

Effective Date: June 13, 2013

12/3/2015
5/19/2016

165-O-15

AN ORDINANCE

Amending Portions of the City Code to Amend the Impervious Surface Coverage and Building Lot Coverage Regulations

WHEREAS, on November 11, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 15PLND-0080 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"), to modify which structures and surfaces are included in the calculation of maximum impervious surface coverage and building lot coverage regulations; 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, after the December 14, 2015 meeting of the Planning and Development Committee of the City Council, City staff submitted its revisions to the text amendment of the Zoning Ordinance pursuant to the City Council's request at the December 14, 2015 meeting, allowing any uncovered deck or portion thereof covering three percent (3%) or less of a lot area to be excluded from impervious surface coverage calculation; and

WHEREAS, at its meetings of December 14, 2015 and May 9, 2016, the Planning and Development Committee of the City Council considered the amended

application and adopted the respective findings and recommendation of the Plan Commission in case no. 15PLND-0080 with the city staff amendment and recommended City Council approval thereof; and

WHEREAS, at its meetings of May 9, 2016 and May 23, 2016, 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 6-8-2-10(C) of the Zoning Ordinance is hereby amended to read as follows:

- (C)** The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-2-11 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) Uncovered Decks with Permeable Surface Areas Underneath: Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the building lot coverage and impervious surface coverage calculation.

- (b) Uncovered Decks with Impermeable Surface Areas Underneath: One hundred percent (100%) of the lot area covered by an uncovered deck counts towards building lot coverage and impervious surface area
3. Twenty percent (20%) of areas covered by paving made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
 4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 3: Subsection 6-8-3-9(C) of the Zoning Ordinance is hereby amended to read as follows:

- (C)** The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-3-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) Uncovered Decks with Permeable Surface Areas Underneath: Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) Uncovered Decks with Impermeable Surface Areas Underneath: One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.

3. Twenty percent (20%) of areas covered by paving blocks made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 4: Subsection 6-8-4-9(C) of the Zoning Ordinance is hereby

amended to read as follows:

- (C)** The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-4-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) **Uncovered Decks with Permeable Surface Areas Underneath:** Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) **Uncovered Decks with Impermeable Surface Areas Underneath:** One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.
 3. Twenty percent (20%) of areas covered by paving made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar

material shall be excluded from the calculation of net impervious surfaces.

4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 5: Subsection 6-8-5-9(C) of the Zoning Ordinance is hereby

amended to read as follows:

- (C)** The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-5-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) **Uncovered Decks with Permeable Surface Areas Underneath:** Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) **Uncovered Decks with Impermeable Surface Areas Underneath:** One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.
 3. Twenty percent (20%) of areas covered by paving made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 6: Subsection 6-8-6-9(C) of the Zoning Ordinance is hereby

amended to read as follows:

- (C)** The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-6-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) **Uncovered Decks with Permeable Surface Areas Underneath:** Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) **Uncovered Decks with Impermeable Surface Areas Underneath:** One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.
 3. Twenty percent (20%) of areas covered by paving blocks of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
 4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 7: Subsection 6-8-7-9(C) of the Zoning Ordinance is hereby amended to read as follows:

- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-7-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) **Uncovered Decks with Permeable Surface Areas Underneath:** Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) **Uncovered Decks with Impermeable Surface Areas Underneath:** One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.
 3. Twenty percent (20%) of areas covered by paving blocks made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
 4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

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

- (C) The total defined net impervious surfaces on the zoning lot are all areas included in building lot coverage plus any hard surfaced, nonnaturally occurring area that does not readily absorb water, including, but not limited to, any paved, asphalt or concrete areas, parking and graveled driveway areas, swimming pools, sidewalks, and paved recreation areas subject to the following exemptions:
1. Any area, including open parking, paved or unpaved, included in the calculation of building lot coverage, shall not be twice counted in the calculation of total defined net impervious surface.
 2. Subject to the porch exemption of Section 6-8-8-10 of this Chapter, the following standards govern the classification of structures commonly referred to as decks:
 - (a) Uncovered Decks with Permeable Surface Areas Underneath: Any uncovered deck, or a portion thereof, covering three percent (3%) of the lot area will be excluded from building lot coverage and impervious surface coverage calculation. Any lot area covered by an open deck above and beyond the initial three percent (3%) will count towards the impervious surface coverage calculation.
 - (b) Uncovered Decks with Impermeable Surface Areas Underneath: One hundred percent (100%) of the lot area covered by an uncovered deck counts towards impervious surface area.
 3. Twenty percent (20%) of areas covered by paving blocks made of impervious material to the extent that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.
 4. Twenty five percent (25%) of areas covered by paving blocks made of permeable materials and pervious paving systems to the event that they cover an area that maintains a demonstrable level of porosity whether soil, sand, gravel, or similar material shall be excluded from the calculation of net impervious surfaces.

SECTION 9: The definitions of "Impervious Surface" and "Lot Coverage, Building" in City Code Subsection 6-18-3 of the Zoning Ordinance, "Definitions," are hereby amended to read as follows:

<p>IMPERVIOUS SURFACE:</p>	<p>Any hard surfaced, manmade area that does not readily absorb or retain water, including but not limited to any paved, asphalt or concrete areas, parking and graveled driveway areas and sidewalks.</p>
<p>LOT COVERAGE, BUILDING:</p>	<p>The ratio between the ground floor areas of all buildings or structures, including covered decks attached to the principal building or free-standing, on a lot and the total area of the lot.</p>

SECTION 10: City Code Subsection 6-18-3 of the Zoning Ordinance, "Definitions," is hereby amended to include the following terms and definitions for "Deck," "Patio," "Porch," and "Terrace":

<p>DECK:</p>	<p>A structure which is either freestanding or attached to a principal or accessory building, located in the rear yard or side yard and constructed above grade and unenclosed by solid or nonsolid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks.</p>
<p>PATIO</p>	<p>A portion of a lot which is improved with a hardscape material at grade detached anywhere on a lot or attached to the house in side or rear yards.</p>
<p>PORCH</p>	<p>An open or enclosed area attached to the building and located between the exterior wall of a building and the right of way. A porch may be covered by a roof which may be attached to a side wall or common with the main roof of the building.</p>
<p>TERRACE</p>	<p>An uncovered outdoor surface attached to the building and located between the building and the right-of-way. When roofed, a terrace shall be considered a porch.</p>

SECTION 11: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: 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 13: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 14: 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: May 9, 2016
Adopted: May 23, 2016

Approved: June 3, 2016

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

166-O-15

AN ORDINANCE

**Amending City Code Subsection 10-4-13(D)(2) to Allow Snow Emergency
Parking Restrictions Throughout the Year During Declared Snow
Emergencies**

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

SECTION 1: That Subsection 10-4-13(D)(2) of the Evanston City Code
of 2012, as amended, is hereby further amended to read as follows:

- (2) *Snow Emergency Parking Restrictions.* On all streets within the City limits, other than designated snow routes, where signs have been erected giving notice thereof, and when a snow emergency has been declared as defined in Subsection (C) of this Section, parking is hereby prohibited on the even numbered side of the street on even dates of the month and on the odd numbered side of the street on odd dates of the month between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. the following day, a period of thirty four (34) hours.

SECTION 2: 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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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.

Introduced: December 14, 2015

Approved:

Adopted: December 14, 2015

December 17, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk (WB)

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel