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AN ORDINANCE

Comprehensive Zoning Amendment
Establishing a New Zoning Ordinance

WHEREAS, Resolution 77-R-87, adopted October 26, 1987 established the Zoning Commission; and

WHEREAS, the Zoning Commission was directed to consider comprehensive amendments to the Zoning Ordinance; and

WHEREAS, the Zoning Commission met from October 8, 1988 to May 13, 1991, approximately 42 meetings to consider amendments to the Zoning Ordinance; and

WHEREAS, on June 3, 1991, the Zoning Commission conducted a public hearing on proposed comprehensive amendments to the Zoning Ordinance and referred these comprehensive amendments to the Planning and Development Committee of the City Council; and

WHEREAS, the Planning and Development Committee met from June 17, 1991 to December 16, 1992, approximately 29 meetings to consider the recommendations of the Zoning Commission for the comprehensive amendments to the Zoning Ordinance; and

WHEREAS, the Planning and Development Committee made recommendations for comprehensive amendments to the Zoning Ordinance to the City Council; and

WHEREAS, the City Council on February 2, 1993,

conducted a public hearing on proposed amendments to the Zoning Ordinance; and

WHEREAS, the City Council met from February 17, through April 26, 1993 to consider the comprehensive amendments to the Zoning Ordinance.

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

SECTION 1: That Title 6 of the City Code of the City of Evanston, 1979, as amended, is hereby amended to read as follows:

SEE ATTACHED EXHIBIT A - TEXT.
SEE ATTACHED EXHIBIT B - ZONING MAP.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 27, 1993

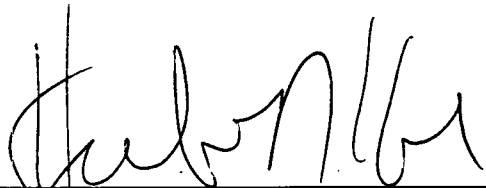
Adopted: April 26, 1993

Approved: May 6, 1993

James W. Barr
Mayor

ATTEST:
Dustin Davis
City Clerk

Approved as to form:


Corporation Counsel

AMENDMENTS TO THE FINAL PUBLIC HEARING DRAFT OF THE ZONING
ORDINANCE APPROVED BY THE CITY COUNCIL ON APRIL 26, 1993

1. Add comments submitted by Daniel Wilson excluding the reference to central standard time relating to food stores. (Copy of Mr. Wilson's comments are attached hereto)
2. Amend section 15.2-8 (O1 District) yard requirements by deleting the additional thirty foot requirement in the front yard so that the front yard will have a 27 foot setback and add to section 15.2-9 building height, "except when a building is adjacent to an R1 District, the line of sight from five feet above the curb directly across the street in the R1 District to the top of the building shall not exceed 15 degrees".
3. Change Frank Wheeby's property from D1 to D2.
4. Adopt third Industrial District text and map as submitted.
5. List bed and breakfasts as special uses in all Residential Districts.
6. Add a 900 foot distancing requirement to Category II Residential Care Homes.
7. Establish an F.A.R. of up to 8.0 in the D3 District with a planned development and establish a building height of 220 feet for towers inclusive of parking and 170 feet for non-towers with a planned development.
8. Amend section 3.5-17(b) to eliminate cross examination of witnesses and add "reasonable examination of witnesses".
9. Change a portion of the C2 District mapped on Green Bay Road to R5. (Map indicating area is attached hereto)
10. Establish ORD District as mapped.
11. Amend chapter eleven to permit planned developments in the D2 District.
12. Eliminate power of subpoenas from all ZBA and Plan Commission procedures.
13. Amend section 3.8-11(b) to eliminate "cross examination of witnesses" and replace with "reasonable examination of witnesses".
14. Amend section 3.4-8 to add thirty days.

15. Incorporate Diane Korling's comments except comment number one relating to section 5.6. (A copy Ms. Korling's letter is attached hereto)
16. Retain section 3.6-6.

TO: Evanston City Council
FROM: Daniel Wilson
1801 Asbury
RE: Inconsistencies Noted in Zoning Ordinance Draft

A quick review of certain sections of the zoning ordinance has revealed the following areas where, I believe, the numerous changes adopted by the Committee of the Whole have not been fully reconciled, such that the published text is inconsistent with the desired intent or other sections, and which might produce problems of interpretation in the future.

I offer these changes simply to reconcile inconsistencies or errors in the text as it is, and not to achieve any change in the drafters' intent.

A. Page 3-14, line 32:

Section 3.6.11 reads: "... and two-hundred fifty (25) feet ..." change to: "250"

B. Page 3-15, line 41 et seq.:

Add the following clause to Section 3.6.12 (c): "The Plan Commission following notice to all property owners whose properties are located within two hundred fifty (250) feet in each direction of the property boundary of the planned development, or five hundred (500) feet in the case of planned developments in D2, D3 and D4 zoning districts, may approve an application ..."

This clause is needed to maintain the intent of section 3.6.11.

C. Page 4-7, line 40:

The sentence that reads: "Residential Care Homes (Category II) may be permitted, as of right, ..." needs to be changed to "may be permitted, as a special use, ..."

Otherwise, you are creating the concept of a by right special use.

D. Page 11-5, lines 11 and 26:

Eliminate the reference to "CST". This is consistent with other sections of the ordinance that deal with time, and removes the problem of interpretation during periods of daylight savings time.

E. Page 11-8, lines 11-17:.

The parking deck height allowances are inconsistent with the definitions of building height set forth in the definitions (see p. 18-3). Language herein refers to floors devoted "exclusively" to parking, while definition says 75%. Language herein also refers to four stories or forty feet, "whichever is greater", while definition states, "whichever is less."

Recommendation: Adopt the language in the definition. It is consistent with present practice; also avoids the theoretical problem of an atrium parking deck.

F. Page 11-9, lines 55-58:

Same issue.

G. Page 11-11, lines 34-39:

Same issue.

H. Page 15-5, line 38:

Change the section reference from 10.1-8 to 15.1-9.

**Diane Fawcett Korling
1914 Orrington Avenue
Evanston, Illinois 60201**

page one of two

**TO: Evanston City Council
Zoning Staff and Consultants**

RE: Evanston Zoning Ordinance, Draft 1-7-93 - Chapter 5. Home Occupations

I have been before you in the course of the long work this ordinance revision has involved on your part, not as a persistent monitor but an occasional commentator, with several community groups. With Design Evanston, I have attended presentations on proposals for the downtown, focussing on future impacts for the city as a whole. With the Northwestern Neighbors I have participated in analysis of and comment on the compatibility of uses affecting primarily those of us adjacent the university here in the First Ward.

During the phase of policy development some four years ago, I appeared with the Preservation League of Evanston. At that time I enumerated my specific concern that provision for home occupations take into account the realities both of employment conditions and of technological possibilities: many an Evanston home is occupied, maintained, and its real estate taxes paid through home-office efforts of a man or woman whose brainpower is supported by computer and a few communication links - the "virtual office," invisible from the street, but available for productive use on a self-determined schedule compatible with child-rearing, property maintenance, and yes, even participation in civic and volunteer organizations.

What I pointed out then has become even more true with extensive layoffs and early retirements through corporate down-sizing: such home office productivity may characterize the beginning of an entrepreneurial career or a later phase in professional life, when circumstance throws the formerly employed individual back on personal resources. A lot of good brains choose to work from home; many more in future may find it is a viable alternative.

Broader societal arguments for this option are reflected in recently enacted Federal Clean Air provisions that mandate reduced vehicle use as part of congestion mitigation and air quality improvement. Trip reductions will be highly valued, and "tele-commuting" will become more and more mainstream. As was shown feasible after the San Francisco earthquake and most recently with the World Trade Center dislocation of workers, links via communication can substitute for physical presence in many types of business, and at saving of time and effort.

That Chapter 5, Home Occupations, has been enlarged from previous drafts indicates that home occupations have indeed been given consideration either by the consultant or your committee.

It had been my intent to rejoin your discussions when your chapter-by-chapter review reached Chapter 5. Review of your February 2 and 27 deliberations suggests that I did not miss discussion of home occupations on those dates. Signed in and offered opportunity to comment at the beginning of your March 15 meeting, I heard statements by others offered on behalf of distinct constituencies, and addressing broad concerns in a statesmanlike way. It appeared that the time for line-by-line review had passed: I was a nit-picker at the wrong meeting.

Upon reconsideration, I believe I may speak not only for myself but for others of an invisible constituency in raising these inquiries. Following are my concerns as to wording and apparent intent of Chapter 5 of the Evanston Zoning Ordinance, Public Hearing Draft of 1-7-93.

Regarding wording and apparent intent of Chapter 5 of the proposed Evanston Zoning Ordinance, Public Hearing Draft of 1-7-93.

As with of-right uses throughout the ordinance, clarity in this document can minimize the need for future interpretation or administrative review, costly both to the City and to property owners.

5.5 MINOR HOME OCCUPATIONS. *A use shall be classified as a minor home occupation and permitted provided...etc.* (Verbs of intent underlined here.)

The intent seems clear (Section 5.3, Section 5.8) that only major home occupations require application and review leading to issuance of a permit. The introductory sentence here could make more clear the legal status of minor home occupations by mirroring and contrasting the language of Section 5.6, eg, "and shall be allowed without permit..." etc.

5.5 (a) speaks of *the dwelling*, 5.5 (c) refers to *the dwelling unit*.

Is the same meaning intended? If not, what distinction is intended?

5.5 (c) states that no one other than a resident...shall be employed *in connection with the operator or the home occupation*.

What does "in connection with" mean?

Is this a typo for "in connection with *the operation of* the home occupation"?

Does this statement intend to limit the activity on the premises, or to limit also the business associations of the person?

Can a minor home occupation consist of paper-work, computer work and communications by one person which involve performance on other premises by other persons who are employees?

5.5 (e) states that, *Deliveries pertaining to the home occupation shall not occur more than once a week and shall be limited to the hours between 8 a.m. and 5 p.m. Monday through Friday.*

What kind of "deliveries" are intended to be restricted? Federal Express and other inter-city and local couriers? US Postal Service? (They deliver Express Mail 365 days a year, greatly to the convenience of both homes and businesses.) How about drop-offs from local office supply stores, whom we like to patronize because of their attention to customer service? And surely a home without a business may receive unlimited deliveries by United Parcel.

Without clarification or some relation to the purpose and intent of 5.1, these restrictions seem unrealistic.

5.5 (b) and 5.5 (d) are similarly ambiguous with respect to a MAJOR HOME OCCUPATION.

The questions above must be addressed also to section 5.5 (b) regarding employees (what does "in connection" mean?) and section 5.5 (d) regarding deliveries.

Copies distributed and oral summary presented to meeting of Tuesday, April 13, 1993

Diane Fawcett Korling . 1914 Orrington Avenue . Evanston, Illinois 60201 . 708-475-4522

CHAPTER 5 - HOME OCCUPATIONS

5.1 PURPOSE AND INTENT. The purpose of this Chapter 5 (Home Occupations) is to permit the establishment of home occupations that are compatible with the residential districts in which they are located.

5.2 DEFINITION. A home occupation is an accessory use of a dwelling unit that is:

- (a) Used for gainful employment that involves the provision, assembly, processing or sale of goods and/or services; and
- (b) Incidental and secondary to the residential use of the structure and does not change the essential residential character of the dwelling unit.

5.3 CLASSIFICATION OF HOME OCCUPATIONS. A home occupation established, pursuant to this Chapter 5 (Home Occupations), shall be classified as either a minor home occupation or a major home occupation in accordance with Sections 5.5 and 5.8, by the Zoning Administrator pursuant to Chapter 3, Section 3.9 (Administrative Interpretations). Home occupations shall be subject to the requirements set forth in Section 5.5 and 5.6 as applicable, in addition to the general requirements for home occupations contained in Section 5.4. No person shall establish a major home occupation without first obtaining from the Zoning Administrator a major home occupation permit pursuant to Section 5.8.

5.4 GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA. All home occupations shall comply with the following standards:

- (a) The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates. (For the purposes of this Section 5.4, a coach house shall be considered part of a principal dwelling unit.);
- (b) The home occupation use shall be conducted entirely within a completely enclosed structure;
- (c) The home occupation shall not interfere with the delivery of utilities or other services to the area;
- (d) The home occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes;
- (e) No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold, or stored on the site;
- (f) There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or use of signage or other advertising or display to identify the business;
- (g) No clients/pupils shall be permitted between the hours of 9 p.m. and 7 a.m.;
- (h) No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed;
- (i) The home occupation shall, at all times, comply with all other applicable laws and ordinances;
- (j) The home occupation shall not cause a significant increase in the amount of traffic or parking on the particular residential street; and

- (k) Garages or carports, whether attached or detached, shall not be used for the home occupation other than for the storage of an automobile used for such home occupation.

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5.5 MINOR HOME OCCUPATIONS. A use shall be classified as a minor home occupation and permitted provided, in addition to the general conditions set forth in Section 5.4, the following specific conditions are met.

- (a) The total area used for the home occupation shall not exceed fifteen percent (15%) or four hundred (400) square feet (whichever is less) of the habitable floor area of the dwelling;
- (b) The direct sale of products off display shelves or racks shall be prohibited;
- (c) No one other than a resident of the dwelling unit shall be employed in connection with the operator or the home occupation;
- (d) No more than three (3) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period;
- (e) Deliveries pertaining to the home occupation shall not occur more than once a week and shall be limited to the hours between 8 a.m. and 5 p.m. Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation; and
- (f) Permitted minor home occupations shall include but shall not be limited to the following:
 - (1) Attorney, CPA, Salesman, Architect/Landscape Architect, Interior Designer, Graphic Artist, Word Processor and Consultant;
 - (2) Artist Studios, provided no retail business is conducted on the premises;
 - (3) Word processing and typing services;
 - (4) Therapists, social workers, human service professionals;
 - (5) Mail order businesses, for receipt of mail order only;
 - (6) Telephone sales;
 - (7) Teaching, instructing, tutoring, or counseling; and
 - (8) Other uses similar to those listed in this Section 5.5 as determined by the Zoning Administrator pursuant to the provisions of Chapter 3, Section 3.9 (Administrative Interpretations).

5.6 MAJOR HOME OCCUPATIONS. A use shall be classified as a major home occupation, and allowed by permit pursuant to Section 5.8 provided, in addition to the general conditions set forth in Section 5.4, the following specific conditions are met:

- (a) The total area needed for the home occupation shall not exceed twenty-five percent (25%) of the habitable floor area of the dwelling;
- (b) The number of persons who are employed in connection with the home occupation, but who are nonresidents of the dwelling, shall not exceed two (2);

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(c) No more than six (6) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than twelve (12) clients avail themselves to a product and/or service during a twenty-four (24) hour period;

(d) Deliveries pertaining to the home occupation shall not exceed three (3) per week, and shall be limited to the hours between 8 a.m. and 5 p.m., Monday through Friday;

(e) A home occupation permit issued to one (1) person shall not be transferable to any other person and, the permit shall not be valid at any address other than the one appearing on the permit;

(f) Permitted major home occupations shall include but are not limited to the following:

- (1) Teaching, instructing, tutoring, or counseling;
- (2) Photo developing;
- (3) Upholstering;
- (4) Dressmaking and alterations;
- (5) Woodworking;
- (6) Jewelry making;
- (7) Wordprocessing and typing;
- (8) Caterers, provided no mechanical or electrical equipment shall be employed other than that customarily used for household purposes;
- (9) Repair services, provided no retail business is conducted on the premises;
- (10) Mail order businesses and telephone sales; and
- (11) Other uses similar to those listed in this Section 5.6 as determined by the Zoning Administrator pursuant to the provisions of Chapter 3, Section 3.9 (Administrative Interpretations).

5.7 PROHIBITED HOME OCCUPATIONS. Certain uses by their nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 5.4, 5.5 and/or 5.6 are prohibited as home occupations:

- (a) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment;
- (b) Animal hospitals, kennels, stables or bird keeping facilities;
- (c) Barber shops or beauty parlors;
- (d) Clubs, including fraternities and sororities;
- (e) Funeral chapels or homes;

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- (c) No more than six (6) clients shall, at one time, avail themselves to a product and/or service provided by a home occupation nor shall more than twelve (12) clients avail themselves to a product and/or service during a twenty-four (24) hour period;
- (d) Deliveries pertaining to the home occupation shall not exceed three (3) per week, and shall be limited to the hours between 8 a.m. and 5 p.m., Monday through Friday.
- (e) A home occupation permit issued to one (1) person shall not be transferable to any other person and, the permit shall not be valid at any address other than the one appearing on the permit;
- (f) Permitted major home occupations shall include but are not limited to the following:
 - (1) Teaching, instructing, tutoring, or counseling;
 - (2) Photo developing;
 - (3) Upholstering;
 - (4) Dressmaking and alterations;
 - (5) Woodworking;
 - (6) Jewelry making;
 - (7) Wordprocessing and typing;
 - (8) Caterers, provided no mechanical or electrical equipment shall be employed other than that customarily used for household purposes;
 - (9) Repair services, provided no retail business is conducted on the premises;
 - (10) Mail order businesses and telephone sales; and
 - (11) Other uses similar to those listed in this Section 5.6 as determined by the Zoning Administrator pursuant to the provisions of Chapter 3, Section 3.9 (Administrative Interpretations).

5.7 PROHIBITED HOME OCCUPATIONS. Certain uses by their nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 5.4, 5.5 and/or 5.6 are prohibited as home occupations:

- (a) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment;
- (b) Animal hospitals, kennels, stables or bird keeping facilities;
- (c) Barber shops or beauty parlors;
- (d) Clubs, including fraternities and sororities;
- (e) Funeral chapels or homes;

- 1 Medical or dental clinics, or general practice of medicine or dentistry;
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- 3 (d) Nursing homes;
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- 5 (h) Restaurants;
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- 7 (i) Warehousing;
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- 9 (j) Welding or machine shops; and
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- 11 (k) Other uses similar to those listed in this Section 5.7 as determined by the Zoning
- 12 Administrator pursuant to the provisions of Chapter 3, Section 3.9,
- 13 (Administrative Interpretations).

14 **5.8 PERMIT PROCEDURES.** The following procedures will apply to major home occupations:

- 15
- 16 (a) Application for a major home occupation permit shall be made to the Zoning
- 17 Administrator on a form provided by the Administrator and shall be accompanied
- 18 by a filing fee established by the City Council;
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- 20 (b) After determining that the major home occupation permit application is complete,
- 21 the Zoning Administrator shall make a decision and notify the applicant in writing
- 22 within fifteen (15) calendar days;
- 23
- 24 (c) All major home occupation permits shall be valid for a period of five (5) years from
- 25 the initial date of approval;
- 26
- 27 (d) Violation of the specific requirements set forth in Section 5.6 or the general
- 28 requirements set forth in Section 5.4 shall be deemed as a violation of this
- 29 Ordinance and shall constitute grounds for revocation of the major home
- 30 occupation permit by the Zoning Administrator pursuant to Chapter 3, Section
- 31 3.10-6 (Revocation of Certificate of Zoning Compliance).
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