

Effective Date: March 3, 2016

11/9/2015
11/10/2015
1/14/2016
1/26/2016

154-O-15

AN ORDINANCE

Amending Portions of the City Code to Add “Automobile and Recreational Vehicle Rental” as a Permitted Use in the C2 Commercial Zoning District and the I2 General Industrial Zoning District and to Add “Truck Sales and/or Rental” as a Permitted Use in the I2 General Industrial Zoning District

WHEREAS, on November 11, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 15PLND-0097 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), to include the addition of rentals to the Automobile and Recreational Vehicle Sales use in the C2 Commercial and the I2 General Industrial Zoning Districts; and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendment meets the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meetings of December 14, 2016 and January 11, 2016, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 15PLND-0097 and recommended City Council approval with the amendment to add “Automobile and recreational vehicle rental” as a permitted use in the C2 Commercial Zoning District and

the I2 General Industrial Zoning District and to add "Truck sales and/or rental" as a permitted use in the I2 General Industrial Zoning District; and

WHEREAS, at its meetings of January 11, 2016, January 25, 2016 and February 8, 2016, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Subsection 6-10-4-2 of the Zoning Ordinance, "Permitted Uses" for the C2 Commercial Zoning District, is hereby amended to read as follows:

6-10-4-2. – PERMITTED USES.

The following uses are permitted in the C2 district:

Automobile and recreational vehicle sales and/or rental.
Automobile repair service establishment.
Automobile service station.
Business or vocational school.
Caterer.
Commercial indoor recreation.
Commercial outdoor recreation.
Commercial shopping center.
Cultural facility.
Educational institution—Private.
Educational institution—Public.
Financial institution.
Food store establishment.
Funeral services excluding on-site cremation.
Government institution.
Neighborhood garden.
Office.
Public utility.

- Recording studio.
- Religious institution.
- Restaurant—Type 1.
- Retail goods establishment.
- Retail services establishment.
- Trade contractor (when having no outside storage).
- Wholesale goods establishment.

SECTION 3: Subsection 6-14-3-2 of the Zoning Ordinance, “Permitted Uses” for the I2 General Industrial Zoning District, is hereby amended to read as follows:

6-14-3-2. – PERMITTED USES.

The following uses are permitted in the I2 district:

- Automobile and recreational vehicle sales and/or rental.
- Automobile body repair establishment.
- Automobile repair service establishment.
- Automobile service station.
- Commercial parking garage.
- Commercial parking lot.
- Craft-brewery.
- Funeral services excluding on site creation.
- Government institution.
- Industrial service establishment.
- Light manufacturing.
- Neighborhood garden.
- Office.
- Public transportation center.
- Public utility.
- Trade contractor.
- Truck sales and/or rental.
- Warehouse establishment.
- Wholesale goods establishment.

SECTION 4: The definition of “LOT, OPEN SALES,” in Subsection 6-18-3 of the City Code, is hereby further amended to read as follows:

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
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	<p>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 <u>and/or rental</u>; truck <u>sales and/or rental</u>; 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.</p>
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SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

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.


SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: January 11, 2015


Adopted: February 8, 2015

Approved:

February 22, 2015


 Elizabeth B. Tisdahl, Mayor

Attest:

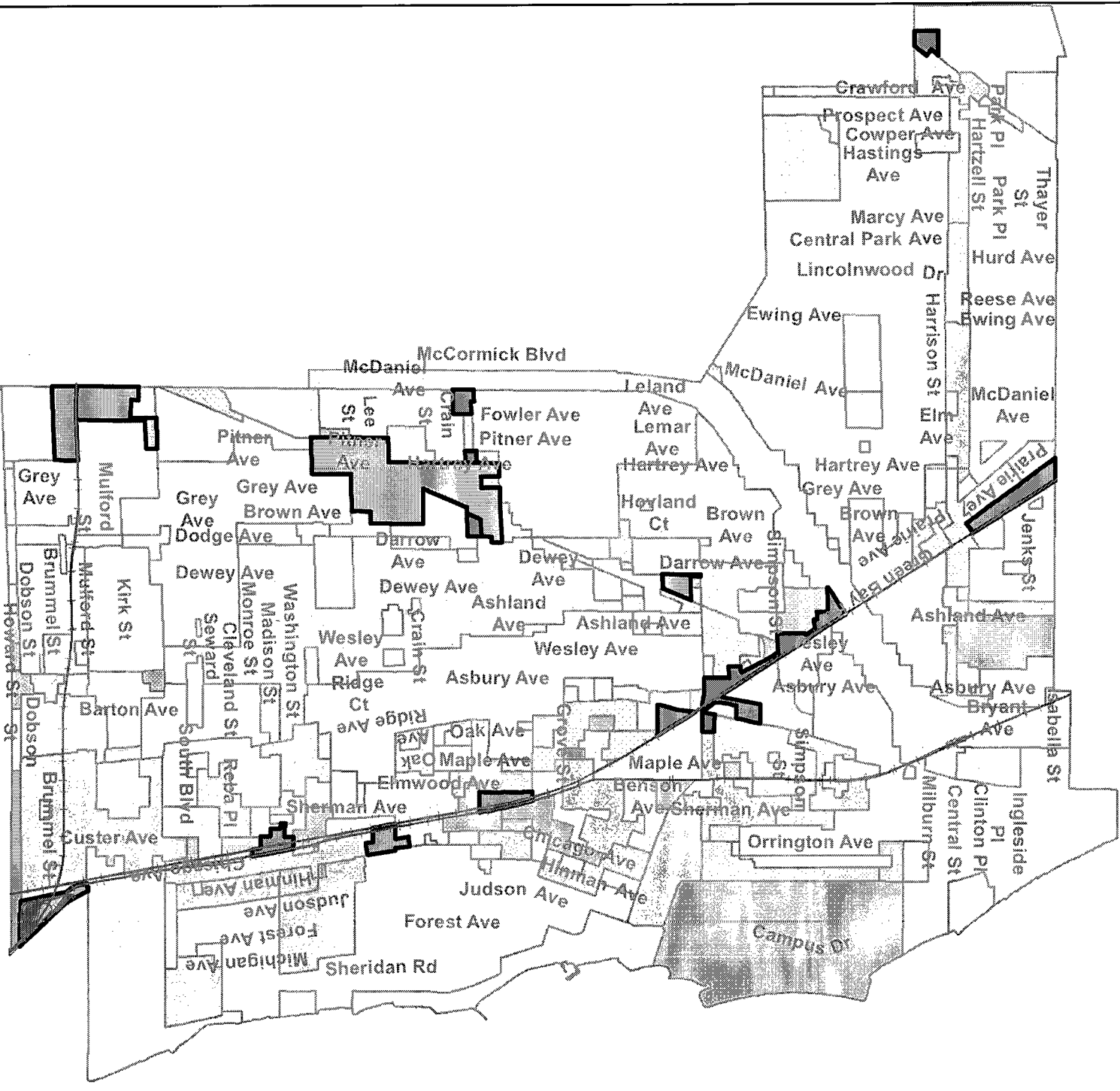

Rodney Greene, City Clerk

Approved as to form:

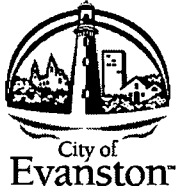

W. Grant Farrar, Corporation Counsel



- C2, Commercial District
- I2, General Industrial District



C2 and I2 Zoning Districts



MEETING MINUTES

PLAN COMMISSION

Wednesday, November 11, 2015

7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Jim Ford (Chair), Colby Lewis, Peter Isaac, Terri Dubin, Andrew Pigozzi, Patrick Brown

Members Absent: Simon Belisle, Kwesi Steele

Associate Members Present:

Associate Members Absent: Seth Freeman, David Galloway, Scott Peters, Lenny Asaro,

Staff Present: Damir Latinovic, Planning and Zoning Administrator
Meagan Jones, Neighborhood and Land Use Planner

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: September 9, 2015

Commissioner Lewis made a motion to approve the minutes from September 9, 2015.

Commissioner Dubin seconded the motion.

A voice vote was taken and the minutes were approved unanimously.

3. NEW BUSINESS

Chairman Ford explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Ford concluded by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

B. ZONING ORDINANCE TEXT AMENDMENT

15PLND-0097

Addition of Rentals to the Automobile and Recreational Vehicle Sales Use

A Zoning Ordinance Text Amendment to City Code Title 6, Zoning, to add vehicle rental to the Automobile and Recreational Vehicle Sales Use

Ms. Jones presented the staff report. She explained that the proposed amendment is an attempt to codify a use, automobile rental, which operates in various locations throughout the City but is not addressed directly in the zoning code. She also stated that staff proposed to add the use to Automobile and Recreational Vehicle Sales uses due to the uses having similar operations. She continued, stating that there was some discussion of using "and/or" since the uses may or may not operate in the same location but staff decided to leave the final decision to include that wording to the Commission.

Commissioner Lewis inquired about the assumptions regarding rental and car dealership locations and stated that car rental facilities and car dealerships may have varying amounts of traffic. Ms. Jones replied, stating that in practice that may be the case due to the increased frequency of car use in rental facilities.

Commissioner Lewis asked where the C2 Commercial and I2 Industrial districts are located in Evanston and if the proposed text amendment would affect the use of the current locations. Ms. Jones replied that the C2 districts are located throughout the City largely among major arterial roads. She then directed attention to the list of current rental facilities, pointing out that they are in varying districts and stated that the existing locations were considered to be retail service establishments, which are allowed in a larger number of zoning districts. The proposed text amendment, though more directly addressing the use, would cause some current facilities to become legally nonconforming.

Chairman Ford clarified that should an entity wish to open outside of the C2 or I2 district they would have to apply for a variance. Ms. Jones stated that would indeed be allowed in districts where automobile and recreational vehicle sales are a special use, however, there are no other districts where this is the case.

Commissioner Lewis confirmed that the proposed text amendment is not looking to change the use per say but is simply adding wording to address vehicle rentals. He then asked why specifically the C2 and I2 zoning districts were being specified in the amendment. Ms. Jones replied that staff is adding vehicle rental use to sections of the code where automobile and recreational vehicle sales use is currently addressed. The C2 and I2 districts are the two districts that permit automobile and recreational vehicle sales.

Commissioner Goddard voiced concern that recently approved developments which have significantly reduced parking could benefit from a rental facility. The proposed text amendment appears to make providing vehicle options more restrictive. Commissioner Lewis agreed, then inquired how car-sharing figures into rental regulations. Ms. Jones answered that in many cases, the Zipcars are located in parking lots which are regulated differently from car rental and sales facilities. Additionally, in recent instances, approved planned developments have had car sharing spaces set aside which are reviewed throughout the planned development approval process.

Mr. Latinovic added that car-share spaces have evolved over time. Several of the major car rental businesses that provide car-sharing services will occasionally reach

out to property owners and come to an agreement regarding placing their vehicles on a property's parking lot. Those agreements include private negotiations that the city does not get involved unless there is a need to ensure the number of required parking spaces is maintained. Planned Developments typically include car sharing spaces which are open to not just residents but the public as well. This proposal addresses the typical car or truck rental business such as a Hertz or Enterprise and seeks to make sure there are clear and consistent regulations for those uses.

Commissioners Dubin and Goddard inquired how the proposed text amendment would affect the ability of the existing Enterprise facility in the City owned Maple Avenue parking garage to remain open. Mr. Latinovic explained that the Maple Avenue location is unique since it is located within the City's parking garage and the Research Park zoning district, requiring different oversight. For other facilities where there is just a small office space being used as the primary point of sales or rental while cars are parked off-site elsewhere, the business would be regulated as a leasing office. The proposed text amendment is addressing those facilities with on-site parking lots around them.

Commissioner Dubin asked for clarification on the differences between car rental and car leasing. Mr. Latinovic explained that they are considered the same. The Enterprise location in question is occupying a retail space on ground floor and its rental vehicles are on-site but within the parking deck.

Chairman Ford asked if the concern is for where cars are stored versus the property use itself. Latinovic clarified that the proposed amendment is intended to cover a loophole where truck or vehicle rental facilities are not specifically addressed.

Commissioner Isaac asked if the City regulated where Zipcar keeps their cars. Mr. Latinovic replied that staff does not actively regulate Zipcar locations; however, if a property owner approaches the City with intent to lease spaces for car-sharing, the City would then get involved. Mr. Latinovic continued, stating that it is generally good practice to allow car-sharing due to research that shows that approximately 15 cars are being taken off road for every car sharing vehicle.

Commissioner Lewis inquired how the City regulates a property that leases its parking spaces. Mr. Latinovic stated that staff is unable to regulate unless the leasing activity is brought to staff's attention. At that point staff can look more closely at the property and follow-up code enforcement would be site specific.

Commissioner Isaac asked if the zoning code requires car sharing spaces on a property to be used solely for that property's residents. He indicated that if this is not the case an owner could rent spaces to only the public instead of the property's residents. Mr. Latinovic stated that the code does have requirements that a property provide on-site parking for residents or the other commercial uses on the property. If staff learns that a property is not complying with those standards, the property is in violation of the code and regulations would be enforced.

Chairman Ford inquired about the Regional Transit Authority (RTA) grant the City was awarded to study parking requirements. A short discussion followed and Chairman Ford requested that staff look not only at parking but also the use of cars

within Transit Oriented Development areas in order to provide a data on the use of car sharing. Latinovic replied that the City is indeed working with RTA to address parking requirements specifically in TOD areas and that staff hopes to have a plan in near future which will provide data on actual vehicle use and parking.

Commissioner Lewis inquired if there will be attention towards temporary use of parking spaces. Mr. Latinovic stated that the code currently does allows for multiple uses to share a parking area.

Chairman Ford asked if the Commission had any proposed modifications to the amendment.

Commissioner Isaac expressed that neither automobiles nor recreational vehicles are defined which brings up a question of what could be considered a vehicle. Ms. Jones agreed, saying that while automobile is not defined, motor vehicle is. Commissioner Lewis clarified that it appears that the text amendment is using specific terms as opposed to general wording that covers more vehicles. A brief discussion followed as to whether or not to exchange "automobile and recreational vehicle" for "motor vehicle" as well as whether or not to use "and/or" in place of "and" with regards to the rental use.

Chairman Ford asked if there were any comments from the Public on this matter.

Jessica Feldman, resident, asked if campers and RV's would fall into motor vehicle use. After a brief discussion it was agreed that these vehicles did not fall into that definition due to their ability to be disconnected from self-propelled wheeled vehicles. It was then suggested that the proposed amendment be revised so that only "automobile" be replaced with "motor vehicle".

Chairman Ford summarized that the proposed changes are to replace "automobile" with "motor vehicle" in addition to replacing "and" with "and/or".

Commissioner Lewis made a motion to recommend approval of the text amendment as amended.

Commissioner Goddard seconded the motion.

A roll call vote was taken and the motion was approved 7-0.

Ayes: Commissioners Pigozzi, Lewis, Dubin, Goddard, Isaac, Brown and Chairman Ford

Nays: None

6. ADJOURNMENT

There being no further discussion, Commissioner Dubin made a motion to adjourn the meeting. Commissioner Goddard seconded the motion.

A voice vote was taken and the motion was approved by voice call 7-0.

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The meeting was adjourned at 8:18 pm.

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