

Effective Date: November 4, 2012

10/22/2012
10/8/2012
9/12/2012

72-O-12

AN ORDINANCE

**Amending Portions of the Zoning Ordinance Relating to Dormers
and Building Height in the R1, R2, R3, R4, and R4a Zoning Districts**

WHEREAS, on June 13, July 11, July 18, August 15, and September 12, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0047 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), relating to building height and dormer regulations in Residential zoning districts; and

WHEREAS, the Plan Commission received testimony and made written 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 October 8, 2012, the Planning and Development Committee ("P&D Committee") of the City Council considered, amended, and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0047 and recommended City Council approval thereof, as amended; and

WHEREAS, at its meetings of October 8 and October 22, 2012, the City Council considered, amended, and adopted the records and recommendations of the Plan Commission as amended by the P&D Committee and City Council,

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

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

SECTION 2: Subsection 6-8-2-9 of the Zoning Ordinance is hereby amended to read as follows:

6-8-2-9: MAXIMUM BUILDING HEIGHT:

- (A) The maximum building height for any principal structure in the R1 District, including any exterior knee-wall, shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less.
- (B) Any building or structure legally existing as of the effective date of Ordinance 72-O-12 shall be deemed compliant with this maximum building height requirement and, with regards to height, shall have the status of a legally permitted building or structure, not a noncompliance. Such conforming status shall continue in the event said building is destroyed by a means not within control of the owner thereof and shall allow for construction of a replacement building or structure at the height of the destroyed building or structure.

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

6-8-3-8: MAXIMUM BUILDING HEIGHT:

- (A) The maximum building height for any principal structure in the R2 District, including any exterior knee-wall, shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less.
- (B) Any building or structure legally existing as of the effective date of Ordinance 72-O-12 shall be deemed compliant with this maximum building height requirement and, with regards to height, shall have the status of a legally permitted building or structure, not a noncompliance. Such conforming status shall continue in the event said building is destroyed by a means not within control of the owner thereof and shall allow for construction of a replacement building or structure at the height of the destroyed building or structure.

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

6-8-4-8: MAXIMUM BUILDING HEIGHT:

- (A) The maximum building height for any principal structure in the R3 District, including any exterior knee-wall, shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less.
- (B) Any building or structure legally existing as of the effective date of Ordinance 72-O-12 shall be deemed compliant with this maximum building height requirement and, with regards to height, shall have the status of a legally permitted building or structure, not a noncompliance. Such conforming status shall continue in the event said building is destroyed by a means not within control of the owner thereof and shall allow for construction of a replacement building or structure at the height of the destroyed building or structure.

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

6-8-5-8: MAXIMUM BUILDING HEIGHT:

- (A) The maximum building height for any principal structure in the R4 District, including any exterior knee-wall, shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less.
- (B) Any building or structure legally existing as of the effective date of Ordinance 72-O-12 shall be deemed compliant with this maximum building height requirement and, with regards to height, shall have the status of a legally permitted building or structure, not a noncompliance. Such conforming status shall continue in the event said building is destroyed by a means not within control of the owner thereof and shall allow for construction of a replacement building or structure at the height of the destroyed building or structure.

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

6-8-6-8: MAXIMUM BUILDING HEIGHT:

- (A) The maximum building height for any principal structure in the R4a District, including any exterior knee-wall, shall not exceed thirty-five feet (35'), measured from grade to the highest point of said structure, or two and one-half (2½) stories, whichever is less.

- (B) Any building or structure legally existing as of the effective date of Ordinance 72-O-12 shall be deemed compliant with this maximum building height requirement and, with regards to height, shall have the status of a legally permitted building or structure, not a noncompliance. Such conforming status shall continue in the event said building is destroyed by a means not within control of the owner thereof and shall allow for construction of a replacement building or structure at the height of the destroyed building or structure.

SECTION 7: Subsection 6-8-1-8 of the Zoning Ordinance, "Dormers" in the Residential Districts, is hereby amended to read as follows:

6-8-1-8: DORMERS:

The following dormer requirements shall apply to all roof cuts on a pitched roof located above the second story:

- (A) Total side dormers shall occupy no more than thirty percent (30%) of the length of a side wall;
- (B) A side dormer shall not be located within the twenty percent (20%) of the length of the side wall closest to the front facade;
- (C) A front dormer shall occupy no more than thirty percent (30%) of the length of the front building face. The dormer shall be located within the center sixty percent (60%) of the length of the front facade (i.e., a front dormer shall not be located within the twenty percent (20%) of the length of the front facade at either edge of the facade).

SECTION 8: Subsection 6-4-1-7-(B) of the Zoning Ordinance is hereby amended to read as follows:

- (B) In any residential district, on a lot of record, on the effective date hereof, a single-family dwelling may be erected regardless of the size of the lot, provided all other requirements of this Code are in compliance.

Where two (2) or more contiguous, substandard, recorded, and undeveloped lots are in common ownership, such lots shall be so joined, developed, and used for the purpose of forming a conforming or more nearly conforming zoning lot.

SECTION 9: Subsection 6-4-6-2-(G) of the Zoning Ordinance is hereby amended to read as follows:

- (G) No accessory building shall exceed fourteen and one-half feet (14½') in height for a flat roof or mansard roof, or twenty feet (20') measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages in Section 6-4-6-4 of this Chapter.

SECTION 10: The portion of Section 6-18-3 of the Zoning Ordinance, "Definitions," that defines "story, half," is hereby amended to read as follows:

STORY, HALF: That portion of a building between a sloped roof and the building's top story or exterior knee-wall, if applicable. The minimum slope ratio of any roof above a half story shall be 2:12.

SECTION 11: Section 6-18-3 of the Zoning Ordinance, "Definitions," is hereby amended to include the following:

KNEE-WALL, EXTERIOR: That portion of a building, with vertical walls, located between the top full story and a half story. Exterior knee-walls shall not exceed three feet (3') in height. In order to allow for additional height while minimizing bulk, exterior knee-walls above the second story are not allowed except on buildings with gable or hip roofs.

SLOPE RATIO: The ratio of the vertical rise of a sloped surface to its horizontal run (e.g., a surface that rises 2 inches within a run of 12 inches has a slope ratio of 2:12).

SECTION 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13: 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 14: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 15: 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.

Introduced: October 8, 2012

Approved:

Adopted: October 22, 2012

October 25, 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