

3/15/2005
2/7/2005

13-O-05

AN ORDINANCE

Amending Sections 6-9-2-7, 6-9-3-7, 6-9-4-7, 6-11-3-8, 6-11-4-7, and 6-11-5-7 of the Zoning Ordinance Regarding Yard Requirements for B1, B2, and B3 Business Districts and D2 Downtown Retail Core Districts, D3 Downtown Core Development Districts and D4 Downtown Transition Districts

WHEREAS, the Plan Commission held public hearings on July 14, 2004, August 11, 2004, September 1, 2004, September 8, 2004, October 13, 2004, October 26, 2004, November 3, 2004, November 15, 2004, December 1, 2004, December 8, 2004, January 5, 2005, January 12, 2005, and January 19, 2005 pursuant to proper notice in case no. ZPC 04-07 (T) to consider amendments to the Zoning Ordinance regarding yard requirements for B1, B2, and B3 Business Districts and D2 Downtown Retail Core Districts, D3 Downtown Core Development Districts, and D4 Downtown Transition Districts; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a verbatim record and written 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 at its February 14, 2005 and February 28, 2005 meetings and recommended City Council approval of the text amendments; and

WHEREAS, the City Council considered and adopted the respective records, findings, and recommendations of both the Plan Commission and the Planning and Development Committee at its February 14, 2005, February 28, 2005, and March 14, 2005 meetings; 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: That Title 6 of the Evanston City Code of 1979, as amended, be, and it hereby is, further amended by deleting Section 6-9-2-7, Section 6-9-3-7, Section 6-9-4-7, Section 6-11-3-8, Section 6-11-4-7, and Section 6-11-5-7 and substituting respectively therefor the following, to read as follows:

6-9-2-7: YARD REQUIREMENTS:

The yard requirements for the B1 district are as follows:

- (A) Front yard
 - Building on corner property or property comprising forty percent (40%) or more of block width excluding public right of way, three feet (3')
 - Building on property comprising less than forty percent (40%) of block width excluding public right of way, the lesser of three feet (3') or depth on same public right of way of any existing street-facing facades of principal buildings on abutting properties
 - Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited

(B) Side yard when abutting street designated major street in Comprehensive General Plan Building, three feet (3'); open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited

(C) Side yard when abutting street designated collector street or distributor street in Comprehensive General Plan Building, none, if front yard abuts street designated collector street, distributor street, or major street in Comprehensive General Plan

(C) Side yard when abutting street designated collector street or distributor street in Comprehensive General Plan Building, three feet (3'), if front yard abuts street not designated collector street, distributor street, or major street in Comprehensive General Plan

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited

(D) Side yard when abutting street not designated collector street, distributor street, or major street in Comprehensive General Plan Building, none; open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited

(E) Side yard when not abutting street but abutting residential district Building, ten feet (10'); parking, five feet (5')

(F) Side yard when not abutting street and not abutting residential district Building, none; parking, five feet (5')

(G) Rear yard when abutting residential district Building, fifteen feet (15'); parking, fifteen feet (15')

(H) Rear yard when not abutting residential district. Building, ten feet (10'); parking, five feet (5')

6-9-3-7: YARD REQUIREMENTS:

The yard requirements for the B2 district are as follows:

- (A) Front yard
- Building on corner property or property comprising forty percent (40%) or more of block width excluding public right of way, three feet (3')
- Building on property comprising less than forty percent (40%) of block width excluding public right of way, the lesser of three feet (3') or depth on same public right of way of any existing street-facing facades of principal buildings on abutting properties
- Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
- (B) Side yard when abutting street designated major street in Comprehensive General Plan
- Building, three feet (3'); open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
- (C) Side yard when abutting street designated collector street or distributor street in Comprehensive General Plan
- Building, none, if front yard abuts street designated collector street, distributor street, or major street in Comprehensive General Plan
- Building, three feet (3'), if front yard abuts street not designated collector street, distributor street, or major street in Comprehensive General Plan
- Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
- (D) Side yard when abutting street not designated collector street, distributor street, or major street in Comprehensive General Plan
- Building, none; open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
- (E) Side yard when not abutting street but abutting residential district
- Building, ten feet (10'); parking, five feet (5')

- (F) Side yard when not abutting street and not abutting residential district Building, none; parking, five feet (5')
- (G) Rear yard when abutting residential district Building, fifteen feet (15'); parking, fifteen feet (15')
- (H) Rear yard when not abutting residential district. Building, ten feet (10'); parking, five feet (5')

6-9-4-7: YARD REQUIREMENTS:

The yard requirements for the B3 district are as follows:

- (A) Front yard Build to front property line required, meaning no less than seventy percent (70%) of building at grade is within five inches (5") of front property line; open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.
- (B) Side yard when abutting street Build to side property line required, meaning no less than seventy percent (70%) of building at grade is within five inches (5") of side property line; open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.
- (C) Side yard when abutting residential district Building, fifteen feet (15'); parking, ten feet (10')
- (D) Rear yard when abutting residential district Building, fifteen feet (15'); parking, ten feet (10')
- (E) Side yard when abutting nonresidential district Building, none; parking, five feet (5')
- (F) Rear yard when abutting nonresidential Building, ten feet (10'); parking, five feet (5')

district

6-11-3-8: YARDS:

The yard requirements for the D2 District are as follows:

(A) Front yard

Building to front property line is permitted if setbacks on the same public right of way of any existing street-facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way, including but not limited to trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.

(B) Side yard when abutting street

Building to side property line is permitted if setbacks on the same public right of way of any existing street-facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way, including but not limited to trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at

grade, including driveway aisles and ramps, prohibited between building and public right of way.

- (C) Side yard when abutting nonresidential district None; surface parking five feet (5')
- (D) Side yard when abutting side property line in residential district Buildings and parking garages, five feet (5'); surface parking ten feet (10').
- (E) Rear yard Buildings and parking garages: none; surface parking: five feet (5'), except when abutting or adjacent to a residential district; side or rear yard: buildings and parking garages, fifteen feet (15'), surface parking, ten feet (10')

6-11-4-7: YARDS:

The yard requirements for the D3 District are as follows:

- (A) Front yard Building to front property line is permitted if setbacks on the same public right of way of any existing street-facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way, including but not limited to trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.

- (B) Side yard when abutting street Building to side property line is permitted if setbacks on the same public right of way of any existing street-facing

facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way including but not limited to trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.

- (C) Side yard when not abutting street Buildings and parking garages: none; surface parking five feet (5'), except when abutting to a side property line in a residential district: building fifteen feet (15'); surface parking ten feet (10')
- (D) Rear yard Buildings and parking garages and surface parking: none except when abutting a residential district side yard or rear yard; buildings and parking garages, fifteen feet (15'); surface parking ten feet (10')

6-11-5-7: YARDS:

The yard requirements for the D4 District are as follows:

- (A) Front yard Building to front property line is permitted if setbacks on the same public right of way of any existing street-facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way including but not limited to trees, parking

meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.

(B) Side yard when abutting street

Building to side property line is permitted if setbacks on the same public right of way of any existing street-facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street-facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum 5' (five feet) clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way including but not limited to trees; parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way.

(C) Side yard when not abutting street

Buildings and parking garages: none; surface parking five feet (5')

(D) Rear yard

Buildings and parking garages: none; surface parking five feet (5') except when abutting a residential district side yard or rear yard: buildings and parking garages, fifteen feet (15'); surface parking ten feet (10')

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.

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: February 28, 2005

Adopted: March 14, 2005

Approved:

March 17, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel