

6/24/04

59-O-04

**AN ORDINANCE
Amending Chapters 8, 9, 10, 11, 12, 13, and 15
Of the Zoning Ordinance
To Provide for Planned Development Minimum Thresholds**

WHEREAS, the Plan Commission held a public hearing on March 10, 2004 and April 14, 2004 pursuant to proper notice in case no. ZPC 04-04T to consider amendments to the Zoning Ordinance to establish the minimum thresholds of development intensity requiring development approval; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, with a written record made thereof, recommended approval of the text amendments, and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the record and recommendation of the Plan Commission with modifications including findings that the proposed amendment met the standards for text amendments in Section 6-3-5-10 of the Zoning Ordinance ("the Ordinance") at its May 24, 2004, June 14, 2004, and June 28, 2004 meetings and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its May 24, 2004, June 14, 2004, and June 28, 2004 meetings; and

WHEREAS, nothing in this Ordinance 59-O-04 shall contravene or be interpreted to contravene the Consent Decree entered in the case of *Northwestern University v. The City of Evanston*, no. 00 C 7309; and

WHEREAS, this Ordinance 59-O-04 providing for Planned Development Minimum Thresholds has been submitted to the Special Committee established by the Consent Decree, and

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: The City Council, after considering and adopting Exhibit A, attached hereto and made a part hereof, finds:

(a) That developments built as of right which cover the maximum allowable amount of the lot and contain the maximum height and density, are of such bulk that they substantially reduce open space, are visually overpowering to neighbors and passersby, are of such a height, materials, or bulk that they are incompatible with the character of their neighborhoods, contribute to a sense of overcrowding, and cast shadows on existing properties. Developments which exceeded 24 dwellings, 20,000 square feet of lot area, or 30,000 square feet of newly constructed floor area, have had the greatest of some or all of the foregoing adverse impacts. Regulation of developments of such sizes through the Planned Development process will provide a mechanism for minimization of their adverse impacts by involving the public in the quality, visual appearance and impact, and quantity of new developments in their neighborhoods, and, as provided for in the planned development purpose statement in Section 6-3-6-1, encourage the efficient use of land, promote greater efficiency in public and utility services, and encourage innovation in the planning and building of all types of development.

(b) That the proposed text amendment meets the standards in Section 6-3-4-5, in that:

(1) The proposed amendment is consistent with the Comprehensive General Plan. The number of dwellings, lot area, and constructed floor area can be used to determine when a given residential or commercial project has a potential impact of

such significance, given the size and character of the City and the City's residential and non-residential neighborhoods, and the proximity of residential and non-residential uses to each other, that individual review is required to encourage the efficient use of land and resources, to promote greater efficiency in public and utility services, and to encourage innovation in planning and building. This review will promote the purpose of the Planned Development process set forth in Section 6-3-6-1 of the Ordinance by encouraging the efficient use of land and resources, promoting greater efficiency in public and utility services, and encouraging innovation in the planning and building of all types of development.

(c) That the proposed text amendment will provide a process designed to assure that a building will be constructed according to submittals and representations of the applicant and will be compatible with the overall character of existing development in the immediately vicinity of the subject property. The appearance of a building in terms of its design and materials can contribute to the compatibility of the building with the neighborhood or detract substantially from it, and that such tendencies are intensified by developments which exceed the thresholds provided for herein.

(d) That the proposed text amendment will not have an adverse effect on the value of adjacent properties in that it will provide a process designed to assure that a building will be constructed according to submittals and representations of the applicant, and will be compatible with the overall character of existing development in the immediate vicinity of the subject property.

(e) That the proposed text amendment will not have an adverse effect upon the adequacy of public facilities and services in that the number of dwellings, lot area, and constructed floor area can be used to determine when a given residential or commercial project has a potential impact of such significance, given the size and character of the City and the City's residential and non-residential neighborhoods, and the proximity of residential and non-residential uses to each other that individual review is required to encourage the efficient use of land and resources, to promote greater efficiency in public and utility services, and to encourage innovation in the planning and building.

(f) The purposes of the Zoning Ordinance and the goals and objectives of the Comprehensive Plan presently are best served as Industrially and Open Space zoned land by the land use controls of the Zoning Ordinance, given the infrequency of new development in the Individual Districts and the very essence of Open Space District as having no development.

SECTION 3: That the text of the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended, by adding new Section 6-8-1-

10(D), 6-9-1-9(D), 6-10-1-9(D), 6-11-1-10(D), 6-13-1-10(D), and 6-15-1-9(D) to read as follows:

Section 6-8-1-10(D): Residential Districts. . .

Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the individual zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-9-1-9(D): Business Districts. . .

Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with

Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-10-1-9(D): Commercial Districts. . .

Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.

2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-11-1-10(D): Downtown Districts. . .

Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.

4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.

5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-12-7(D): Research Park District. . .

(D) Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.

2. The development provides for the construction of more than twenty-four 24 new residential units.

3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.

4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.

5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory

areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-13-1-10(D): Transitional Manufacturing Districts. . .

Mandatory Planned Development Minimum Thresholds. Any proposed development the land use of which is listed among the permitted uses or special uses for the individual zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.
4. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.
5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this Section, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by Section 6-18-3.

Section 6-15-19(D): Special Purpose and Overlay Districts. . .

Mandatory Planned Development Minimum Thresholds. Any development the land use of which is listed among the permitted uses or special uses for the individual zoning district in which the subject property is located, except for the OS, U3,

the properties in the T1 and T2 zoning districts listed in Table 15-B of this Section, meeting any one of the following characteristics may only be authorized as a planned development in accordance with Section 6-3-6. For purposes of this Section, new construction is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a substantial rehabilitation and substantial additions in Section 6-18-3.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.
2. The development provides for the construction of more than twenty-four (24) new residential units.
3. The development plan for which application for a building permit is made contains more than twenty-four (24) units of any one type or in any combination of any commercial, business, retail or office uses.
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TABLE 15-B

Properties Excluded from Application of Section 6-15-19(D)¹

T1 Excluded Properties:

619 Colfax Street

625 Colfax Street

629 Colfax Street

¹ Consent Decree entered in *Northwestern University v. The City of Evanston*, No. 00 C 7309.

T2 Excluded Properties:

(1) T2 properties bounded by Garrett Place to Library Place:

Sheil Catholic Center: 2110 Sheridan Road

2046 Sheridan Road

Private home: 2044 Sheridan Road

2040 Sheridan Road

(2) T2 properties bounded by Library Place to Foster Street:

Family Institute: 618 Library Place

2016 Sheridan Road

2010 Sheridan Road

Blomquist Recreation Center: 617 Foster Street

Parking areas and parking lots as shown on the map in Table 15-C (the parking lot west of Blomquist Recreation Center is not a T2 Excluded Property, as shown in Table 15-C).

(3) T2 properties bounded by Foster Street to Emerson Street:

Foster-Walker complex: 1927 Orrington Avenue (the basketball courts north of Foster-Walker are not a T2 Excluded Property, as shown on the map² in Table 15-C.

Searle Hall: 633 Emerson Street

Transportation Center: 600 Foster Street

619 Emerson Street

All parking areas and parking lots

² The map approved by the Consent Decree entered in *Northwestern University v. The City of Evanston*, No. 00C 7309.

Open space on Foster Street

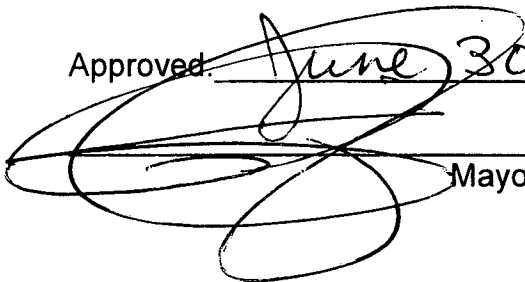
SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: May 24, 2004

Adopted: June 28, 2004

Approved: June 30, 2004



Mayor Pro Tem

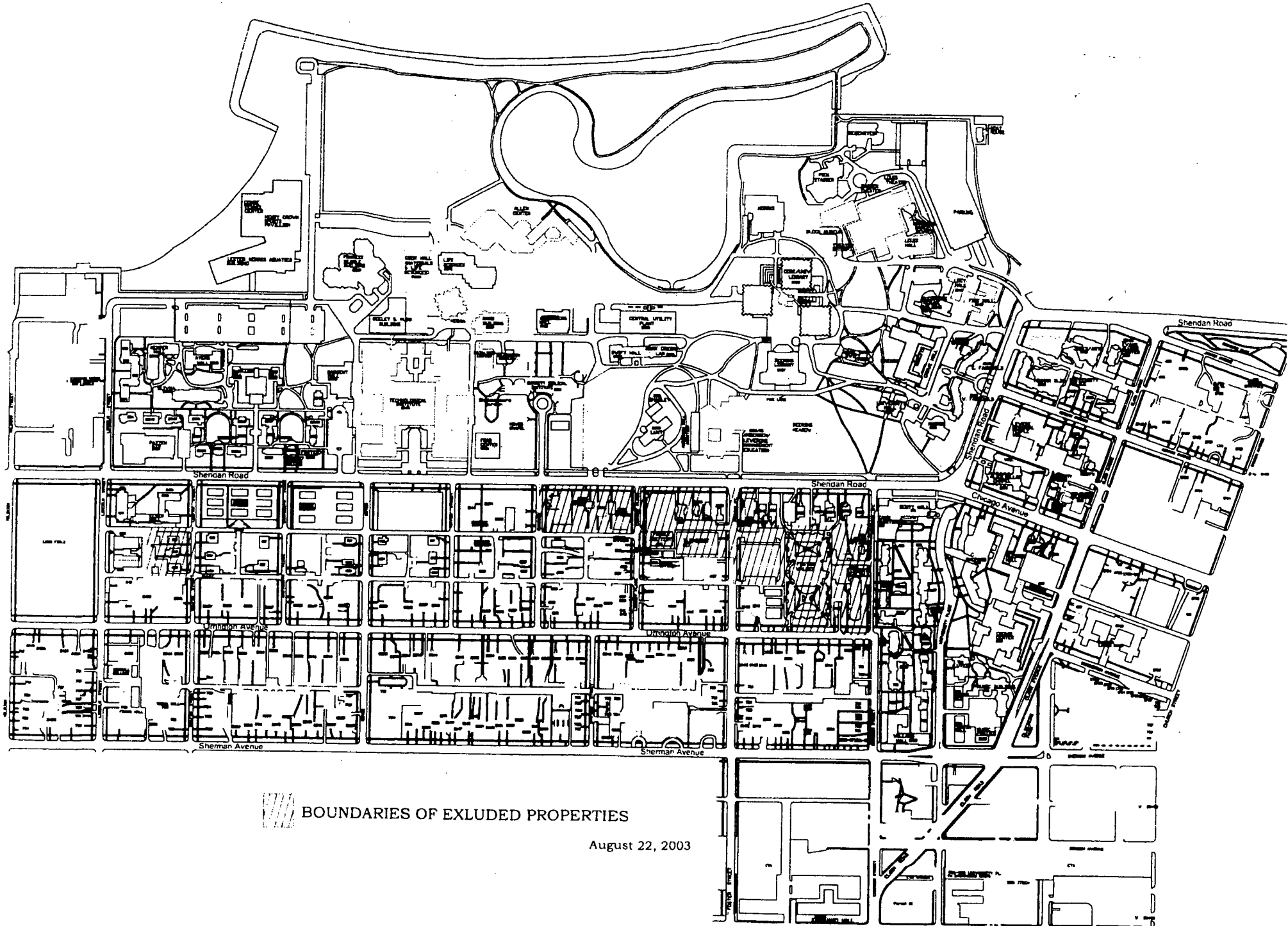
Attest:


Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:


Corporation Counsel

TABLE 15-C



 BOUNDARIES OF EXCLUDED PROPERTIES

August 22, 2003