

Effective Date: November 13, 2009

10/26/2009  
10/1/2009

**95-O-09**

**AN ORDINANCE**

**Amending and Enacting Sections of the Zoning Ordinance  
That Relate to Townhouse Orientation**

**WHEREAS**, on July 29, 2009, and August 12, 2009, the Plan Commission held public hearings, pursuant to proper notice, regarding case nos. 09-PLND-0056 (C-2) and (C-6) to consider amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), related to townhouse orientation and active ground floor use requirements in the oCSC Central Street Corridor Overlay District, respectively; 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 meetings of October 12, 2009 and October 26, 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-0056 (C-2), but not (C-6), and recommended City Council approval accordingly; and

**WHEREAS**, at its meeting of October 26, 2009, the City Council considered and adopted the record and recommendations of 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-(D) of the Zoning Ordinance, is hereby amended to read as follows:

**(D)** Major Variations: "Major Variations" shall be defined as all Variations other than Minor Variations and Fence Variations, and shall be limited to the following:

1. Yards and setbacks.
2. Height.
3. Lot size, width and depth (including flag lots).
4. Lot coverage including impervious surface and/or floor area ratio.
5. Off-street parking and loading.
6. Home occupations.
7. Townhouse orientation.

**SECTION 3:** That Subsection 6-3-8-2-(C) of the Zoning Ordinance is hereby amended to read as follows:

**(C)** The City Council shall retain the authority to grant Major Variations pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, and townhouse orientation.

**SECTION 4:** That Subsections 6-3-8-10-(C) and (D) of the Zoning Ordinance are hereby amended to read as follows:

- (C) Zoning Board of Appeals Decision: Following the close of the public hearing, the Zoning Board of Appeals shall either approve, approve with conditions, or deny the application for Major Variation or the combined Variation application, except when the application for Major Variation pertains to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or when the application for Major Variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, is combined with any other Variation application; for such exceptions, the Zoning Board of Appeals shall make a recommendation of approval, approval with conditions, or denial to the City Council for their consideration.
- (D) City Council Decision: Upon receipt of the recommendation of the Zoning Board of Appeals regarding an application for a Major Variation for off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined application for Major Variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other Variation, the City Council shall either approve, approve with conditions, or deny the application.

**SECTION 5:** That Subsection 6-3-8-12-(E) of the Zoning Ordinance is hereby amended to read as follows:

- (E) Major Variations: Major Variations may be authorized by the Zoning Board of Appeals, or by the City Council in the case of an application for a Major Variation to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined application for a Major Variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other Variation, upon making written findings that the proposed Variation satisfies the following standards:

**SECTION 6:** That Subsection 6-3-8-13 of the Zoning Ordinance is hereby amended to read as follows:

**6-3-8-13: SPECIAL PROCEDURES IN CONNECTION WITH COMBINED MAJOR VARIATION APPLICATIONS:**

Whenever an application for a Major Variation would, in addition, require a Major Variation for off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, the applicant shall indicate that fact on the application where indicated and shall, at the time of filing the application for Major Variation, file an application for a Major Variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation. The Zoning Board of Appeals shall and the City Council may combine the applications and review and decide both simultaneously in accordance with the procedures set forth in Section 6-3-8-10 of this Chapter.

**SECTION 7:** That Subsection 6-3-8-14 of the Zoning Ordinance

is hereby amended to read as follows:

**6-3-8-14: CONDITIONS ON VARIATIONS:**

The Zoning Administrator, in the case of applications for Minor Variations and Fence Variations, the Zoning Board of Appeals, in the case of applications for Family Necessity Variations, Major Variations, and combined Major and Minor Variations, and the City Council, in the case of applications for Major Variations pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, or a combined application for a Major Variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or townhouse orientation, and any other Variation, may impose specific conditions and limitations upon the granting of a Variation as are necessary to achieve the purposes and objectives of this ordinance. Such conditions and limitations may include, but are not limited to, those concerning use, construction, character location, landscaping, screening and other matters relating to the purposes and objectives of this ordinance and shall be expressly set forth in the decision granting the Variation. Violation of any such condition or limitation shall be a violation of this ordinance and shall constitute grounds for revocation of the Variation by the Zoning Administrator pursuant to Section 6-3-10-6 of this Chapter.

**SECTION 8:** That Section 6-8-1 of the Zoning Ordinance, "General Requirements" for Residential Districts, is hereby amended to include a new Subsection 12 to read as follows:

**6-8-1-12: TOWNHOUSE ORIENTATION:**

Single-family attached dwelling units, commonly referred to as townhouses, shall have frontage on a public street.

**SECTION 9:** That Subsection 6-8-5-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-5-5: LOT WIDTH:**

The minimum lot width in the R4 District is as follows:

	Minimum Lot Width
(A) Single-family detached dwelling unit	Thirty-five feet (35')
(B) Two-family dwellings	Thirty-five feet (35')
(C) Single-family attached dwelling unit; three (3) or more	Sixty feet (60')
(D) Other uses	Fifty feet (50')

**SECTION 10:** That Subsection 6-8-6-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-6-5: LOT WIDTH:**

The minimum lot width in the R4a District is as follows:

	Minimum Lot Width
(A) Single-family detached dwelling unit	Thirty-five feet (35')
(B) Two-family dwellings	Thirty-five feet (35')
(C) Single-family attached dwelling units; three (3) or more	Sixty feet (60')

- (D) Other uses Fifty feet (50')

**SECTION 11:** That Subsection 6-8-7-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-7-5: LOT WIDTH:**

The minimum lot width in the R5 District is as follows:

	Minimum Lot Width
(A) Single-family detached dwelling unit	Thirty-five feet (35')
(B) Two-family dwellings	Thirty-five feet (35')
(C) Single-family attached dwelling units; three (3) or more	Sixty feet (60')
(D) Other uses	Fifty feet (50')

**SECTION 12:** That Subsection 6-8-8-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-8-8-5: LOT WIDTH:**

The minimum lot width in the R6 District is as follows:

	Minimum Lot Width
(A) Single-family detached dwelling unit	Thirty-five feet (35')
(B) Two-family dwellings	Thirty-five feet (35')
(C) Single-family attached dwelling units; three (3) or more	Sixty feet (60')
(D) Other uses	Fifty feet (50')

**SECTION 13:** That Section 6-13-1 of the Zoning Ordinance, "General Requirements" for Transitional Manufacturing Districts, is hereby amended to include a new Subsection 11 to read as follows:

**6-13-1-11: TOWNHOUSE ORIENTATION:**

Single-family attached dwelling units, commonly referred to as townhouses, shall have frontage on a public street.

**SECTION 14:** That Subsection 6-13-2-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-13-2-5: LOT WIDTH:**

The minimum lot width requirements for the MU District are as follows:

(A) Nonresidential Uses: The minimum lot width requirement for nonresidential uses in the MU District is thirty-five feet (35').

(B) Residential Uses:

	Minimum Lot Width
1. Single-family detached	Thirty-five feet (35')
2. Single-family attached dwelling unit; three (3) or more	Sixty feet (60')
3. Two-family	Fifty feet (50')
4. Multiple-family	Fifty feet (50')

**SECTION 15:** That Subsection 6-13-3-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-13-3-5: LOT WIDTH:**

The minimum lot width requirements for the MUE District are as follows:

(A) Nonresidential Uses: There is no minimum lot width requirement for nonresidential uses in the MUE District.

(B) Residential Uses:

	Minimum Lot Width
1. Single-family detached	Thirty-five feet (35')
2. Single-family attached dwelling unit; three (3) or more	Sixty feet (60')

- 3. Two-family Fifty feet (50')
- 4. Multiple-family Fifty feet (50')

**SECTION 16:** That Subsection 6-13-4-5 of the Zoning Ordinance is hereby amended to read as follows:

**6-13-4-5: LOT WIDTH:**

The minimum lot width requirements for the MXE District are as follows:

	Minimum Lot Width
<b>(A)</b> Nonresidential Uses	Thirty-five feet (35')
<b>(B)</b> Residential Uses	
1. Single-family detached	Thirty-five feet (35')
2. Single-family attached dwelling unit; three (3) or more	Sixty feet (60')
3. Two-family	Thirty-five feet (35')
4. Multiple-family	Fifty feet (50')

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

**SECTION 18:** 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 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: October 12, 2009

Approved:

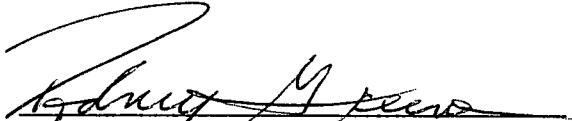
Adopted: October 26, 2009


October 30, 2009

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

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