

40-O-18

AN ORDINANCE

**Amending Subsection 6-4-1-9(B)(1) of the Evanston City Code,
“Permitted Obstructions in Required Yards: General Provisions”**

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

SECTION 1: City Code Subsection 6-4-1-9(B)(1), “Permitted Obstructions in Required Yards: General Provisions,” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

1. General Provisions: Yard obstructions attached to the principal or an accessory structure on a site shall include but are not limited to: permanently roofed terraces or porches, chimneys, bay windows, window-mounted air conditioning units, awnings, canopies, arbors, trellises, balconies, overhanging eaves, unenclosed staircases four (4) feet or more above grade, and enclosed staircases.

A yard obstruction is any of these items extending outside of the allowable building envelope and into a required yard. A yard obstruction may extend into no more than ten percent (10%) of the depth of a required yard, except in cases of overhanging roof eaves and gutters for new additions to existing structures, and open front porches. In such cases eaves and gutters may be constructed so to match or more closely match the existing roof eave and gutter, provided that such projection does not encroach upon an adjacent lot line. Open front porches may extend into no more than twenty five percent (25%) of the required front yard setback, shall not exceed seven (7) feet in depth, and must maintain a minimum ten (10) foot front yard setback.

These yard obstructions may be located in the yards indicated in Table 4-A, Section 6-4-6.

Building envelopes are established by front, side and rear yard requirements contained in each zoning district.

SECTION 2: City Code Section 6-18-3, "Definitions," of the Evanston City Code of 2012, as amended, is hereby further amended to include definitions for "Porch, Open" and "Porch, Enclosed" as follows:

<p>PORCH, ENCLOSED:</p>	<p>A roofed area that features walls and/or windows that exceed 50% opacity but is not heated or cooled, attached to the building and located between the exterior wall of a building and the right-of-way.</p>
<p>PORCH, OPEN:</p>	<p>An open, unroofed or roofed area that features openings with a maximum opacity of 50%, attached to the building and located between the exterior wall of a building and the right-of-way.</p>

SECTION 3: City Code Subsection 6-3-8-3(D), "Authorized Variations," of the Evanston City Code of 2012, as amended, is hereby further amended 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.
 8. Expansion, alteration, and/or enlargement of legal, nonconforming residential uses that contain no more than four (4) dwelling units and zero (0) lodging rooms/rooming units, and/or construction of accessory uses to such legal, nonconforming residential uses.
 9. Open front porch setback

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 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.


SECTION 6: The findings and recitals 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 7: Ordinance 40-O-18 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 23, 2018

Adopted: August 13, 2018

Attest:



Devon Reid, City Clerk

Approved:

Sept 6, 2018



Stephen H. Hagerly, Mayor

Approved as to form:



Michelle L. Masoncup, Corporation Counsel