

Effective Date: October 15, 2009

9/29/2009
7/29/2009

66-O-09

AN ORDINANCE

**Amending Various Portions of the Zoning Ordinance
Relating to Air Conditioning Equipment**

WHEREAS, on March 25, 2009, April 15, 2009, June 17, 2009, and July 8, 2009, the Plan Commission held public hearings, pursuant to proper notice, regarding case no. ZPC 09-PLND-0014 (A-8) to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), relating to air conditioning equipment; 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 September 14, 2009, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission, in case no. 09-PLND-0014 (A-8) and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 29, 2009, the City Council considered, amended, and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee, as amended,

**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 Subsection 6-4-6-3-(B)-2 of the Zoning Ordinance is hereby amended to read as follows:

2. Air conditioning equipment subject to Section 6-4-6-9 of this Chapter.

SECTION 3: That the Zoning Ordinance is hereby further amended to include a new Subsection 6-4-6-9 to read as follows:

6-4-6-9: SPECIAL REGULATIONS APPLICABLE TO AIR CONDITIONING EQUIPMENT:

Air conditioning equipment shall not be permitted to be located:

- (A) in the front yard.
- (B) within ten feet (10') of any property line with the following exceptions:
 1. permitted within the required rear yard and within ten feet (10') of the interior side property line.
 2. permitted within ten feet (10') of a street side property line if:
 - (a) the equipment is located within two feet (2') of the principal structure; and
 - (b) landscaping is planted around the unit to obscure it from view of the public.
 3. permitted within ten feet (10') of an interior side property line if:
 - (a) said property line abuts a non-residential district or an alley of at least ten feet (10') in width in its entirety; and
 - (b) said equipment is located within two feet (2') of the principal structure; and

(c) landscaping is planted around the unit to obscure it from view of the public.

4. window air conditioner units are permitted within ten feet (10') but not closer than five feet (5') of any side property line.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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.

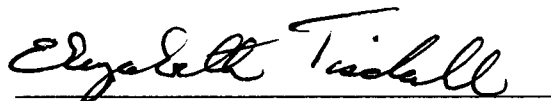
SECTION 6: That this Ordinance 66-O-09 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: September 14, 2009

Approved:

Adopted: September 29, 2009

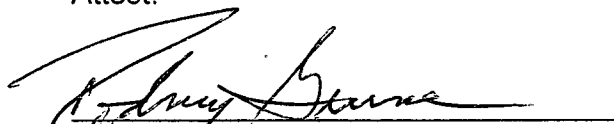
October 1, 2009



Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

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

