

58-O-20

AN ORDINANCE

Amending Title 6, Chapter 3 “Implementation and Administration”

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

SECTION 1: City Code Section 6-3-1-4 “Zoning Board of Appeals”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-3-1-4. - ZONING BOARD OF APPEALS.

The responsibilities of the Zoning Board of Appeals are to:

- (A) Approve, approve with conditions, or disapprove any application for major variation, and any combined application for a major and minor variation pursuant to Section 6-3-8, except when such application pertains to off-street parking and loading for all uses other than single-family and two-family residential, and height beyond fifty (50) feet.
- (B) Approve, approve with conditions, or disapprove any application for a family necessity variation.
- (C) Hear and make recommendations to the City Council regarding any application for a major variation pertaining to off-street parking and loading for all uses other than single-family and two-family residential and height beyond fifty (50) feet pursuant to Section 6-3-8.
- (D) Hear and make recommendations to the City Council regarding any application for a special use (except a planned development) pursuant to Section 6-3-5.
- (E) Hear and decide any appeal from Zoning Administrator decisions regarding any application for a minor variation and fence variation pursuant to Section 6-3-8.
- (F) Hear and decide any appeal from any order or final decision made by the Zoning Administrator in the administration or enforcement of the Zoning Ordinance pursuant to Section 6-3-11, except for an appeal of a decision based on the review and recommendation of the Design and Project Review Committee Site Plan and Appearance Review Committee.

(G) Hear and decide or make recommendations on any other matters referred to it by the City Council.

SECTION 2: City Code Section 6-3-1-6 "City Council," of the Evanston

City Code of 2012, as amended, is hereby further amended as follows:

6-3-1-6. - CITY COUNCIL.

The City Council:

- (A) Approves or disapproves any application for an amendment to the Zoning Ordinance, major variation pertaining to off-street parking and loading for all uses other than single-family and two-family residential, height beyond fifty (50) feet, special use (including a planned development), and unique use.
- (B) Approves or disapproves any combined application for a special use and variation(s) and any application for a major variation and a major variation pertaining to off-street parking and loading for all uses other than single-family and two-family residential, or height beyond fifty (50) feet.
- (C) Hears and decides, through its Planning and Development Committee, any appeal from a decision of the Zoning Administrator regarding an application for a substitution for an existing special use and an application for a temporary use.
- (D) Take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Ordinance.

SECTION 3: City Code Section 6-3-8-2 "Authority," of the Evanston City

Code of 2012, as amended, is hereby further amended as follows:

6-3-8-2. – AUTHORITY.

The Zoning Administrator, the Zoning Board of Appeals, and the City Council, as the case may be, are authorized to approve, approve with conditions, or deny requested variations in accordance with the provisions of this Section 6-3-8 as follows:

- (A) The Zoning Administrator is delegated the authority to grant "minor variations" and "fence variations" as defined in Section 6-3-8-3 of this Chapter;
- (B) Zoning Board of Appeals is delegated the authority to hear appeals from decisions of the Zoning Administrator regarding minor variations and fence variations, to grant family necessity variations, and to grant "major variations," as defined in Section 6-3-8-3 of this Chapter, except as limited below, and combined applications for major and minor variations; and

- (C) The City Council shall retain the authority to grant major variations pertaining to off street parking for all uses other than single-family and two-family residential, off street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, and townhouse orientation.

SECTION 4: City Code Section 6-3-8-3 "Authorized Variations," of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

The following variations from this Ordinance are authorized:

6-3-8-3. – AUTHORIZED VARIATIONS.

The following variations from this Ordinance are authorized:

- (A) Minor Variations:

1. Minor Variations consisting of the following types shall be for all uses (residential and commercial) unless specified differently below:

- a) Accessory structure requirements.
- b) Yard obstruction requirements beyond those permitted in Section 6-4-1-9(B).
- c) Setbacks necessary for an upper floor to align with a legally nonconforming setback below (for single family and two-family uses only).

2. Minor variations consisting of the following types shall be for single-family and two-family uses only and may be granted up to a maximum of thirty-five percent (35%) unless specified differently below:

- a) ~~1. Front, side, and rear yards and setbacks, including those interior side yard and setback variations necessary for second floor additions to principal structures that are legally nonconforming ground floor setbacks with respect to required interior side yards and that have existing interior side yards no less than three (3) feet deep.~~
- b) ~~2. Height.~~
- c) ~~3. Minimum setbacks between principal and accessory structures.~~
- d) ~~4. Other accessory structure requirements.~~
- e) ~~5. Lot width.~~
- f) ~~6. Building Gross lot coverage including impervious surface.~~
- g) Impervious surface.

- f) ~~7.~~ Dormer size and location.
 - g) ~~8.~~ Modification of a residence to meet the special needs of the disabled.
- (B) Fence Variations: Variations from the requirements for fences, set forth in Section 6-4-6-7, "Special Regulations Applicable To Fences," of this Title may be granted subject to the standards and conditions of Subsection 6-3-8-12(B) and Section 6-3-8-14 of this Chapter.
- (C) Family Necessity Variations: The types of minor variations listed in Subsection (A) of this Section may be granted in excess of the maximum of twenty percent (20%) for single-family and two-family uses and residential care homes only, subject to the procedures and standards set forth in Section 6-3-8-7 and Subsection 6-3-8-12(D) of this Chapter respectively in order to:
- 1. Modify a residence to meet the special living needs of the disabled.
 - 2. Modify a residence to provide space for an elderly parent to live with the family of his or her child.
 - 3. Modify a residence to accommodate a growing family or to alleviate an inconvenience.
- (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 5: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 8: 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 application of this Ordinance is severable.

Introduced: June 8th, 2020

Approved:

Adopted: June 22nd, 2020


June 24, 2020



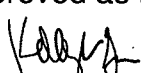
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:



Devon Reid, City Clerk



Kelley A. Gandurski, Corporation Counsel