

112-O-03

AN ORDINANCE

**Amending Sections 6-8-2-9, 6-8-3-8, 6-8-4-8, 6-8-5-8,
6-8-6-8, 6-8-7-8, 6-18-3, 6-7-1, and 6-15-14 of the Zoning
Ordinance Regarding Bulk Standards for Residential Districts**

WHEREAS, the Plan Commission held public hearings on July 9, 2003, July 17, 2003, July 30, 2003, August 20, 2003, September 10, 2003, September 17, 2003, October 21, 2003, October 28, 2003, and November 12, 2003 pursuant to proper notice in case no. ZPC 03-07 (T) to consider amendments to the Zoning Ordinance regarding bulk standards for residential Districts, including, building height, yard requirements, lot coverage, and floor area ratio; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a written record and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the subject amendments met the standards for amendments to the text of the Zoning Ordinance; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the Plan Commission's record, findings, and recommendation, with modifications, at its December 15, 2003, January 6, 2004, January 20, 2004, and February 9, 2004 meetings and recommended approval of the said text amendments, as modified; and

WHEREAS, the City Council considered the records and recommendations of the Plan Commission, as modified by the Planning and Development Committee, at its

January 12, 2004, January 26, 2004, February 9, 2004, and February 23, 2004 meetings; and

WHEREAS, the City Council adopted the respective 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:

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That Title 6 of the Evanston City Code of 1979, as amended, be, and it hereby is, further amended by amending Sections 6-8-2-9, 6-8-3-8, 6-8-4-8, 6-8-5-8, 6-8-6-8, and 6-8-7-8, to read as follows:

GLOBAL CHANGES FOR ALL RESIDENTIAL DISTRICTS:

6-8-2-9: MEAN BUILDING HEIGHT: The maximum mean building height in the R1 district is thirty five feet (35') or two and one-half (2 1/2) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

6-8-3-8: MEAN BUILDING HEIGHT: The maximum mean building height in the R2 district is thirty five feet (35') or two and one-half (2 1/2) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

6-8-4-8: MEAN BUILDING HEIGHT: The maximum mean building height in the R3 district is thirty five feet (35') or two and one-half (2 1/2) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

6-8-5-8: MEAN BUILDING HEIGHT: The maximum mean building height in the R4 district is thirty five feet (35') or two and one-half (2 1/2) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and

conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

6-8-6-8: MEAN BUILDING HEIGHT: The maximum mean building height in the R5 district is fifty feet (50') or five (5) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

6-8-7-8: MEAN BUILDING HEIGHT: The maximum mean building height in the R6 district is eighty five feet (85') or eight (8) stories, whichever is less. Notwithstanding the foregoing, any building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03, shall, for the purpose of the district and the requirements of the Zoning Ordinance, be deemed complying with the mean building height requirement and shall have the status of legally permitted structure or use, not a legal non-compliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, Title 6, Nonconforming Uses and Noncomplying Structures. Such conforming status shall continue in the event said building is removed or destroyed by a means within the control of the owner thereof and shall allow for the construction of a building or structure at the height of the building or structure legally existing and conforming to the building height requirement of this district as of the effective date of Ordinance 112-O-03.

SECTION 3: That Section 6-18-3 is hereby further amended by deleting the existing definition of "Building Height" and substituting therefor:

CHAPTER 18, DEFINITIONS:

6-18-3: Definitions

BUILDING HEIGHT, MEAN: (A) The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside

wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses, provided the penthouses cannot be seen from the street. The highest point of the following structures or structure features is used as the high point of the roof in computing mean height level when said structure or feature is a) the highest point of the structure and b) has an outer perimeter enclosing an area of 16 square feet or more regardless of the presence of floor. Said structure or feature is treated as a spire when having an outer perimeter enclosing an area of less than 16 square feet. Said structures or features include: turrets, towers, belfries, cupolas, lanterns, widow's walks or similar structures.

(B) The height of any story of a structure shall be excluded from the calculation of its height when seventy five percent (75%) or more of the gross floor area of such story consists of parking required for the structure (excluding mechanical penthouse). This exclusion of required parking from the calculation of building height shall be applicable to all permitted and special uses in the B3, D2, D3, and D4 zoning districts including planned developments, with the exception of planned developments in the D3 zoning district. Where the required parking exclusion is applicable, it shall in no case be greater than four (4) stories or forty feet (40'), whichever is less.

(C) Anywhere in this Zoning Ordinance where the words building height are indicated without designation of mean building height or absolute building height the reference is to mean building height.

SECTION 4: That Section 6-18-3 is further amended by adding the following definitions in appropriate alphabetical order, to read as follows:

BUILDING HEIGHT, ABSOLUTE: The perpendicular distance above the established grade to the highest point of the building, including parapet walls, but excluding chimneys, spires, and mechanical penthouses, provided the penthouses cannot be seen from the street. The highest point of turrets, towers, belfries, cupolas, lanterns, widow's walks, and similar structures or feature are used as the highest point of the structure when said structure or structure feature is: a) the highest point of the structure, and b) has an outer perimeter enclosing an area of 16 square feet or more regardless of the presence of floors. Said structure or feature is a spire when it has an outer perimeter enclosing an area of less than 16 square feet. Said structures or structure features include: turrets, towers, belfries, cupolas, lanterns, widow's walks or similar structures.

GRADE, ESTABLISHED: The elevation established for regulating the height of buildings. Established grade shall be the mean level of the public sidewalk, where

present, or if no sidewalk, the mean finished surface of the ground off the subject property immediately adjacent to the front lot line.

SUBSTANTIAL REHABILITATION AND SUBSTANTIAL ADDITIONS: Construction or proposed construction that increases the floor area of the principal structure by 35% or more including as added floor area any newly constructed areas at or above the first floor with an interior vertical clearance of 7 feet or more.

SECTION 5: That the following new Sections are added to Title 6 in appropriate alphanumeric order, to read as follows:

6-8-2-10

- (A) The maximum impervious surface ratio for the R1 District is 45%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
 - 1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be counted twice in the calculation of total defined net impervious surface.
 - 2. Subject to the porch exemption of Section 6-8-2-, the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.

- c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material, regardless of whether such an area is finished with paving blocks, are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring, are impervious surfaces, but
 - f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.
3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-3-9

- (A) The maximum impervious surface ratio for the R2 District is 55%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:

1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-2-, the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.
 - c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity, are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material regardless of whether such an area is finished with paving blocks are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring are impervious surfaces, but
 - f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.
 3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-4-9

- (A) The maximum impervious surface ratio for the R3 District is 60%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
 - 1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 - 2. Subject to the porch exemption of Section 6-8-2-, the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.
 - c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity, are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material regardless of whether such an area is finished with paving blocks are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring are impervious surfaces, but

- f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.
- 3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-5-9

- (A) The maximum impervious surface ratio for the R4 District is 55%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
 - 1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be counted twice in the calculation of total defined net impervious surface.
 - 2. Subject to the porch exemption of Section 6-8-2-, the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.

- c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity, are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material regardless of whether such an area is finished with paving blocks are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring are impervious surfaces, but
 - f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.
3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-6-9

- (A) The maximum impervious surface ratio for the R5 District is 60%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:

1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-2- the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.
 - c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity, are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material regardless of whether such an area is finished with paving blocks are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring are impervious surfaces, but
 - f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.
 3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-7-9

- (A) The maximum impervious surface ratio for the R6 District is 65%.
- (B) The impervious surface ratio is calculated by dividing the total defined net impervious surfaces on the zoning lot by the area of the zoning lot.
- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard-surfaced, non-naturally occurring area that does not readily absorb water, including but not limited to any paved, asphalt or concrete areas, parking and driveway areas, graveled areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
 - 1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 - 2. Subject to the porch exemption of Section 6-8-2-, the following standards govern the classification of structures commonly called porches, decks, platforms and terraces as impervious surface or pervious surface:
 - a) All such structures to the extent that they are covered by a solid roof are impervious surfaces, but
 - b) All such structures to the extent that they are open to the sky or covered by a trellis or arbor type covering are pervious or impervious subject to (c) through (f) below.
 - c) All such structures to the extent that they cover asphalt or concrete or similarly treated areas having virtually no porosity, are impervious surfaces, but
 - d) All such structures to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material regardless of whether such an area is finished with paving blocks are pervious or impervious subject to (a) and (b) above and (e) and (f) below.
 - e) All such structures to the extent that they are designed to shed water rather than allow water to fall between individual planks, slats, or other type of flooring are impervious surfaces, but
 - f) All such structures to the extent that they are designed to allow water to fall between individual planks, slats, or other type of flooring are pervious or impervious subject to (a) through (d) above.

3. 20% of areas covered by paving blocks and/ or pervious paving systems to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
- (D) Driveways or walkways legally existing as of the effective date of Ordinance 112-O-03 may be replaced or repaired, provided that the replacing or the repairing is in the same or lesser dimensions as existed on the effective date of said Ordinance.

6-8-2-11

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with the following characteristics:
1. open to the air;
 2. not all-weather;
 3. roofed or not roofed;
 4. screened or not screened;
 5. facing a street;
 6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line; and
 7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-3-10

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with the following characteristics:
 - 1. open to the air;
 - 2. not all-weather;
 - 3. roofed or not roofed;
 - 4. screened or not screened;
 - 5. facing a street;
 - 6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line; and
 - 7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-4-10

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with all the following characteristics:
 - 1. open to the air;
 - 2. not all-weather;
 - 3. roofed or not roofed;
 - 4. screened or not screened;
 - 5. facing a street;

6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line; and
7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-5-10

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with the following characteristics:
1. open to the air;
 2. not all-weather;
 3. roofed or not roofed;
 4. screened or not screened;
 5. facing a street;
 6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line, and
 7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-6-10

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with the following characteristics:

1. open to the air;
2. not all-weather;
3. roofed or not roofed;
4. screened or not screened;
5. facing a street;
6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line; and
7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-7-10

PORCH EXEMPTION FROM MAXIMUM IMPERVIOUS SURFACE AND BUILDING LOT COVERAGE REQUIREMENT:

Excluded from the calculation of maximum building lot coverage and maximum impervious surface for all residential districts are the following:

- (A) 50% of the surface area of porches with the following characteristics:
1. open to the air;
 2. not all-weather;
 3. roofed or not roofed;
 4. screened or not screened;
 5. facing a street,
 6. not a rear or back porch or any portion of a porch between the rear wall of the house and the rear lot line, and
 7. not separated from the street right of way by a fence with both an opacity exceeding 60% and a height exceeding 48 inches.

6-8-2-12

GARAGE DOOR SETBACKS: In the R1 District on any zoning lot served by an open alley, access to any on-site parking, enclosed or unenclosed, shall not cross the front lot line subject to the following exception: on properties improved with legally existing street-loading garages or other on-site parking both served by legally existing curb cuts, as of the effective date of Ordinance 112-O-03, said street loading garages or other on-site parking may be replaced even if on-site parking can access the subject property by an alley.

6-8-3-11

GARAGE DOOR SETBACKS: In the R2 District on any zoning lot served by an open alley, access to any on-site parking, enclosed or unenclosed, shall not cross the front lot line subject to the following exception: on properties improved with legally existing street-loading garages or other on-site parking both served by legally existing curb cuts, as of the effective date of Ordinance 112-O-03, said street loading garages or other on-site parking may be replaced even if on-site parking can access the subject property by an alley.

6-8-4-11

GARAGE DOOR SETBACKS: In the R3 District on any zoning lot served by an open alley, access to any on-site parking, enclosed or unenclosed, shall not cross the front lot line subject to the following exception: on properties improved with legally existing street-loading garages or other on-site parking both served by legally existing curb cuts, as of the effective date of Ordinance 112-O-03, said street loading garages or other on-site parking may be replaced even if on-site parking can access the subject property by an alley.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That 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 9, 2004

Adopted: February 23, 2004

Approved:

February 24, 2004

Lorraine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel