

47-O-96

AN ORDINANCE

AMENDING TITLE 4, CHAPTER 17 TO PROVIDE FOR SITE PLAN
AND APPEARANCE COMMITTEE REVIEW OF TYPE II RESTAURANT
SIDEWALK CAFES

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

SECTION 1: That Title 4, Chapter 17 of the Evanston City Code of 1979, as amended, be and hereby is further amended by revising sections 4-17-1-1(A) and 4-17-1-1(C) to read as follows, with section 4-17-1-1 otherwise unchanged:

4-17-1-1: SITE PLAN AND APPEARANCE REVIEW COMMITTEE:

- (A) Membership: The membership of the Site Plan and Appearance Review Committee is the following, or, in the case of City Staff, the named member may designate a Department member to attend in his/her stead.
1. City Manager.
 2. Director of Community Development.
 3. Director of Public Works.
 4. Superintendent of Parks, Recreation and Forestry.
 5. Traffic Engineer.
 6. City Engineer.
 7. Director of the Arts Council.
 8. Representative from the Fire Prevention Bureau.
 9. Representative from the Crime Prevention Bureau.
 10. Assistant Director for Zoning.
 11. Zoning Planner.
 12. Assistant Director for Building

13. Assistant Director for Planning
14. One or more design professionals who are employed in or are a resident of Evanston as appointed by the Mayor with the advise and consent of the City Council. Said Mayoral appointment shall be for terms no longer than three (3) years.

4-17-1-1:

- (C) Quorum: A quorum shall consist of the Assistant Director for Zoning, one other representative from the Department of Community Development, and a representative from the Department of Public Works, and from the Department of Parks, Recreation and Forestry, and shall be required in order to conduct any official Committee business.

SECTION 2: That section 4-17-2(A) is hereby amended to read as follows:

4-17-2: **DEVELOPMENTS REQUIRING SITE PLAN AND APPEARANCE REVIEW APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT:**

- (A) The following are developments requiring site plan and appearance review approval prior to issuance of building permits for the development or in the case of Type II Restaurant Sidewalk Cafes, prior to City Council consideration of an application for a permit to conduct such a sidewalk cafe:
1. Construction of a new building or structure, or modifications to the exterior of an existing structure (including additions) for any use except single-family homes, located in the business, commercial, downtown, university, office, industrial or transitional manufacturing districts.
 2. Construction of a new building or structure or modifications to the exterior of an existing building or structure (including additions) for all nonresidential uses in residential districts.
 3. Construction of a new building or structure, or modifications to the exterior of an existing building or structure (including additions) for all multi-family uses in any zoning district.
 4. Developments requiring special use approval.

5. Developments requiring a zoning variation.
6. Developments requiring a zoning ordinance text or Map amendment.
7. All planned developments.
8. All Municipal or other public developments.
9. Any proposed developments for which parking is to be located off-site.
10. All development proposals for which public and/or quasi-public financial assistance has been requested.
11. All subdivision and plats of consolidation.
12. Sidewalk Cafes for Type II Restaurants.

SECTION 3: That section 4-17-3(B) is revised to read as follows with no other changes in section 4-17-3:

4-17-3: PRELIMINARY AND FINAL SITE PLAN AND APPEARANCE REVIEW REQUIRED:

For the types of developments defined in subsection 4-17-2(A) below, a site plan, prepared in accordance with the provisions of this Section, shall be required for a preliminary site plan and appearance review conference and for final approval by the Site Plan and Appearance Review Committee.

- (B) Final Site Plan and Appearance Review: A final site plan and appearance review conference shall also be required. The purpose of the final site plan and appearance review conference is to verify that the final site plan complies with all the requirements of this Chapter. The final site plan and appearance review approval shall be granted or denied in accordance with Section 4-17-5 herein, following the completion of a zoning analysis on the proposed development, following the final site plan and appearance review conference and shall precede the granting of a building permit, provided, however, that no zoning analysis shall be required for Type II Restaurant sidewalk cafes.

SECTION 4: That section 4-17-4 is hereby amended to read as follows:

4-17-4: **SUBMISSION REQUIREMENTS AND PROCEDURES:**

(A) Submission Requirements and Procedures: Applications for site plan and appearance review approval for uses other than sidewalk cafes in connection with Type II restaurants shall be submitted to the City Manager, or his designee, as follows:

- (1) Preliminary Site Plan and Appearance Review Application: Three (3) copies of a preliminary site plan, current plat of survey and preliminary elevation drawings.
- (2) Final Site Plan and Appearance Review Application: A zoning analysis of the proposed development is required prior to final site plan and appearance review. Four (4) copies of the following exhibits shall be prepared by design professionals such as architects or engineers. The final site and building plan shall contain the following:
 1. Existing and proposed development on the site and adjacent sites.
 2. Elevation drawings of all proposed buildings.
 3. 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.
 4. Parking plans and access drives including dimensions, stall markings, required screening, landscaping and surfacing.
 5. Lighting plan identifying the location, height and type of all site, sign and exterior building illumination proposed.
 6. 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 inches (4").
 7. Signage plan identifying the location, height, type, size, color and proposed message of all exterior signage proposed, consistent with all other signage regulations.

8. Sidewalks and any other elements of pedestrian circulation.

9. Major accessory elements including, but not limited to signage, outdoor furniture, bike racks, outdoor art, etc.

10. 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.

11. A current plat of survey.

12. A completed zoning analysis on the proposed project.

13. Other materials and data which may be required for an adequate plan review (such as, but not limited to: traffic studies preliminary engineering and drainage plans, preliminary utility locations, floor plans, etc.).

14. All site plans submitted for final approval shall be accompanied by a plat of survey showing that the property for the proposed development consists of, and is coterminous with, a single lot described in a recorded plat of subdivision, or a preliminary proposed resubdivision or consolidation to create such a single lot.

(B) Type II Restaurant Sidewalk Cafe Submission Requirements: In the case of Type II Restaurant sidewalk cafes, the applicant shall submit the information set forth in section 7-2-6(D)(3) of the City Code.

(C) The developer or his representative shall be present at the final site plan and appearance review conference to explain the project and to answer any questions thereon.

SECTION 5: That a new section 4-17-7 be added with existing sections 4-17-7, 4-17-8 and 4-17-9 and renumbered to 4-17-8, 4-17-9 and 4-17-10, respectively:

4-17-7 **EVALUATION CRITERIA FOR TYPE II RESTAURANT
SIDEWALK CAFES:**

(A) In the case of a Type II Restaurant Sidewalk Cafe, the following criteria, and not those in section 4-17-6 of this Site Plan and Appearance Review Ordinance, shall be used to evaluate the proposed use:

1. The proposed sidewalk cafe will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of other sidewalk cafes in the immediate neighborhood.

2. The proposed sidewalk cafe will not cause undue pedestrian or vehicular traffic congestion.

3. The sidewalk cafe will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.

4. The proposed sidewalk cafe will comply with all the rules and regulations contained herein except that the City Council may modify or waive the requirements in paragraph 5c above, relative to non-disposable beverage service containers.

5. The proposed sidewalk cafe is not likely to have an adverse effect upon the public health, welfare, or safety.

6. The proposed sidewalk cafe meets the requirements of sections 7-2-6(D)(4) and 7-2-6-(D)(5) of the City Code.

(B) The Site Plan and Appearance Review Committee will make written findings as to whether the proposed use meets the criteria set forth in section 4-17-7(A), and shall, within fifteen (15) working days after receipt of the completed permit application, report its findings to the City Manager, with a recommendation to City Council as to whether the permit should or should not be granted.

SECTION 6: That existing section 4-17-9, renumbered by this Ordinance 47-O-96 to section 4-17-10, is hereby amended, to read as follows:

4-17-10: Appeals: Any final site plan and appearance review decision by the City Manager or his designee, may be returned to the Site Plan and Appearance Review Committee for additional consideration, modified, reversed or affirmed by the Committee of the Whole upon appeal by the

applicant. Such appeal shall be filed with the Committee of the Whole within fifteen (15) business days of the decision by the City Manager or his designee, and the Committee shall consider and decide said appeal within fifteen (15) business days thereafter.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: April 22, 1996

Adopted: May 6, 1996

Approved: May 8, 1996

Lorraine H. Norton
Mayor

ATTEST:

Hester Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

