

2-0-00

AN ORDINANCE

**Amending the Text of the Zoning Ordinance
To Establish and Define a Use Category for
“Performance Entertainment Venue”.**

WHEREAS, the Plan Commission held a public hearing on September 8, 1999 pursuant to proper notice in case no. ZPC 99-5-T(R) to consider amendments to the text of the Zoning Ordinance to establish and define a use category for “dance clubs” and appropriate related amendments; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made written findings pursuant to section 6-3-4-5 of the Zoning Ordinance that the application in the aforescribed case no. ZPC 99-5-T(R) met the standards for amendments to the text of the Zoning Ordinance to provide for a definition of “performance entertainment venue”, classification of said use as a special use in D2, D3, D4, and RP Districts, and for Zoning Ordinance text amendments related thereto; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the Plan Commission’s findings and recommendation; and

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

SECTION 1: The City Council hereby adopts the findings and recommendation of the Plan Commission in the aforescribed case number 99-5-T(R) and amends the text of the Zoning Ordinance, as set forth below.

SECTION 2: That sections 6-11-3-4, 6-11-4-3, 6-11-5-3, and 6-12-2-3 are amended to delete “music venue, live” from the special use lists and to add “performance entertainment venue” to the special use lists in the Downtown Retail Core District, Downtown Core Development District, D4 Downtown Transition District, and Research Park District, respectively.

SECTION 3: That section 6-16-3-5, Table 16 B, “Schedule of Off-Street Parking Requirements”, is hereby amended to include the following under “Cultural Entertainment”, after “Cultural Facilities (not including College/University Facilities)” and before “Swimming Pool or Skating Rink”:

<u>Live Music Performance Entertainment Venue</u>	One space for every 250 square feet of gross floor area devoted to non-seated assembly.
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SECTION 4: That section 6-16-5, Table 16E, “Schedule of Off-Street Loading Requirements”, is hereby amended to read as follows:

Auditoriums, Cultural and Conference Facilities, Live Music Performance Entertainment Venue	10,000-20,000	One short
	20,001-100,000	One long
	each additional 100,000	One long

SECTION 5: That section 6-18-3, “Definitions”, is hereby amended by changing the definitions of “cultural facility” and “music venue, live” to define “performance entertainment,” to read as follows:

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 LIVE MUSIC PERFORMANCE ENTERTAINMENT VENUE .
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MUSIC PERFORMANCE ENTERTAINMENT VENUE, LIVE

A commercial land use in which the principal activity is the provision of ~~live entertainment~~ performance entertainment in a non-theatrical setting without a theatrical stage other than a raised platform or without fixed seating. A ~~LIVE MUSIC 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 ~~LIVE MUSIC 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 ~~live~~ entertainment as an accessory or incidental to the service of prepared food and beverages, nor is a ~~LIVE MUSIC PERFORMANCE ENTERTAINMENT VENUE~~ a cultural facility in which ~~musical~~ performance entertainment is provided in a theatrical setting or with fixed seating.

A PERFORMANCE ENTERTAINMENT VENUE includes without limitation:

1. live music venues;
2. venues for the provision of musical entertainment which is not live for compensation;
3. dance or "DJ" (disk jockey) halls or clubs in which for compensation live or recorded musical entertainment is provided with or without a dance floor;
4. comedy clubs; and
5. rap clubs.

A PERFORMANCE ENTERTAINMENT VENUE does not include: poetry clubs or the use of the property of non-profit institutions for theatrical or musical performances accessory to the non-profit institution or by another non-profit organization.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 10, 2000

Adopted: January 24, 2000

Approved: January 28, 2000

Lorraine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel