

Effective date: August 10, 2007

6/21/2007

70-0-07

AN ORDINANCE

**Amending Various Sections of the
Zoning Ordinance
That Relate to Substandard Residential Lots**

WHEREAS, the Plan Commission held public hearings on February 14, 2007, March 14, 2007, April 11, 2007, and May 9, 2007, pursuant to proper notice, in case no. ZPC 06-11-T to consider amendments to various sections of the text of the Zoning Ordinance that relate to substandard lots; and

WHEREAS, the Plan Commission received testimony and made verbatim transcripts and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance, that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its July 9, 2007 meeting, the Planning and Development Committee of the City Council adopted the findings and recommendation of the Plan Commission in case no. ZPC 06-11-T and recommended City Council approval thereof; and

WHEREAS, at its July 23, 2007 meeting, the City Council considered and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee, and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-4-1-7 to read as follows:

6-4-1-7: MINIMUM LOT SIZE:

- (A) Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall be erected on a lot or parcel of land that is in accordance with the lot size requirement of the district within which it is located.
- (B) In any residential district, on a lot of record, on the effective date of this Ordinance, a single-family dwelling may be erected regardless of the size of the lot, provided all other requirements of this Ordinance and the City Code are in compliance.

Table 4-B Reduction in Maximum Building Height for Substandard Lots

The following limitations on building height will apply, based on the extent of noncompliance with the lot size requirements for the district in which the property is located. This provision addresses the building height standard as measured in feet only.

Lot size	Reduction in Max. Bldg. Height
>80% but less than 100% of the minimum required lot area	15%
60-80% of minimum required lot area	20%
50-60% of minimum required lot area	25%

In no case may the minimum lot area established be less than 50% of the required minimum lot area for the zoning district in which the property is located.

However, where two (2) or more contiguous substandard recorded and undeveloped lots are in common ownership and are of such size as to constitute at least one conforming "zoning lot", such lots or portions thereof shall be so joined, developed, and used for the purpose of forming a conforming or more nearly conforming zoning lot or lots.

- (C) Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this Ordinance for zoning purposes. In no case shall a lot created illegally be considered a lot of record.

SECTION 2: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-4-1-8 (A)-1 to read as follows:

6-4-1-8: GENERAL LOT AND BULK CONTROLS:

- (A) Control Over Lots: Except as hereinafter provided, no lot, building, structure or premises shall hereafter be used or occupied; no building, structure or premises or part thereof shall be erected, razed, moved, reconstructed, extended, or enlarged except in conformity with the regulations and requirements herein specified for the district in which it is located.

1. In the R1 through R6 Districts, a lot shown on a plat properly recorded in the office of the Cook County Recorder or Registrar of Torrens Titles prior to December 2, 1960, which does not meet the requirements of this Ordinance as to width or area but has a minimum lot width of thirty five feet (35'), may be used for the following dwelling purposes, if it substantially conforms to other requirements of this Ordinance: a) R1 and R2: Single-family dwelling (subject to the limitations/requirements found in Table 4-B of Section 6-4-1-7 of this title) b) R3-R6 Districts: two-family dwelling unit building/duplex.

However, a recorded nonconforming lot may not be used if it was held in common ownership with one or more adjoining lots at any time subsequent to December 2, 1960. Such lots may be used if such lots so held in common ownership together, when used as a single parcel, meet or more nearly meet the requirements of this Ordinance.

SECTION 3: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-2-5 to read as follows:

6-8-2-5: LOT SIZE:

The minimum lot size in the R1 district is seven thousand two hundred square feet (7,200 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B).

SECTION 4: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-2-9 to read as follows:

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, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 5: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-3-4 to read as follows:

6-8-3-4: LOT SIZE:

The minimum lot size in the R2 district is five thousand square feet (5,000 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B).

SECTION 6: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-3-8 to read as follows:

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, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 7: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-4-4 to read as follows:

6-8-4-4: LOT SIZE:

The minimum lot size in the R3 district is: five thousand square feet (5,000 sq. ft.) for single-family dwellings, except as expressly allowed in Section 6-4-1-7 (B); three thousand five hundred square feet (3,500 sq. ft.) per dwelling unit for two - family units; and seven thousand two hundred square feet (7,200 sq. ft.) for nonresidential uses.

SECTION 8: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-4-8 to read as follows:

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, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 9: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-5-4 to read as follows:

6-8-5-4: LOT SIZE:

The minimum lot sizes in the R4 district are:

	<u>Minimum Lot Size</u>
(A) Single-family dwelling unit	Five thousand square feet (5,000 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B)
(B) Two-family and single-family attached dwelling unit	Two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit
(C) Multiple-family dwelling units and group occupancy units	Two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit
(D) Nonresidential use	Ten thousand square feet (10,000 sq. ft.)

SECTION 10: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-5-8 to read as follows:

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, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 11: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-6-4 to read as follows:

6-8-6-4: LOT SIZE:

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

	<u>Minimum Lot Size</u>
(A) Single-family dwelling unit	Five thousand square feet (5,000 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B)
(B) Two-family and single-family attached dwelling unit	Two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit
(C) Multiple-family dwelling units and group occupancy units	Two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit
(D) Nonresidential uses	Ten thousand square feet (10,000 sq. ft.)

SECTION 12: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-6-8 to read as follows:

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, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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.

SECTION 13: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-7-4 to read as follows:

6-8-7-4: LOT SIZE:

The minimum lot sizes in the R5 district are:

Minimum Lot Size

(A) Single-family dwelling unit Five thousand square feet (5,000 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B)

(B) Single-family attached dwelling unit Two thousand square feet (2,000 sq. ft.) each for the first three (3) dwelling units plus one thousand two hundred square feet (1,200 sq. ft.) for each additional dwelling unit

(C) Two-family attached dwelling unit	Two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit
(D) Multiple-family and group occupancy dwelling units	One thousand five hundred square feet (1,500 sq. ft.) each for the first four (4) dwelling units, plus eight hundred square feet (800 sq. ft.) for each additional dwelling unit
(E) Nonresidential use	Ten thousand square feet (10,000 sq. ft.)

SECTION 14: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-7-8 to read as follows:

6-8-7-8: MEAN BUILDING HEIGHT:

The maximum mean building height in the R5 district is fifty feet (50') or five (5) stories, whichever is less, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 15: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-8-4 to read as follows:

6-8-8-4: LOT SIZE:

The minimum lot sizes in the R6 district are:

Minimum Lot Size

- (A) Single-family dwelling unit Four thousand square feet (4,000 sq. ft.), except as expressly allowed in Section 6-4-1-7 (B)
- (B) Two-family and single-family attached dwelling unit Two thousand square feet (2,000 sq. ft.) each for the first two (2) dwelling units plus one thousand square feet (1,000 sq. ft.) for each additional dwelling unit
- (C) Multiple-family and group occupancy dwelling units Five thousand square feet (5,000 sq. ft.) plus four hundred square feet (400 sq. ft.) for each dwelling unit therein
- (D) Nonresidential use Ten thousand square feet (10,000 sq. ft.)

SECTION 16: That the Zoning Ordinance, Title 6 of the Evanston City Code of 1979, as amended, is hereby further amended by revising Subsection 6-8-8-8 to read as follows:

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

The maximum mean building height in the R6 district is eighty five feet (85') or eight (8) stories, whichever is less, except as modified per the requirements found in Table 4-B of Section 6-4-1-7 of this title. 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 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.

SECTION 17: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 18: That if any provision of this Ordinance 70-O-07 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 70-O-07 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 19: 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: July 9, 2007 Approved:
Adopted: July 23, 2007 July 24, 2007

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:
Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel

