

6/9/2009

**44-O-09**

**AN ORDINANCE**

**Amending Sections of the Zoning Ordinance Relating to Office Uses  
in Residential Districts**

**WHEREAS**, on March 25, 2009, and May 13, 2009, the Plan Commission held public hearings, pursuant to proper notice, regarding case no. ZPC 09-PLND-0014 (A-2) to consider amendments to the text of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"), relating to Office uses in Residential Districts; 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 meeting of July 27, 2009, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission, in case no. ZPC 09-PLND-0014 (A-2) and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of August 10, 2009, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

**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 incorporated herein by reference.

**SECTION 2:** That Section 6-4-9 of the Zoning Ordinance, "Office," is hereby deleted in its entirety.

**SECTION 3:** That the Zoning Ordinance is hereby further amended by enacting a new Subsection 6-8-1-11, to read as follows:

**6-8-1-11: SPECIAL CONDITIONS FOR OFFICE USES:**

In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

- (A) The subject property shall be adjacent to any B, C, D, RP, O1, MU, MUE, or I zoning district.
- (B) The subject property shall be improved with, and the office(s) shall be located within, a dwelling originally constructed as a single-family detached or two-family dwelling.
- (C) The Zoning Board of Appeals shall consider, make findings of fact regarding, and, if necessary, attach specific conditions to address, the following characteristics of the proposed use:
  - 1. The number of employees;
  - 2. The amount of parking;
  - 3. The amount of traffic;
  - 4. The number of clients on the subject property at any one time and per day;
  - 5. The hours of operation;
  - 6. The hours during which pickup and delivery are permitted;
  - 7. The manner in which utilities and other services are provided to the area;
  - 8. Sources of noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission to the area;
  - 9. Exterior alterations to the residential appearance of the subject property, including, but not limited to, creating a separate or exclusive office entrance, signage or other advertising or display to identify the office, fencing, and outdoor storage; and
  - 10. The taxable value of buildings and land on, and within the vicinity of, the subject property.

- (D) If the City Council grants the special use, the property owner, or his or her agent, shall provide the Cook County Assessor's office with appropriate documentation of the nonresidential use of the subject property, including, but not limited to, the amount of floor area devoted to nonresidential use. The property owner, or his or her agent, shall cause to be placed on file in the office of the Zoning Division a copy of the above described document. Said document and copy shall be received by the Cook County Assessor's office and Zoning Division before the City may issue a final certificate of occupancy for the nonresidential use.

**SECTION 4:** That Subsection 6-8-5-3 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-5-3: SPECIAL USES:**

The following uses may be allowed in the R4 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).

Educational institution - private.

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of section 6-8-1-11, "Special Conditions for Office Uses," of this title).

Planned development (subject to the 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 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).

**SECTION 5:** That Subsection 6-8-6-3 of the Zoning Ordinance is hereby amended to read as follows:

**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 hereof, or any dwelling other than a single-family dwelling on a zoning lot created after the effective date hereof).

Educational institution - private.

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of section 6-8-1-11, "Special Conditions for Office Uses," 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).

**SECTION 6:** That Subsection 6-8-7-3 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-7-3: SPECIAL USES:**

The following uses may be allowed in the R5 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).

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).

Educational institution - private.

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of section 6-8-1-11, "Special Conditions for Office Uses," of this title).

Planned development (subject to the 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).

**SECTION 7:** That Subsection 6-8-8-3 of the Zoning Ordinance is hereby

amended to read as follows:

**6-8-8-3: SPECIAL USES:**

The following uses may be allowed in the R6 district, subject to the provisions set forth in section 6-3-5, "Special Uses," of this title:

Apartment hotel.

Assisted living facility.

Bed and breakfast establishments (subject to the general requirements of section 6-4-7, "Bed And Breakfast Establishments," of this title).

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).

Educational institution - private.

Independent living facility.

Long term care facility.

Membership organization.

Office (subject to the general requirements of section 6-8-1-11, "Special Conditions for Office Uses," of this title).

Planned development (subject to the requirements of section 6-8-1-10, "Planned Developments," of this chapter and section 6-3-6, "Planned Developments," of this title).

Public utility.

Recreation center - public.

Religious institution.

Retirement community.

Retirement home.

Retirement hotel.

Rooming house.

Shelter care home.

Transitional shelter (subject to the 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).



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

**SECTION 9:** That if any provision of this ordinance 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 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 10:** That this Ordinance 44-O-09 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: July 27, 2009

Approved:

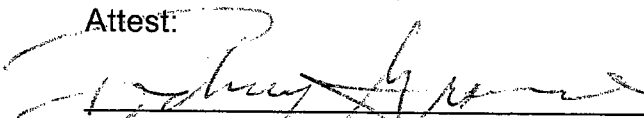
Adopted: August 10, 2009

August 12, 2009



Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
Elke B. Tober-Purze, Interim  
First Assistant Corporation Counsel

