

11/22/2005

136-O-05

AN ORDINANCE

**Amending the Zoning Ordinance,
Title 6 of the City Code to
Create a B1a Business Zoning District**

WHEREAS, the Plan Commission met on September 14, 2005, October 11, 2005, and November 9, 2005, pursuant to proper notice, in case no. ZPC 05-07 M&T, to consider an application for amendments to the Zoning Ordinance to establish a B1a Zoning Business District; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a written 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 November 28, 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 its November 28, 2005 meeting;

**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 6-4-6-7(F) of the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, be and it hereby is further amended to read as follows:

6-4-6-7: SPECIAL REGULATIONS APPLICABLE TO FENCES:

The following regulations shall apply to all fences erected, constructed, installed, or replaced after April 1, 1999. The standards regulating the permitted materials, locations, and heights of fences are summarized in appendix G to this ordinance, "Summary of Fence Standards as Contained in Section 6-4-6-7 of the City of Evanston Zoning Ordinance". ...

(F) Special Regulations For Fences Accessory To All Uses Within The Residential, Business, Commercial, Transitional Campus, University, Downtown, And MU Transitional Manufacturing Districts And Residential And Mixed Uses Within The MUE Transitional Manufacturing District: The following standards shall regulate the erection, construction, replacement, or installation of a fence accessory to all uses within the R1, R2, R3, R4, R5, R6, B1, B1a, B2, B3, C1, C1a, C2, T1, T2, U1, U2, U3, RP, O1, OS, D1, D2, D3, D4, and MU Districts and residential and mixed uses within the MUE District...

SECTION 3: That Section 6-7-1(B) of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be it and hereby is further amended to read as follows:

6-7-1: DISTRICTS:

(B) BUSINESS DISTRICTS:

- B1 Business District
- B1a Business District
- B2 Business District
- B3 Business District

SECTION 4: That Section 6-9-1-9(B) and Section 6-9-1-9(C) of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be it and hereby are further amended to read as follows:

6-9-1-9: PLANNED DEVELOPMENTS:

In addition to the general requirements for planned developments set forth in Section 6-3-6, "Planned Developments"; the Plan Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the business districts unless they shall determine, based on written findings of fact, that the planned development adheres to the standards set forth herein. ...

(B) Site Controls and Standards: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. It is not intended to restrict or inhibit the Site Plan and Appearance Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in the City' "Manual of Design Guidelines" or in common use by design professionals.

1. The minimum area for a planned development established in a business district shall be as follows:

- (a) B1 Ten Thousand (10,000) square feet.
- (b) B1a Ten Thousand (10,000) square feet.
- (c) B2 Ten Thousand (10,000) square feet.
- (d) B3 None.

2. For all boundaries of the planned development abutting a residential property, there shall be provided a transition landscaped strip of at least ten feet (10') consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening". The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.

3. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site destination likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic.

4. The location, construction, and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the business district in which it is located.

5. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.

6. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities, including grading, gutter, piping and treatment of turf and maintenance of facilities.

7. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.

8. For every planned development involving structures exceeding a gross floor area of twenty thousand (20,000) square feet there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as a result of the construction of the proposed development.

9. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) Development Allowances: As provided in section 6-3-6, "Planned Developments", of this title the Plan Commission may recommend approval of, and the City Council may grant, site development allowances for planned developments. Said allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the business districts shall be no more than:

- (a) B1 Twelve feet (12').
- (b) B1a Twelve feet (12').
- (c) B2 Twelve feet (12').
- (d) B3 Twelve feet (12').

2. The maximum increase in the number of dwelling units over that otherwise permitted in the business districts shall be:

- (a) B1 Twenty percent (20%).
- (b) B1a Twenty percent (20%).
- (c) B2 Twenty percent (20%).
- (d) B3 Twenty five percent (25%).

3. The location and placement of buildings may vary from that otherwise permitted in the business districts; however, at no time shall any building be closer than five feet (5') to any interior side lot line abutting a residential district or closer than ten feet (10') to any rear lot line abutting a residential district.

4. The maximum increase in floor area ratio, over that otherwise permitted in the business districts, shall be 1.0. (Ord. 43-0-93) ...

SECTION 5: That Section 6-9-5 of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be it and hereby is further amended to read as follows:

6-9-5: B1a BUSINESS DISTRICT:

6-9-5-1: PURPOSE STATEMENT:

(A) The B1a Business District is designed to accommodate and encourage the continued viable use of neighborhood business districts and pedestrian-oriented shopping areas found throughout the City primarily on arterial roadways and often adjacent to single-family residential areas.

(B) These shopping and business areas are primarily neighborhood-oriented, however, they can also accommodate specialty stores and service facilities that attract a larger market area. The established physical pattern of the district is typically buildings built to or near the front lot line and continuous bands of storefronts. The provisions of this district are intended to maintain pedestrian character and scale within the context of surrounding residential areas.

(C) Uses in the B1a Business District may include businesses catering to the daily shopping needs of neighborhood residents, specialty stores that provide retail opportunities that have broader market appeal, retail service uses and professional service uses, offices and financial institutions without drive-up facilities. No individual use in this district should exceed twenty thousand (20,000) square feet in size.

6-9-5-2: PERMITTED USES:

The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B1a District:

Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).

Caterer.

Cultural facility.

Dwellings (above ground floor).

Education institution – private .

Educational institution – public.

Financial institution.

Food store establishment (hours between 6:00 a.m. and 12:00 midnight).

Governmental institutions.

Offices.

Religious institution.

Residential care home – category I.

Restaurant – type 1.

Retail goods establishment.

Retail services establishment.

6-9-5-3: SPECIAL USES:

The following uses may be allowed in the B1a Business District, subject to the provisions set forth in Section 6-3-5, "Special Uses", of this Title:

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Daycare center – adult

Daycare center – child

Drive-through facility (accessory or principal).

Dwelling – multiple-family.

Food store establishment.

Funeral services, excluding on-site cremation.

Independent living facility.

Membership organization.

Planned development.

Public utility.

Restaurant – type 2.

Trade contractor (provided there is no outside storage).

Uses permitted pursuant to Sections 6-9-5-2 and 6-9-5-3 of this Chapter exceeding twenty thousand (20,000) square feet.

6-9-5-4: LOT SIZE: The minimum lot sizes in the B1a Business District are:

(A) Nonresidential: There is no minimum lot size requirement for nonresidential uses in the B1a Business District.

(B) Residential: The minimum residential lot size in the B1a Business District is nine hundred (900) square feet for each dwelling unit.

Any structure, legally established as of (the effective date of this Ordinance), with a number of dwelling units that exceeds the maximum permitted under Section 6-9-5-4 of this Ordinance 136-O-05, that is damaged or destroyed, by any means not within the control of the owner, to the extent of one hundred percent (100%) of the cost of replacement of such structure new, may be repaired or restored; provided however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction.

6-9-5-5: LOT WIDTH: There is no minimum lot width requirement in the B1a Business District.

6-9-5-6: FLOOR AREA RATIO: The maximum floor area ratio permitted in the B1a Business District is 2.0.

6-9-5-7: YARD REQUIREMENTS: The minimum yard requirements for the B1a Business District are as follows:

(A) Front yard:

Building on corner property or property comprising forty percent (40%) or more of the block width, excluding the 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 the 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 the Comprehensive General Plan:

Building, none, if front yard abuts a designated collector street, distributor street, or major street in the Comprehensive General Plan.

Building, three feet (3'), if front yard abuts a street not designated as a collector street, distributor street, or major street in the 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 as a collector street, distributor street, or major street in the 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 a 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, twenty-five feet (25');
parking, fifteen feet (15').

(H) Rear yard when not abutting nonresidential district:

Building, fifteen feet (15');
parking, five feet (5').

6-9-5-8: BUILDING HEIGHT: The maximum building height in the B1a Business District is forty feet (40') or three (3) stories, whichever is less.

Any structure, legally established as of the effective date of this Ordinance 136-O-05, with a building height that exceeds the maximum permitted under 6-9-5-8 of this Ordinance, that is damaged or destroyed, by any means not within the control of the owner, to the extent of one hundred percent (100%) of the cost of replacement of such structure new, may be repaired or restored; provided however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction.

SECTION 6: That Section 6-16-1-4 of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be it and hereby is further amended to read as follows:

6-16-1-4: EXEMPTION OF REQUIRED PARKING SPACES:

Except as limited in Section 6-16-1-3., the first two thousand (2,000) square feet for any building on a nonresidential lot in the Business B1, B1a, B2, B3, C1, C1a C2, O1, MU, and MUE Districts, and the first three thousand (3,000) square feet for any building on a nonresidential lot in the D1, D2, D3, and D4 Districts shall be exempt from the calculation for required parking spaces. The exemption shall be applied to the least generating use on the lot. Only one exemption shall be allowed per zoning lot.

SECTION 7: That Section 6-16-2-10 of the Zoning Ordinance, Title 6, of the Evanston City Code of 1979, as amended, be it and hereby is further amended to read as follows:

6-16-2-10: RETAIL/SERVICE USES REQUIRED ON GROUND FLOOR OF PARKING STRUCTURES IN B, C AND D DISTRICTS:

Parking structures located in the B1, B1a, B2, B3, C1, C1a, C2, D1, D2, D3 and D4 districts shall include retail or service uses at the ground level of any portion of the structure fronting a dedicated public street.

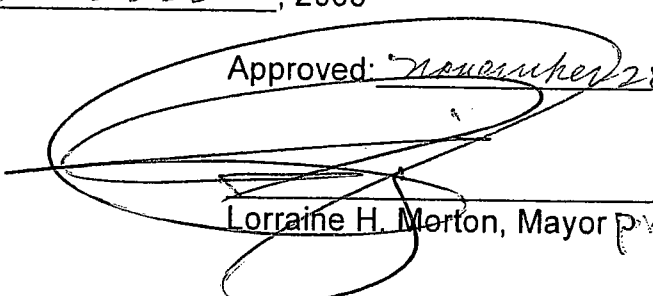
SECTION 8: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: That this ordinance shall be in full force and effect from and after its passage, approval; and publication in the manner provided by law.

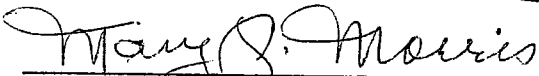
Introduced: November 28, 2005

Adopted: November 28, 2005

Approved: November 28, 2005


Lorraine H. Merton, Mayor pro tem

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Corporation Counsel

