

**An Ordinance Amending Various Subsections
of Section 6-3-8 of the Zoning Ordinance
to Provide for City Council Approval
of Variations for Building Height Beyond Fifty Feet**

WHEREAS, the Plan Commission held public hearings on December 10, 1997 and January 14, 1998 pursuant to proper notice in Case No. ZPC 97-8-T(R) to consider a reference to amend the text of the Zoning Ordinance ("Ordinance") to require City Council approval of any variation application for building height beyond fifty (50) feet; and

WHEREAS, currently, Section 6-3-8-10(C) of the Ordinance vests authority in the Zoning Board of Appeals to approve applications for major variations pertaining to building height; and

WHEREAS, based upon the testimony and other evidence taken, the Plan Commission made findings that the proposed amendment met the standards in Section 6-3-4-5 of the Ordinance for text amendments; and

WHEREAS, the Plan Commission voted to recommend that the City Council approve the proposed amendment; 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 and amends Sections 6-3-8-2(C), 6-3-8-10(C), 6-3-8-10(D), 6-3-8-12(E), 6-3-8-13, and 6-3-8-14 of the Ordinance, to read as follows:

6-3-8-2: **AUTHORITY:** The Zoning Administrator, the Zoning Board of Appeals, 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:

(C) The City Council shall retain the authority to grant major variations pertaining to off-street parking ~~and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking.~~

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:

(C) Zoning Board of Appeals Decision: Following the close of the public hearing, the Zoning Board of Appeals 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, ~~and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking,~~ or when the application for major variation pertaining to off-street parking, ~~and off-street loading, and height beyond 50 feet, including within that~~

measurement any height otherwise excluded because the story provides required parking, is combined with any other variation application; for such exceptions, then the Zoning Board of Appeals 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 regarding an application for a major variation for off-street parking, and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, or a combined application for major variation pertaining to off-street parking, and off-street loading, height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, and any other variation, the City Council shall either approve, approve with conditions, or deny the application.

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, ~~or the Zoning Board of Appeals,~~ 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:

(E) Major Variations: Major variations may be authorized by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, or and by the City Council in the case of an application for a major variation to off-street parking, and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, or a combined application for a major variation pertaining to off-street parking, off-street loading, height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, and any other variation, upon making written findings that the proposed variation satisfies the following standards:

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, and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, 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 major variation pertaining to off-street parking, and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking. The Zoning Board of Appeals 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.

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, 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, and off-street loading, and height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, or a combined application for a major variation pertaining to off-street parking, off-street loading,

height beyond 50 feet, including within that measurement any height otherwise excluded because the story provides required parking, and any other variation, and combined major variation applications 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.

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

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

Introduced: February 9, 1998

Adopted: March 23, 1998

Approved: March 26, 1998

Lorraine H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form: [Signature]

