboard.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Convenience store.

Craft alcohol production facility.

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

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

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

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

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

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

Religious institution.

Resale establishment.

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

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 19:** City Code Section 6-11-5-3 “Special Uses” of the Evanston

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

**6-11-5-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

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

Banquet hall.

Billboard.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Commercial parking garage.

Convenience store.

Craft alcohol production facility.

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

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

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

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

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

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

Religious institution.

Resale establishment.

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

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 20:** City Code Section 6-12-2-3 “Special Uses” of the Evanston

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

**6-12-2-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Banquet hall.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Craft alcohol production facility.

Daycare center—Domestic animal.

Kennel.

Open sales lot.

Outdoor storage.

Performance entertainment venue.

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

Resale establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 21:** City Code Section 6-13-2-3 "Special Uses" of the Evanston

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

**6-13-2-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Billboard.

Brew pub.

Cannabis craft grower.

Cannabis infuser.

Cannabis processor.

Cannabis transporter.

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Commercial parking garage.

Commercial parking lot.

Funeral services excluding on site cremation.

Industrial service establishment.

Planned development (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public transportation center.

Trade contractor.

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

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

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

Urban farm, rooftop.

Warehouse establishment.

**SECTION 22:** City Code Section 6-13-3-3 "Special Uses" of the Evanston

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

**6-13-3-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Aquaponics.

Automobile repair service establishment.

Automobile service station.



Banquet hall.

Billboard.

Brew pub.

Cannabis craft grower.

Cannabis infuser.

Cannabis processor.

Cannabis transporter.

Car wash.

Commercial outdoor recreation.

Community center.

Cultural facility.

Daycare center—Domestic animal.

Dwelling—Single-family attached.

Dwelling—Single-family detached.

Dwelling—Two-family.

Dwellings—Multiple-family.

Funeral services excluding on site cremation.

Kennel.

Media broadcasting tower.

Planned development (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recreation center.

Religious institution.

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

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

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

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

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

Urban farm, rooftop.

**SECTION 23:** City Code Section 6-13-4-3 "Special Uses" of the Evanston

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

**6-13-4-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Billboard.

Brew pub.

Cannabis craft grower.

Cannabis infuser.

Cannabis processor.

Cannabis transporter.

Car wash.  
Commercial outdoor recreation.  
Commercial parking garage.  
Commercial parking lot.  
Community center.  
Cultural facility.  
Daycare center—Domestic animal.  
Educational institution—Private.  
Funeral services excluding on site cremation.  
Kennel.  
Media broadcasting tower.  
Planned development.  
Recreation center.  
Religious institution.  
Resale establishment.  
Transitional shelter.  
Transitional treatment facility—Category I.  
Transitional treatment facility—Category II.  
Urban farm, rooftop.

**SECTION 24:** City Code Section 6-14-2-3 "Special Uses" of the Evanston

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

**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.

Billboard.

~91~

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.

**SECTION 25:** City Code Section 6-14-3-3 "Special Uses" of the Evanston

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

**6-14-3-3 - SPECIAL USES.**

~92~

The following uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Aquaponics.

Automobile storage lot.

Billboard.

Brew pub.

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 tower.

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).

Recycling center.

Restaurant—Type 1.

Retail goods establishment.

Retail service establishment.

Special education institution—Public.

Urban farm.

Urban farm, rooftop.

**SECTION 26:** City Code Section 6-14-4-3 "Special Uses" of the Evanston

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

**6-14-4-3 - SPECIAL USES.**

The following uses may be allowed in the I3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Aquaponics.

Billboard.

Brew pub.

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.

Kennel.

Media broadcasting tower.

Open sales lot.

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).

Restaurant—Type 1.

Urban farm.

Urban farm, rooftop.

Yard waste transfer facility.

**SECTION 27:** City Code Section 6-15-2-3 "Special Uses" of the Evanston

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

**6-15-2-3 - SPECIAL USES.**

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

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Banquet hall.

Billboard.

Business or vocational school.

Cannabis craft grower.

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

Cannabis infuser.

Cannabis transporter.

Child daycare centers.

~95~

Commercial parking garage.

Commercial parking lot.

Drive-through facility (accessory only).

Dwelling, multiple-family.

Media broadcasting station.

Open sales lot.

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

Retail goods establishment.

Retail services establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Urban farm, rooftop.

**SECTION 28:** City Code Section 6-15-3-3 "Special Uses" of the Evanston

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

**6-15-3-3 - SPECIAL USES.**

The following uses may be allowed in the T1 District, subject to the provisions set forth in Section 6-3-5 of this Title:

Administrative office (college and university).

Bed and breakfast establishment (subject to the general requirements of Section 6-4-7 of this Title).

Billboard.

Business or vocational school.

Departmental staff office (college and university).

Educational institutions - private.

Faculty offices (college and university).

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Parking areas containing more than five (5) parking spaces and accessory to T1 transitional campus districts.(Ord. 8-O-95)

Parking lot (when accessory to a principal use located in the U-2 university athletic facility district).

Residential care home [21] - Category II (subject to the general requirements of Section 6-4-4 of this Title).

Student religious organization meeting house.(Ord. 20-0-97)

Transitional treatment facility - Category I (subject to the requirements of Section 6-4-5 of this Title).

Transitional treatment facility - Category II (subject to the requirements of Section 6-4-5 of this Title).

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

**SECTION 29:** City Code Section 6-15-4-3 "Special Uses" of the Evanston

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

**6-15-4-3 - SPECIAL USES.**

The following uses may be allowed in the T2 district, subject to provisions set forth in Section 6-3-5, "Special Uses":

Bed and breakfast establishment (subject to the general requirements of Section 6-4-7, "Bed and Breakfast Establishments").

Billboard.

Business or vocational school.

Classroom facility (college and university).

Cultural facility.

Day care center - Adult (subject to the general requirements of Section 6-4-3, "Adult Day Care Homes").

Day care center - Child (subject to the general requirements of Section 6-4-2, "Child Day Care Homes").

Dormitory (college and university).

~97~

Dwelling - Fraternity/Sorority (college and university).

Dwelling - Multiple-family.

Educational institution - private.

Government institution.

Indoor recreation facility (college and university).

Outdoor recreation facility (college and university).

Parking areas containing more than five (5) parking spaces and accessory to T2 transitional campus districts.(Ord. 8-O-95)

Public utility.

Religious institutions.

Residential Care Home - Category II (subject to the general requirements of Section 6-4-4, "Residential Care Homes").

Scoreboards (college and university).

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

Transitional treatment facility - Category I (subject to the requirements of Section 6-4-5, "Transitional Treatment Facility").

Transitional treatment facility - Category II (subject to the requirements of Section 6-4-5, "Transitional Treatment Facility").

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

**SECTION 30:** City Code Section 6-15-5-3 "Special Uses" of the Evanston

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

**6-15-5-3 - SPECIAL USES.**

The following uses may be allowed in the U1 district, subject to provisions set forth in Section 6-3-5 of this Title:

Billboard.

Cultural facility.

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

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

Membership organization.

Parking lot (college and university).

Parking structure (college and university).

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

Religious institutions.

Restaurant — type 1, when an accessory use to a college or university.

**SECTION 31:** City Code Section 6-15-6-3 “Special Uses” of the Evanston

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

**6-15-6-3 - SPECIAL USES.**

The following uses may be allowed in the U1a district, subject to provisions set forth in Section 6-3-5 of this Title:

Billboard.

Cultural facility.

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

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

Membership organization.

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

Religious institutions.

**SECTION 32:** City Code Section 6-15-7-3 “Special Uses” of the Evanston

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

~99~

**6-15-7-3 - SPECIAL USES.**

The following special uses may be permitted in the U2 district, subject to the provisions set forth in Chapter 3 of this Title:

Administrative office (college and university).

Billboard.

Classroom facility (college and university).

Departmental staff office (college and university).

Faculty offices (college and university).

Government institution.

Parking lot (college and university).

Parking structure (college and university).

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

Public utility.

Scoreboard.

**SECTION 33:** City Code Section 6-15-8-3 “Special Uses” of the Evanston

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

**6-15-8-3 - SPECIAL USES.**

The following special uses may be permitted in the U3 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Billboard.

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

Public utility.

**SECTION 34:** City Code Section 6-15-8-3 “Special Uses” of the Evanston

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

**6-15-9-3 - SPECIAL USES.**

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The following special uses shall be permitted in the OS district:

Billboard.

Cemetery (including accessory structures such as, but not limited to: mausoleums, columbariums, crematories, and chapels).

Zoological garden.

**SECTION 35:** City Code Section 6-15-10-7 “Special Uses” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

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

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

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

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

Billboard.

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

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

Commercial parking garage.

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

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

Heliports (hospital).

Private utility substations and transmission facilities.

Short-term residential facilities operated by a hospital.

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

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

**SECTION 36:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 37:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 38:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 39:** If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

Introduced: \_\_\_\_\_, 2022

Approved:

Adopted: \_\_\_\_\_, 2022

\_\_\_\_\_, 2022

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation Counsel



**MEETING MINUTES EXCERPT**

**LAND USE COMMISSION**

Wednesday, March 9, 2022

7:00 PM

Via Virtual Meeting

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

Members Absent: Brian Johnson

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Brian George

Presiding Member: Matt Rodgers

**Discussion**

**A. Sign & Billboard Regulation**

**City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to discuss the regulation of signage and billboards throughout the city. This item is for discussion only; no action will be taken, per Section 6-3-4-6 of the Evanston Zoning Ordinance and Ordinance 92-O-21.**

Ms. Klotz explained that the discussion on this item was to move sign regulations to the Zoning Code and in doing so, determine the best way to handle variations from the sign regulations. There is also a referral from Council to consider allowing billboards within the City.

Chair Rodgers stated that he is fine with moving the regulations to the Zoning Code but further consideration needs to be taken in how to determine major versus minor variations from the code to make sure those cases are not taking up too much of the Commission's time.

Ms. Ashbaugh responded that she did not observe tiered variation options in other municipalities. If the City does this it could be a similar mechanism as the existing minor versus major process. She added that she does not anticipate the volume being great and explained the current sign regulations and what would likely need to come before the Land Use Commission.

Commissioner Lindwall expressed that the City should prohibit billboards. Green Bay Road is private Union Pacific property. She then suggested having DAPR be the deciding body and using the Land Use Commission for appeals; the level of detail required for sign reviews is not something the Land Use Commission should be a part

of. Ms. Klotz responded that there is a referral from the City Council that suggests formatting changes to DAPR which would make the current sign review process infeasible. Ms. Ashbaugh added that it is not uncommon for Plan Commissions or equivalent review commissions to review signage.

Ms. Klotz stated that there seems to be concern that there may be too much possible Commission time being spent on sign variations and suggested that staff review the number of variations that have occurred in recent past to quantify how many variation reviews may be needed; there may also be regulations identified to create a minor variation cut-off, however, she is leary of that option because signage is a very hot topic and controversial items may still come to the Commission.

Chair Rodgers stated that some small variations from the code are not concerning versus, for example, a business wishing to erect a large illuminated sign which may have a greater impact on the neighborhood. If there is some way to get projects to do signage as part of a larger plan within their Special Use or Planned Development applications instead of as an afterthought that would be optimal, especially if there are a number of signs proposed for a project..

Commissioner Mirintchev expressed confusion that the Code in some places references the Sign Review and Appearance Board and a Sign Administrator. Ms. Klotz clarified that this is old language that would be updated as DAPR currently acts as the sign reviewing body. Commissioner Mirintchev then stated that he agrees with previous comments that billboards are not appropriate and that he would be ok if the Zoning Administrator determines what signs need to come before the Commission for additional review.

Commissioner Halik stated that he agrees that DAPR and the Zoning Administrator should be the first groups to review then, if needed, referred to the Land Use Commission. He explained that there are a number of factors in signage that he would prefer be reviewed in that process. He then added he also agrees tha billboards should not be permitted. Chair Rodgers agreed and explained that staff should be provided some guidance on what the process would be so that there is some level of predictability for applicants and staff.

Commissioner Lindwall suggested the Commission handle sign reviews similarly to how appeals of the Administrator's decision are handled for other zoning decisions. Staff deals with this daily and understands the nuances of changes of use and business regulations. Even though she understands other communities have Commissioner review signage, she believes that we should rely on staff's expertise to the extent possible.

Ms. Ashbaugh expressed that people will want to have the larger sign and may not want to follow the Code. She then asked for clarification for a proposed process. Commissioner Lindwall stated that she thinks signs should be expected to meet the Code and suggested a possible guide for design review standards. The sign code is a



lot more detailed than many other sections of the Zoning Code and it may be difficult for the Land Use Commission to interpret without a lot of staff hand holding.

Chair Rodgers summarized that there seems to be an agreement on not allowing billboards but that there needs to be a process created that does not kick everything up to the Commission. Ms. Klotz stated that staff will look into minor variations then asked if there was a preference for the Land Use Commission to be the determining body or be a recommending body to the City Council. Chair Rodgers responded that since the Commission would need to learn the regulations that it makes sense for it to be the determining body.

Commissioner Lindwall stated that this is why she prefers for DAPR to be the first review and that the Planning & Development Committee likely does not want to review signage applications.

Commissioner Puchtel expressed that he is sensitive about this group taking on this load and the scope has been combined from two groups and is already meeting twice a month. He then expressed that he is ok with the decisions being completely with staff and does not have a preference for the regulations being within the building or zoning codes.

Ms. Ashbaugh suggested that, if Commissioners would be amenable, a sub-committee of Commissioners that meets less frequently to review sign variations could be an option. Chair Rodgers stated that in the event that there is no Commission meeting, he does not want to meet for just a sign, however, that is not fair to applicants and there are alternatives. Discussion on current frequency of meetings and desire to not add an additional one. If there are Special Uses or Planned Developments having signage that could be reviewed at the same time this works to the Commission's advantage and the impact of the entire project could be considered at once.

Commissioner Lindwall added that with regards to meetings, DAPR meets weekly while the Land Use Commission meets biweekly which may cause a delay for sign applications.

Discussion concluded soon after with staff expressing that regulations will be drafted and brought back to the Commission, likely in April.



**MEETING MINUTES EXCERPT**

**LAND USE COMMISSION**

Wednesday, April 13, 2022

7:00 PM

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

Members Present: George Halik, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Myrna Arevalo, Violetta Cullen, John Hewko

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Alexandra Ruggie

Presiding Member: Matt Rodgers

**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.**

Chair Rodgers shared that he spoke with staff and the intention is to do omnibus on a quarterly basis as needed.

Ms. Klotz read the agenda item into record and provided a brief background on the overall text amendment; she then went through each specific item.

Item 1

Ms. Klotz provided an explanation of this item. There was no discussion.

Item 2

Ms. Klotz provided a summary of this item stating intention to have regulations match current ADA regulations which is updated and is better policy.

Commissioner Mirintchev asked for clarification on code wording still using "handicapped" versus "accessible". Ms. Klotz responds that the code would only reference ADA compliance.

Item 3

Ms. Klotz provided a summary. Ms. Ashbaugh is now staff's sign reviewer, and the proposed amendment is not changing regulations, just moving them into Zoning Code and establishing minor/major variation processes for signs that do not meet the code. She then stated that staff looked back at the previous 5 years of sign variations and is proposing thresholds for minor variations for wall and blade sign height and/or area to be no more than 35%, similar to what other existing minor variations are subject to. If a sign is significantly above that threshold it would be brought to the Commission for review.

Commissioner Lindwall clarified that the regulations within the packet existing and references would be updated. Ms. Klotz confirmed.

Commissioner Westerberg asked if sign variations currently go to DAPR for review. Ms. Klotz confirmed this has been the case then added that there is a referral from City Council to look at modifying the DAPR Committee. Depending on how that goes it may change where sign reviews go to, specifically if DAPR becomes a closed meeting.

Commissioner Halik expressed that he was disturbed at the possible elimination of DAPR, explaining that they provide a service that the Commission does not. Commissioner Lindwall agreed explaining that the Comprehensive Plan is clear on the need for this type of Committee and it provides an important function.

Commissioner Halik asked if DAPR doesn't do the review who would; it would change the Commission's purview. Ms. Klotz responded that this and other concerns of the Commission are being taken into consideration.

Commissioner Johnson clarified if this item would be both moving the sign code and possibly adding billboard regulations into the code. Ms. Klotz confirmed this to be the case.

Item 4

Ms. Klotz explained that this item is a referral from the City Council to regulate billboards throughout the city and was discussed at a previous Commission meeting. She stated that staff is proposing that billboards be a Special Use in all districts should it move forward. She added that if there is significant concern, staff recommended pulling this item out for a separate discussion. Chair Rodgers stated this was discussed as the plan for this item; other things move forward with an accompanying denial for things the Commission does not agree with.

Commissioner Lindwall expressed that she has a big problem with billboards. Chapter 13 of the Comprehensive Plan has an explicit policy to eliminate billboard advertisements. Moving to allow billboards is not consistent with the plan. Purpose of sign controls is to reduce visual clutter while allowing businesses to advertise, but a big issue is safety. There are only 4: on Green Bay Road. Some on the Chicago side of Howard. Drivers in Evanston need to be careful, do not want to create an attractive nuisance. Also need to look at the notion of not impacting adjacent properties. Should not be looking to enrich one property at the expense of a neighbor. Commissioner Lindwall then suggested a discussion with the City Council. Commissioner Halik agreed, saying the Commission made a strong recommendation against billboards and if it comes back before the Commission, that can be done again.

Commissioner Johnson agreed and asked about the best route forward. Rodgers does not think Evanston is appropriate for billboards and used Central Street as an example. Lindwall gave Chicago Avenue as an example. Halik agreed, saying it speaks to the character of the community as well. Mirintchev suggested adding language that says no billboards are allowed in Evanston.

Ms. Klotz asked if there was an appetite of the Commission for wall mounted billboards rather than freestanding. Chair Rodgers responded that he thinks the wall mounted signs are what the Commission is really thinking of. There are some businesses with their names on the side of buildings but those are more signs that fall under the sign regulations and not true billboards which could be allowed

Commissioner Puchtel expressed the same sentiment as other Commissioners and asked if item 3 would need to be held. Chair Rodgers responded that the Commission could pull billboards out of that discussion and move the rest forward.

Commissioner Lindwall stated that there is no definition that regulates how big the billboard could be which would need to be included in regulations. Also, in general billboards regulations need to be content neutral and cannot be regulated much outside of prohibiting obscene or pornographic ads. In business signs, more than likely the signage will relate to the business and likely not be as potentially problematic. There could be more messaging on billboards that someone driving by could deem offensive.

Item 4

Ms. Klotz provided a summary of this item which would move the subdivision regulations into zoning code where most communities have them. Planning and Zoning staff handles the subdivision process and variations come to the Land Use Commission. The amendment would codify actual steps in the process so that it is clear to the community. There was no further discussion on this item.

Item 5

Klotz provided a summary explaining that in the review process for planned developments, there are a large number of standards and many are more general guidelines and requirements than they are standards. Proposed standards would be more similar to those of special uses, variations or amendments. It is a policy change but the wording is very similar to that of other standards that currently exist.

Chair Rodgers requested an explanation of standard 6 as it was his understanding that public benefits had to be near the development versus city wide. Ms. Klotz stated that this is correct and this standard was pulled from major variations and was left general as there are some benefits that benefit the entire city such as on-site affordable housing. Chair Rodgers wanted the language to be clear so that developers are clear on what can and can't be done. Ms. Klotz responded that staff makes this clear to applicants when reviewing projects.

Commissioner Lindwall stated that City Council has reserved the right to review and negotiate the public benefits and it is not in Commission's purview. She then asked if the proposed amendment would change that. Ms. Klotz responded that Commissioner Lindwall was correct in that the negotiations of public benefits are not in the Commission's purview but that this reference is not listed to go through each listed public benefit but to gauge their general appropriateness.

Commissioner Westerberg stated that the language in the first standard around potential impact is broad and can give a lot of room to the developer. Commissioner Halik expressed that he has a problem with standard 4 due to developers not really having a hardship and that it is incompatible with standard 1. Chair Rodgers gave the example of a ziggurat setback being a hardship on most lots; any development is going to have an impact, and with standard 1, maybe wording is not right but the idea is to not max out everything. Halik and Westerberg reiterated their concerns regarding impact and reasonable expectations. Commissioner Lindwall stated that there is a window of base zoning with additional building potential from site development allowance. Additional discussion continued with additional concerns being expressed on being able

to approve or deny a project with conflicting standards, what would be considered a hardship, and the need to have a practical application of zoning regulations for the real world.

Chair Rodgers asked if there was a way to modify standard 4, referencing that standard number 5 for major variations- no additional income unless a public benefit offsets it. It could be used to tweak the language surrounding potential hardship.

Commissioner Halik mentioned that the public comment letter provided on this item mentioned that the existing public benefits are vague and that he believes being more specific is the way to go. Chair Rodgers pointed out that a potential problem with very specific public benefits is that good projects may die because they don't meet them and ties the Commission's hands.

Commissioner Lindwall agreed that standards would be helpful. She suggested going forth with this list and reserving the option to tweak them after some time. Commissioner Westerberg expressed concern with standard 1 and requested that stronger language be included. A brief discussion followed with Commissioner Lindwall suggesting "within the scope of the applicable site development allowances" and there being general agreement. Commissioner Lindwall suggested keeping standard 4 as it is currently proposed and see how it goes. General discussion followed with agreement to remove 4 and bring it back with the next omnibus. Ms. Klotz then clarified that Special Use standards still apply to planned developments

There was general agreement to keep standard 1 with edits, strike 4, edit standard 5 as it relates to standard 8 for special uses and change "environmental" to "climate" or "sustainability".

#### Item 6

Klotz provided a summary of the proposed changes. Commissioner Lindwall noted that for step 7, it is important to continue having the DAPR Committee as a staff review Committee.

#### Item 7

Ms. Klotz provided a brief summary of what was proposed and why. Chair Rodgers stated that it makes sense to be able to do both auto repair and auto body repair, especially as there is more likely to be toxic issues dealing with oils and fluids. Most people doing both illegally likely do not realize that they cannot do both.

Commissioner Puchtel asked why auto body repair was not originally included. Ms. Klotz responded that that is largely lost history but is likely due to the painting of vehicles needing a painting bay with proper exhaust in order to prevent fumes. Chair Rodgers

Ms. Klotz stated that we are in danger of zoning out these types of uses out of industrial districts due to loss of its industrial properties and zoning districts. Chair Rodgers

cautioned that when uses are reviewed to operate within industrial districts that the Commission make sure they are not taking up spaces for actual industrial uses that can only operate in these districts.

Public Comment

There were no members of the public wishing to provide testimony. The record was then closed.

Deliberations

The Commission then reviewed the standards for text amendments

1. Met
2. Met (with removal of billboards from possible regulations)
3. Met
4. Met

Commissioner Puchtel motioned to approve the proposed omnibus amendment with the following changes: **In item #3 - not adding provisions for billboards into the sign regulations for their placement; and in item #5 – changing proposed standard 1 to read: “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 scope of the applicable site development allowances.”, striking the proposed standard 4, and changing “environmental” in proposed standard 5 to “sustainability” or “climate”. A roll call vote was taken and the motion was approved, 7-0.**

Chair Rodgers suggested that Commissioners write a note to the Council regarding their concerns and that he would make a point to the P&D meeting to share those concerns in person. Commissioner Lindwall suggested that the Commission have a discussion with Council, referencing the Comprehensive Plan explicitly stating that they be prohibit and that the appropriate time to consider billboards would be during the revision of the Comprehensive Plan

**Commissioner Lindwall made a motion to continue to prohibit billboards in the City of Evanston (emphasizing that the Commission’s reasons be shared with City Council). Seconded by Commissioner Puchtel. A roll call vote was taken and the motion was approved, 7-0.**



## Memorandum

To: Members of the Planning and Development Committee

From: Meagan Jones, Neighborhood and Land Use Planner

CC: Johanna Nyden, Community Development Director; Sarah Flax, Housing and Grants Manager; Angelique Schnur, Building and Inspection Services Manager; Ana Elizarraga, Housing and Economic Development Analyst; Amy Ahner, Consultant

Subject: Summary of Planning and Development Sub-committee Discussion Regarding Rental Registration and Licensing

Date: June 13, 2022

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### Recommended Action:

At its meeting on April 14, 2022 the Planning and Development Housing sub-committee agreed that there should be more input from other Councilmembers on the topic of rental licensing versus registration and voted unanimously to move this issue to the full Planning & Development Committee. This memo summarizes the sub-committee's discussions on this topic to inform the discussion by the Planning & Development Committee in order to provide direction to staff regarding the next steps.

### Committee Action:

For Discussion

### Summary:

The Planning & Development Housing sub-committee held several meetings at which rental licensing and rental registration programs were discussed. The matters were referred to a sub-committee to comprehensively discuss measures to improve the oversight of rental housing properties in Evanston. At its October 10, 2021 meeting, the sub-committee agreed to discuss and evaluate whether to move to rental licensing at its next meeting. Title 5, Chapter 8 of the City Code outlines the registration and renewal of rental residential properties. Staff was requested to provide information about concerns with enforcement of property standards code with rental registration, the number of rental units registered, and comparable communities' rental licensing programs. Additional information on the benefits of rental licensing, how it could be implemented, comparable communities' licensing and proactive inspection programs, best practices for maintaining an inventory of rental properties, the unintended consequences of rental licensing, what circumstances result in the revocation of rental licenses, the suitability of fees and fines, ways to document the ownership of LLCs, and information on Illinois receivership laws was provided at subsequent



meetings. The staff transmittal memos for the meetings with information on these topics and the meeting minutes are linked below and attached.

The transmittal memo for the March 21, 2022 meeting details issues with the current rental registration process due to limitations of the functionality of the current database software. City Council has approved a consultant to engage with the City to implement upgrades to Accela permit and license software, Civic Platform. Part of the scope of work is to implement and build-out a portal in this software to manage property maintenance violations and rental registration. If rental licensing were to be implemented, this would require additional changes to the scope of services to establish this functionality in the software.

Legislative History:

November 10, 2021: The Commission began a discussion on rental registration versus rental licensing with an overview of current processes and enforcement in Evanston. Staff was asked to bring back an explanation of the benefits of rental licensing, how it could be implemented, comparable communities that already use licensing, miscellaneous items such as education/training for property managers, and data points on existing licensing registration. Drafting Rental Regulation Ordinances in Illinois Municipalities, A Short Guide for Local Officials by Alan Mallach for the Center for Community Progress is included in the meeting packet. [Link to November 10, 2021 Meeting Packet](#)

February 23, 2022: The Commission continued discussion on this topic with a review of previously requested information and request for additional information on what is being inspected, additional information on comparable community proactive inspection staffing levels, and an outline of issues for discussion. [Link to the February 23, 2022 Meeting Packet](#)

March 21, 2022: The Commission continued discussion, reviewing requested information from staff and asking staff to provide information on ways to document the ownership of LLCs, and provide recommendations for both registration and licensing programs, including incentives, and propose increases to fines. [Link to the March 21, 2022 Meeting Packet](#)

April 14, 2022: The Commission continued discussion, reviewing the requested information from staff, and ultimately voted to move this item up to the full Planning & Development Committee. [Link to the April 14, 2022 Meeting Packet](#)

Attachments:

[Draft April 14, 2022 Sub-Committee Meeting Minutes](#)



**Planning & Development Housing Sub-Committee Committee Meeting  
Minutes of April 14, 2022  
5:00 p.m.**

**Civic Center, 2100 Ridge Avenue, Room 2402, Evanston, IL 60201**

**COMMITTEE MEMBERS PRESENT:** Councilmember Clare Kelly, Councilmember Bobby Burns, Councilmember Eleanor Revelle

**COMMITTEE MEMBERS ON PHONE:** Councilmember Devon Reid

**STAFF PRESENT:** S. Flax, A. Schnur, M. Jones

**PRESIDING OFFICIAL:** Councilmember Kelly

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**CALL TO ORDER / DECLARATION OF A QUORUM**

A quorum being present, Councilmember Kelly called the meeting to order at 5:11 p.m.

**1. APPROVAL OF THE MARCH 21, 2022 MEETING MINUTES**

PM1. **Approval of the Minutes of the Planning & Development Housing Sub-Committee Committee Meeting of March 21, 2022**

Staff recommends approval of the Minutes of the Planning & Development Housing Sub-Committee Committee Meeting of March 21, 2022

**For Action**

Moved by 5th Ward Councilmember Revelle

Seconded by 7th Ward Councilmember Kelly

Ayes: 7th Ward Councilmember Revelle, 5th Ward Councilmember Bobby Burns, 8th Ward Councilmember Reid, and 1st Ward Councilmember Kelley

Carried 4-0 on a recorded vote

**2. PUBLIC COMMENT**

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Councilmember Kelly invited members of the public to speak. Mr. Carlis Sutton spoke about equitable service to landlords and outsourcing inspections. Ms. Lisa Hildice asked to clarify online building inspection scheduling and other general comments relating to licensing and tracking nuisances. Ms. Tina Paden asked for maps to go to Howard Street and requested that a licensing decision not move ahead without further discussion regarding inspections and the conditions of license revocation. Ms. Graham would like a timeline on when the subcommittee will discuss the three unrelated rule and the definition of family.

### **3. DISCUSSION OF RENTAL LICENSING VS. RENTAL REGISTRATION**

Staff member Angelique Schnur clarified that updated maps will be provided in the next packet. Ms. Schnur advised that since there are more rental properties in certain wards and therefore there will be more inspections and more complaints. She also clarified that there were no routine inspections in 2021 due to COVID, only new rental inspections and complaint responses were completed. Ms. Sarah Flax clarified that the map labeled "City of Evanston Rental Inspections" are new rental inspections (regardless of building size). The rental assistance map is from 311 data.

Councilmember Kelly asked for an explanation of a drive-by inspection. Ms. Schnur explained that is an inspector-initiated case when a violation is seen in the field or seen at a property adjacent to a complaint inspection. Councilmember Kelly asked for an explanation of routine inspections. Ms. Schnur explained that it is a 3-5 year rotating schedule alphabetically by street, with each inspector assigned an area.

Councilmember Burns summarized his conversation with Emily Coffee from the Shriver Center on her research on places in Illinois with evictions and crime-free ordinances (Evanston does not have a crime free ordinance). The research did not address licensing and registration.

Councilmember Reid asked for an explanation of the data's relevance. Councilmember Kelly explained that it is a response to the question of equitable inspections and supports the need for a proactive inspection program. She also suggested dropping drive-by inspections and increasing fines to enable a proactive program. Ms. Schnur stated that drive-by inspections are typically initiated by a complaint. Councilmember Revelle noted that it is hard to make decisions based on one year of data.

Councilmember Reid asked for an explanation of the problem that needs solved. Councilmember Kelly responded that she thinks that the property standards and inspection program has not been effective and equitable and should be addressed. Councilmember Revelle responded that the goal was safe, healthy, and well-maintained housing for renters in Evanston. The problem is that there are some landlords who are not maintaining that quality and the inspection and penalty system is inadequate to address them. Also, the city lacks the software and number of inspectors for a proactive

program. Councilmember Kelly stated that fees and fines are very low and should be increased drastically and be based on minor vs. major violations. Councilmember Burns noted that some landlords may need financial help with their properties and staff needs more effective compliance methods.

Councilmember Burns stated that there should be a program to help landlords who need assistance to maintain their properties and education on how to do so. Landlords are virtually ignoring staff's efforts at mediation and property standards. Councilmember Reid agreed and explained that he wants to figure out a point when the City stops going back and forth with landlords, be it through receivership or court. Licensing has been tested, education is built in, and there is a culture around it that is valued.

Councilmember Burns then asked for staff to clarify the differences between rental registration and licensing. Ms. Schnur clarified that for fines, enforcement, noticing and the amount that it costs to register or license, the programs are essentially the same. It doesn't change anything for the landlords that are taking care of their properties. The difference comes when a non-compliant landlord is diverting city staffing resources and using up the time available for a proactive inspection program. Licensing changes the way staff can interact with non-compliant landlords eliminating time wasted in administrative hearings. Councilmember Revelle asked if landlords can be taken to court. Ms. Schnur responded that they can be taken to the Cook County Circuit Court (Skokie Courthouse) which requires additional time and paperwork for staff, adds attorney costs, and staff has not had meritable court outcomes. Councilmember Kelly asked if it would change with licensing. Ms. Schnur responded that the city could revoke the license through a process and have a contracted company complete the required compliance work.

A discussion ensued regarding nuisance property and criminal violations.

Councilmember Burns would like more time to continue the licensing/registration discussion. He suggested a working group with staff to make recommendations to the subcommittee. Councilmember Revelle suggested there should be more input from other councilmembers. There could also be concurrent and separate tracks for funding for an inspection team and setting a new fine structure.

Councilmember Kelly summarized to move licensing versus registration discussion to the Planning and Development Committee. Also, staff was asked to bring back an outline of a tiered fee schedule based on minor and major violations, the cost to do proactive inspections, an amnesty period recommendation for registration for a period then enact higher violation fee for failing to register units, and an update on software upgrade.

Next meeting Thursday, May 12, 2022 at 5 PM.

**4. ADJOURNMENT:**

Councilmember Kelly made a motion to recess the meeting at 7:03 p.m.  
Councilmember Revelle seconded the motion. All voted in favor.

DRAFT



## Memorandum

To: Members of the Planning and Development Committee  
From: Johanna Nyden, Director of Community Development  
CC: Sarah Flax, Housing & Grants Manager  
Subject: Communication on Referral Regarding Anti-Displacement/Gentrification Efforts  
Date: June 13, 2022

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Recommended Action:

Staff seeks no recommendation at this time and is providing an update to a referral made by Councilmember Burns regarding further discussion of the City's anti-displacement and gentrification efforts.

Committee Action:

For Discussion

Summary:

In August 2021, Councilmember Burns made a referral to address the City's anti-displacement/gentrification efforts. This included the proposal of the creation of a task force called "Here to Stay" to identify immediate actions that can be taken to reduce the involuntary displacement of long-time residents.

As an update, Councilmember Burns and staff have met to discuss next steps on the progress of this work. In January 2022, staff and Councilmember Burns met with an assembled group of stakeholders (The Here to Stay Committee) - composed of residents, real estate professionals, and property owners to discuss opportunities and ideas for immediate actions to assist and support people to stay in their homes. The group has continued to meet and identify additional concepts.

Legislative History:

A referral was provided by Councilmember Burns on August 20, 2021 regarding this matter.