

127-O-20

AN ORDINANCE

Amending Title 6, Chapter 5 of the Evanston Code to Permit the Establishment of Certain Home Occupations

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

SECTION 1: City Code Section 6-5-4 "General Requirements and Performance Criteria" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

6-5-4. - GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA.

All home occupations shall comply with the following standards:

- (A) The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates. (For the purposes of this Section 6-5-4, a coach house not used as an accessory dwelling unit shall be considered part of a principal dwelling unit.)
- (B) The home occupation use shall be conducted entirely within a completely enclosed structure.
- (C) The home occupation shall not interfere with the delivery of utilities or other services to the area.
- (D) The home occupation shall not generate any noise, vibrations, smoke, dust, odor, heat, glare or electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- (E) No toxic, explosive, flammable, radioactive or other restricted or hazardous material shall be used, sold or stored on the site.
- (F) There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or use of signage or other advertising or display to identify the business.
- (G) No clients/pupils shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.

(H) No outdoor display or storage of materials, goods, supplies or equipment shall be allowed on the premises, except for lawfully parked vehicles.

(I) The home occupation shall, at all times, comply with all other applicable laws and ordinances.

(J) The home occupation shall not cause a significant increase in the amount of traffic or parking on the particular residential street.

~~(K) No more than fifty percent (50%) of any garage, whether attached or detached, may be used for any home occupation.~~ A home occupation may be located within any accessory structure so long as it does not interfere with required parking and complies with any applicable building codes for habitability.

(L) The operator of the home occupation shall register the home occupation pursuant to Section 3-27-2 of this code.

SECTION 2: City Code Section 6-5-6 “Major Home Occupations” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

6-5-6. - MAJOR HOME OCCUPATIONS.

A use shall be classified as a major home occupation, and allowed by permit pursuant to Section 6-5-8 provided, in addition to the general conditions set forth in Section 6-5-4, the following specific conditions are met:

(A) The total area needed for the home occupation shall not exceed twenty-five percent (25%) of the habitable floor area of the dwelling.

(B) The number of persons who are employed on the premises in connection with the home occupation, but who are nonresidents of the dwelling, shall not exceed two (2).

(C) No more than six (6) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than twelve (12) clients avail themselves to a product and/or service during a twenty-four (24) hour period.

(D) Deliveries of bulk material other than by mail, local courier, or inter-city courier pertaining to the home occupation shall not exceed three (3) per week, and shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Further, traffic circulation shall not be restricted or disturbed as a result of a delivery to a home occupation.

(E) A home occupation permit issued to one (1) person shall not be transferable to any other person and, the permit shall not be valid at any address other than the one appearing on the permit.

(F) No more than one (1) major home occupation permit shall be issued per dwelling.

(F) (G) Permitted major home occupations shall include but are not limited to the following:

- (1) Teaching, instructing, tutoring or counseling.
- (2) Photo developing.
- (3) Upholstering.
- (4) Dressmaking and alterations.
- (5) Woodworking.
- (6) Jewelry making.
- (7) Wordprocessing and typing.
- (8) Caterers, provided no mechanical or electrical equipment shall be employed other than that customarily used for household purposes.
- (9) Repair services, provided no retail business is conducted on the premises.
- (10) Mail order businesses and telephone sales.
- (11) Barber shops or beauty parlors
 - (a) No more than three (3) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period
- (12) Personal trainers, yoga instructors, or small group instruction, provided there is no use of amplified music or instruction
 - (a) No more than three (3) clients shall, at one (1) time, avail themselves to a product and/or service provided by a home occupation nor shall more than six (6) clients avail themselves to a product and/or service during a twenty-four (24) hour period.
- ~~(11)~~ (13) Other uses similar to those listed in this Section 6-5-6 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations."

SECTION 3: City Code Section 6-5-7 "Prohibited Home Occupations" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

6-5-7. - PROHIBITED HOME OCCUPATIONS.

Certain uses by their nature of investment or the impacts related to their operation have a pronounced tendency, once commenced, to either expand beyond the scope of activity permitted for home occupations, and thereby impair the integrity of the residential district in which they are located, or exert a negative influence on the residential neighborhood in which they are located. For this reason, the following uses, regardless of their compliance with the standards in Sections 6-5-4, 6-5-5 and/or 6-5-6 are prohibited as home occupations:

- (A) Any repair of motorized vehicles such as repair or painting of autos, trucks, trailers, boats, and lawn equipment.
- (B) Animal hospitals, kennels, stables or bird keeping facilities.
- ~~(C)~~ Barber shops or beauty parlors.
- ~~(D)~~ (C) Clubs, including fraternities and sororities.
- ~~(E)~~ (D) Funeral chapels or homes.
- ~~(F)~~ (E) Medical or dental clinics.
- ~~(G)~~ (F) Restaurants.
- ~~(H)~~ (G) Warehousing.
- ~~(I)~~ (H) Welding or machine shops.
- ~~(J)~~ (I) Commercial rug/carpet cleaning/repair businesses when the rugs and/or carpets are cleaned and/or repaired on the premises.
- ~~(K)~~ (J) Swimming pool businesses when equipment, supplies, and/or other materials for said businesses are stored on the premises.
- ~~(L)~~ (K) Landscaping businesses when equipment, supplies, and/or other materials for said businesses are stored on the premises.
- ~~(M)~~ (L) Uses that impair the integrity of the residential neighborhood in which they are located, exert a negative influence on the residential neighborhood in which they are located, and/or other uses similar to those listed in this Section 6-5-7 as determined by the Zoning Administrator pursuant to the provisions of Section 6-3-9, "Administrative Interpretations."

SECTION 4: City Code Section 6-5-8 "Permit Procedures" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

6-5-8. - PERMIT PROCEDURES.

A permit for a major home occupation may be required, at the discretion of the Zoning Administrator, to clarify the proposed home occupation type and business activity.

The following procedures will apply to major home occupations permits:

- (A) Application for a major home occupation permit shall be made to the Zoning Administrator on a form provided by the Administrator and shall be accompanied by a filing fee established by the City Council.
- (B) After determining that the major home occupation permit application is complete, the Zoning Administrator shall make a decision and notify the applicant in writing within fifteen (15) calendar days.
- (C) All major home occupation permits shall be valid for a period of five (5) years from the initial date of approval.
- (D) Violation of the specific requirements set forth in Section 6-5-6 or the general requirements set forth in Section 6-5-4 shall be deemed as a violation of this Ordinance and shall constitute grounds for revocation of the major home occupation permit by the Zoning Administrator pursuant to Section 6-3-10-6, "Revocation of Certificate of Zoning Compliance."

SECTION 5: That 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: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This Ordinance 127-O-20 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

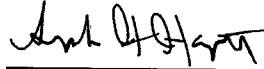
SECTION 8: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Introduced: January 11, 2021

Approved:

Adopted: January 25, 2021

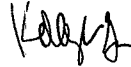
February 1, 2021



Stephen H. Hagerty, Mayor

Attest:

Approved as to form:



Devon Reid
City Clerk

Kelley A. Gandurski
Corporation Counsel