

8/8/2005

71-O-05

AN ORDINANCE

**Amending the Zoning Ordinance,
Title 6 of the City Code to
Create an R4a Residential Zoning District**

WHEREAS, the Plan Commission met on November 3, 2004, December 3, 2004, January 5, 2005, January 12, 2005, and May 11, 2005, pursuant to proper notice in case no. ZPC 04-11M&T, to consider an application for amendments to the Zoning Ordinance to establish an R4a General Residential District; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a *verbatim* record thereof and determined that the application met the standards for text amendments in Section 6-3-4-5 of the Zoning Ordinance 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 at its August 15, 2005 meeting 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 their August 15, 2005 and September 12, 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 Section 6-7-1(A), "Districts", of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be and hereby is further amended to read as follows:

6-7-1: DISTRICTS:

In order to carry out the purposes of this Ordinance, the City of Evanston is hereby divided into the following zoning districts.

(A) Residential Districts:

- R1 Single-Family Residential District
- R2 Single-Family Residential District
- R3 Two-Family Residential District
- R4 General Residential District
- R4a General Residential District
- R5 General Residential District
- R6 General Residential District

SECTION 3: That Title 6, Chapter 8 of the Zoning Ordinance, "Residential Districts", is hereby amended by renumbering existing Section 6-8-6 as Section 6-8-7, renumbering existing Section 6-8-7 as Section 6-8-8, and

establishing a new Section 6-8-6, "R4a General Residential Districts", to read as follows:

6-8-6: R4a GENERAL RESIDENTIAL DISTRICT

6-8-6-1: PURPOSE STATEMENT:

The R4a general residential district is intended to protect the residential character of this District by providing for a mix of residential types at a medium density in terms of number of dwellings and mass of structures compatible with the single- and two-family detached structures which predominate in this District.

6-8-6-2: PERMITTED USES:

The following uses are permitted in the R4a district:

Daycare home – adult (subject to the general requirements of Section 6-4-3, "Adult Daycare homes", of this title).

Daycare home – child (subject to the general requirements of Section 6-4-2, "Child Daycare homes", of this title).

Dwelling – multiple-family when said use was legally established on (the effective date of this Ordinance).

Dwelling – single-family attached when said use was legally established on (the effective date of this Ordinance).

Dwelling – single-family detached.

Dwelling – two-family when said use was legally established on (the effective date of this Ordinance).

Educational institution – public.

Home occupation – (subject to the general requirements of Chapter 5, "Home Occupations", of this title).

Park.

Playground.

Residential care home – category I (subject to the general requirements of Section 6-4-4, "Residential Care Homes and Child Residential Care Homes", of this title).

Residential care home – category II (subject to the general requirements of Section 6-4-4 “Residential Care Homes and Child Residential Care Homes”, of this title).

Shelter for abused persons.

6-8-6-3: SPECIAL USES:

The following uses may be allowed in the R4a District, subject to the provisions set forth in Section 6-3-5, “Special Uses”, of this title.

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, “Bed and Breakfast Establishments”, of this title).

Cemetery.

Child residential care home.

Community center – public.

Congregate housing.

Cultural facility.

Daycare center – adult (subject to the general requirements of Section 6-4-3, “Adult Daycare Homes”, of this title).

Daycare center – child (subject to the general requirements of Section 6-4-2, “Child Daycare Homes”, of this title).

Dwellings – any increase in the number of dwellings on a single zoning lot above the number legally existing on (the effective date of this Ordinance), or any dwelling other than a single-family dwelling on a zoning lot created after (the effective date of this Ordinance).

Educational institution – private.

Independent living facility.

Long-term care facility.

Membership organization.

Office – (subject to the general requirements of Section 6-4-9, “Office”, of this title).

Planned development – (subject to the general requirements of Section 6-3-6, “Planned developments”, of this title and Section 6-8-1-10, “Planned Developments”, of this Chapter).

Public utility.

Recreation center – public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

Shelter care home.

Transitional shelter – (subject to the general requirements of Section 6-3-5-11, “Additional Standards for a Special Use for Transitional Shelters”, of this title).

Transitional treatment facility – category I (subject to the general requirements of Section 6-4-5, “Transitional Treatment Facilities”, of this title).

Transitional treatment facility – category II (subject to the general requirements of Section 6-4-5, “Transitional Treatment Facilities”, of this title).

6-8-6-4: LOT SIZE:

The minimum lot sizes in the R4a District are as follows:

MINIMUM LOT SIZE	
(A) Single-family dwelling unit	Five thousand (5,000) square feet
(B) Two-family and single-family attached dwelling unit	Two thousand five hundred (2,500) square feet per dwelling unit
(C) Multiple-family dwelling units and group occupancy units	Two thousand five hundred (2,500) square feet per dwelling unit
(D) Nonresidential uses	Ten thousand (10,000) square feet

6-8-6-5: LOT WIDTH:

The minimum lot widths in the R4a District are as follows:

MINIMUM LOT WIDTH	
(A) Single-family detached dwelling unit	Thirty-five feet (35')
(B) Two-family dwellings	Thirty-five feet (35')
(C) Single-family attached dwelling units; three or more	Sixty feet (60'), each dwelling unit requires frontage on a public street
(D) Other uses	Fifty feet (50')

6-8-6-6: BUILDING LOT COVERAGE:

The maximum lot coverage in the R4a District is forty percent (40%).

Building lot coverage shall include two hundred (200) square feet for each required parking space for any residential unit when the required parking space is provided other than within a building.

On a zoning lot that is:

- a) used for a "dwelling" or "dwellings" as herein defined; and
- b) legally nonconforming as to the building lot area;

when a land user seeks zoning certification for a building permit to replace an existing detached garage with a garage having the same ground floor area as the existing garage, such construction shall be an allowed continuance of the legal nonconforming building lot coverage.

6-8-6-7: YARD REQUIREMENTS:

The minimum yard requirements in the R4a District are as follows:

MINIMUM YARD REQUIREMENTS	
(A) Residential structures:	
1) Front yard	Twenty-seven feet (27'); parking prohibited
2) Side yard abutting a street	Fifteen feet (15'); parking prohibited
3) Side yard	Five feet (5')
4) Rear yard	Twenty-five feet (25')

MINIMUM YARD REQUIREMENTS

(B) Nonresidential structures:

1) Front yard	Twenty-seven feet (27') for building; parking prohibited
2) Side yard abutting a street	Fifteen feet (15') for building; parking prohibited
3) Side yard	Ten feet (10') for building; parking prohibited
4) Rear yard	Twenty-five feet (25') for building; five feet (5') for parking

(C) Accessory uses and structures:

1) Front yard	Garages only, twenty-seven feet (27')
2) Side yard abutting a street	Garages only, fifteen feet (15')
3) Side yard	Five feet (5')
4) Rear yard	Three feet (3')

6-8-6-8: MEAN BUILDING HEIGHT:

The maximum mean building height in the R4a 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 hereof, 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 a legally permitted structure or use, not a legal noncompliance, and shall not be subject to or benefit from the allowances, restrictions and procedures of Chapter 6, "Nonconforming Uses and Noncomplying Structures", of this Title. 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 hereof.

6-8-6-9: IMPERVIOUS SURFACE:

(A) The maximum impervious surface ratio for the R4a District is fifty-five percent (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 the 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 6-8-6-10 of this Chapter, 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 of covering are pervious or impervious subject to the subsections (C)2c through (C)2f of this Section;

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 materials regardless of whether such an area is finished with paving blocks are pervious or impervious subject to subsections (C)2a, (C)2b, (C)2e and (C)2f of this Section;

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 surfaces subject to subsections (C)2a through (C)2d of this Section;

3) Twenty percent (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 hereof may be replaced or repaired, provided that the replacing or the repairing is the same or lesser dimensions as existed (on the effective date hereof).

6-8-6-10: PORCH EXEMPTION:

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

(A) Fifty percent (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 sixty percent (60%) and a height exceeding forty-eight inches (48").

6-8-6-11: GARAGE DOOR SETBACKS:

In the R4a 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 hereof, 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 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: August 15, 2005

Adopted: September 12, 2005

Approved: September 13, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

[Signature]
Corporation Counsel