

39-O-12

AN ORDINANCE

**Amending Portions of the Zoning Ordinance
Related to Home Occupations**

WHEREAS, on February 21, March 15, and March 21, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0011, to consider amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), specifically regulations for Home Occupations; and

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

WHEREAS, at its meeting of May 14, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0011 and recommended City Council approval thereof; and

WHEREAS, at its meetings of May 14, May 29, and June 11, 2012, the City Council considered and adopted the records and recommendations of the Plan Commission and Planning and Development Committee,

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: Subsection 6-5-4-(H) of the Zoning Ordinance is hereby amended to read as follows:

- (H) No outdoor display or storage of materials, goods, supplies or equipment shall be allowed on the premises, except for lawfully parked vehicles.

SECTION 3: Subsection 6-5-4-(K) of the Zoning Ordinance is hereby amended to read as follows:

- (K) No more than fifty percent (50%) of any garage, whether attached or detached, may be used for any Home Occupation.

SECTION 4: Section 6-5-7 of the Zoning Ordinance is hereby amended to read as follows:

6-5-7: PROHIBITED HOME OCCUPATIONS:

Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for Home Occupations, and thereby impair the integrity of the residential district in which they are located, or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6, are prohibited as Home Occupations:

- (A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.
- (B) Animal hospitals, kennels, stables or bird keeping facilities.
- (C) Barber shops or beauty parlors.
- (D) Clubs, including fraternities and sororities.
- (E) Funeral chapels or homes.
- (F) Medical or dental clinics.
- (G) Restaurants.

- (H) Warehousing.
- (I) Welding or machine shops.
- (J) Commercial rug/carpet cleaning/repair businesses when the rugs and/or carpets are cleaned and/or repaired on the premises.
- (K) Swimming pool cleaning/supply businesses when chemicals for said businesses are stored on the premises.
- (L) Landscaping businesses when equipment, supplies, and/or other materials for said businesses are stored on the premises.
- (M) Uses that impair the integrity of the residential neighborhood in which they are located, exert a negative influence on the residential neighborhood in which they are located, and/or other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations".

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 Title that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: May 14, 2012

Approved:

Adopted: June 11, 2012

June 13, 2012

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel