

Effective Date: October 28, 2009

9/15/2009

94-O-09

AN ORDINANCE

**Amending Subsection 6-3-8-3 (A) of the Zoning Ordinance
to Make Second-Floor Additions to
Certain Legal Non-Complying Structures Minor Variations**

WHEREAS, on July 29, 2009, and August 12, 2009 the Plan Commission held public hearings, pursuant to proper notice, regarding case number 09-PLND-0056 (C-5) to consider an amendment to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), specifically to amend Subsection 6-3-8-3 (A) thereof; 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 29, 2009, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission, in case number 09-PLND-0056 (C-5) and recommended City Council approval thereof; and

WHEREAS, at its meeting of October 12, 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 Subsection 6-3-8-3 (A) of the Zoning Ordinance, "Minor Variations", is hereby amended to read as follows:

(A) Minor Variations: Minor variations consisting of the following types shall be for single-family and two-family uses only and may be granted up to a maximum of thirty-five percent (35%) unless specified differently below:

1. Front, side, and rear yards and setbacks, including those interior side yard and setback variations necessary for second-floor additions to principal structures that are legally non-conforming with respect to required interior side yards and that have existing interior side yards no less than three feet (3') deep.
2. Height.
3. Minimum setbacks between principal and accessory structures.
4. Other accessory structure requirements.
5. Lot width.
6. Gross lot coverage including impervious surface.
7. Dormer size and location.
8. Modification of a residence to meet the special needs of the disabled.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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.

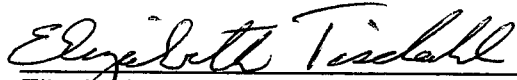
SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: September 29, 2009

Approved:

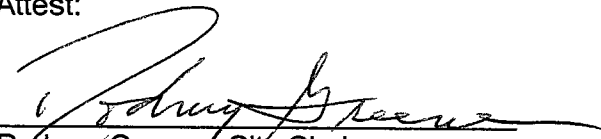
Adopted: October 12, 2009

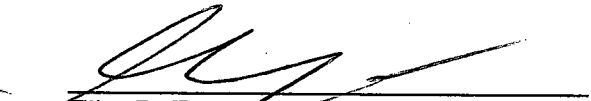
October 14, 2009


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


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