

Effective Date: November 9, 2015

9/2/2015

121-O-15

AN ORDINANCE

Amending City Code Subsection 6-11-1-10(C)(1), “Developmental Allowances” for Planned Developments in the Downtown Districts and Subsection 6-18-3, “Definitions”

WHEREAS, on September 9, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 15PLND-0074 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), to specify height requirements of a building approved as a planned development in the D3 Downtown District to match other downtown 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 amendment meets the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of October 12, 2015, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 15PLND-0074 and recommended City Council approval thereof; and

WHEREAS, at its meetings of October 12, 2015 and October 26, 2015, 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, THAT:**

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

SECTION 2: Subsection 6-11-1-10(C)(1) of the Zoning Ordinance, "Development Allowances" for Planned Developments in the Downtown Districts, is hereby amended to read as follows:

1. The maximum height increase over that otherwise permitted in the downtown districts shall be as follows:

(a) D1	Twenty-four (24) feet.
(b) D2	Forty-three (43) feet.
(c) D3	Eighty-five (85) feet. (For lots that exceed ninety-five (95) feet in width a tower or towers may be erected to a height of two hundred twenty (220) feet, provided that the tower or towers above a height of 42 feet, shall be set back not less than thirty (30) feet from any front lot line or side lot line abutting a street and twenty-five (25) feet from an interior side lot line. Further, no tower shall be located less than fifty (50) feet from any other tower located on the same lot.)
(d) D4	Forty (40) feet.

The height of any story of a building approved as a planned development pursuant to Section 6-3-6 of this Title may be excluded from the calculation of building height when seventy-five percent (75%) or more of the gross floor area of such story consists of parking required for the building, excluding mechanical penthouse, however, in no case shall this exclusion be greater than four (4) stories or forty (40) feet, whichever is less.

SECTION 3: The definition for “Building Height, Mean” in Subsection 6-18-3 of the Zoning Ordinance, “Definitions,” is hereby amended to read as follows:

<p>BUILDING HEIGHT, MEAN:</p>	<p>(A) The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street. The highest point of the following structures or structure features is used as the high point of the roof in computing mean height level when said structure or feature is: 1) the highest point of the structure and 2) has an outer perimeter enclosing an area of sixteen (16) square feet or more regardless of the presence of floor. Said structure or feature is treated as a spire when having an outer perimeter enclosing an area of less than sixteen (16) square feet. Said structures or features include: turrets, towers, belfries, cupolas, lanterns, window's walks or similar structures.</p>
	<p>(B) The height of any story of a structure shall be excluded from the calculation of its height when seventy-five percent (75%) or more of the gross floor area of such story consists of parking required for the structure (excluding mechanical penthouse or solar collector). This exclusion of required parking from the calculation of building height shall be applicable to all permitted and special uses in the B3, D2, D3, and D4 zoning districts including planned developments, with the exception of planned developments in the D3 zoning district. Where the required parking exclusion is applicable, it shall in no case be greater than four (4) stories or forty (40) feet, whichever is less.</p> <p>(C) Anywhere in this zoning ordinance where the words building height are indicated without designation of mean building height or absolute building height the reference is to mean building height.</p>

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

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

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.

Introduced: October 12, 2015

Approved:

Adopted: October 26, 2015

October 30, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk (WB)

W. Grant Farrar
W. Grant Farrar, Corporation Counsel