

19-O-24

01/22/2024

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**AN ORDINANCE**

**Amending Regulations for Efficiency Homes in Residential Districts**

**WHEREAS**, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

**WHEREAS**, Article VII, Section 6(a) of the Illinois Constitution of 1970, states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule unit be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

**WHEREAS**, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and,

**WHEREAS**, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and,

**WHEREAS**, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

**WHEREAS**, David Wallach of Blue Paint Development, (“Applicant”), has petitioned the City Council of the City of Evanston, for approval of an amendment to the Zoning Ordinance, Title 6 of the City Code, to adjust regulations related to the definition

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of efficiency homes and the construction of efficiency homes within residential districts;  
and

**WHEREAS**, following due and proper publication of notice in Evanston Review, a suburban publication of the Chicago Tribune, not less than fifteen (15) nor more than thirty (30) days prior thereto, the Evanston Land Use Commission (“LUC”) held public hearings, regarding case no. 23PLND-0060 on December 13, 2023 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), to consider the proposed Code Amendments at which evidence, testimony, and exhibits were presented, and at which interested parties were provided the opportunity to provide public comment; and

**WHEREAS**, after having considered the evidence presented, the LUC made the following findings pursuant to Section 6-3-4-5 of the Zoning Ordinance:

1. Whether the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive General Plan as adopted and amended from time to time by the City Council: The current Comprehensive General Plan encourages expanding the types and variety of provided housing, but does not address pocket neighborhoods; it is a new site development type not included in the current plan, so the proposed amendment does not meet the standard.
2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: There was testimony presented that this type of development is new and does not necessarily fit in with the surrounding R3 Residential District density, so this standard was not met.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: Since this is a new and unique type of development, it is difficult to evaluate, but the proposed sales prices would have a positive effect on adjoining properties, so this standard was met.
4. The adequacy of public facilities and services: Some of the adequacies of facilities and services would be addressed in order to receive a building permit, so this standard is met.

**WHEREAS**, the LUC proposed and voted on amendments to the

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Applicant's submission on the proposed text amendment in order to satisfy the Standards for Amendments; and

**WHEREAS**, the LUC made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments ultimately met the Standards for Amendments, and by a vote of five (5) "yays" and zero (0) "nays," with four (4) commissioners absent, recommended City Council approval thereof; and

**WHEREAS**, at its meetings held on February 12, 2024, the Planning and Development Committee of the City Council ("P & D Committee") considered the findings and recommendation of the LUC in case no. 23PLND-0060, adopted amendments to the LUC's recommendation, and recommended City Council approval thereof; and

**WHEREAS**, at its meetings on February 12, 2024 and February 26, 2024, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, and made certain findings; and

**WHEREAS**, at its February 26, 2024 meeting, the City Council referred this matter back to the P&D Committee for additional discussion; and

**WHEREAS**, on March 11, 2024, the P&D Committee of the City Council held a meeting, in compliance with the provision of the Open Meetings Act and the Zoning Ordinance, again received input from the public, carefully considered the findings and recommendation against approval with of the Land use Commission, and recommended approval thereof by the City Council; and

**WHEREAS**, at its March 11, 2024 meeting, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of

the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation,

**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:** Section 6-4-1-6 of the Zoning Ordinance, "Number of Buildings or Uses On A Zoning Lot" of the Evanston City Code of 2012, as amended, is hereby amended as follows:

**6-4-1-6. - NUMBER OF BUILDINGS OR USES ON A ZONING LOT.**

(A) Except when authorized as part of a planned development, approved pursuant to Section 6-3-6, "Planned Developments," of this Title, not more than one principal building shall be located on a zoning lot within the R-1, R-2, R-3, and R-4 single-family zoning districts. For all other districts more than one principal building may be located on a zoning lot provided development of the buildings shall adhere to the requirements of the specific district and this zoning ordinance.

(B) Except when authorized as part of a planned development, approved pursuant to Section 6-3-6, "Planned Developments," of this Title, and involving an Evanston designated landmark structure, not more than one (1) principal use shall be established on a zoning lot within the R-1, R-2, R-3 and R-4 single-family zoning districts. For all other districts, except where approved as a mixed use development, not more than one (1) principal use shall be established on a zoning lot.

(C) Except when authorized as a special use, approved pursuant to Section 6-3-5. - "Special Use" of this Title, not more than one efficiency home shall be located on a zoning lot, regardless of lot size, width, or shape, in all residential zoning districts.

**SECTION 3:** Section 6-8-1-14 of the Zoning Ordinance, "Efficiency Homes" of the Evanston City Code of 2012, as amended, is hereby amended as follows:

**6-8-1-14. - EFFICIENCY HOMES.**

(A) *Number of Dwelling Units Per Zoning Lot:* One (1) efficiency home shall be permitted as a principal use on a zoning lot, regardless of lot size, width, or shape, in all residential zoning districts except as specified in Section 6-4-1-6 (C) of this Title.

(B) *Zoning Relief:* Any zoning relief requested in conjunction with the initial new construction of an Efficiency Home development shall be considered as one (1) special use and shall not require major variation approval. Efficiency homes may request zoning relief by major or minor variation following the completion of the initial development construction.

(C) *Yard Requirements:*

Residential Structures:

1. Front yard: Twenty-seven (27) feet; parking prohibited.
2. Side yard abutting a street: Ten (10) feet; parking prohibited.
3. Side yard: Three (3) feet.
4. Rear yard: Three (3) feet.

(D) *Maximum Building Height:* The maximum building height for any Efficiency Home shall not exceed twenty-eight (28) feet, measured from grade to the highest point of said structure, or two (2) stories, whichever is less.

(E) *Building Lot Coverage and Impervious Surface:* The maximum building lot coverage and impervious surface coverage shall comply with the maximum allowable amount in the underlying zoning district.

**SECTION 4:** Section 6-8-13 of the Zoning Ordinance, "Definitions" of the Evanston City Code of 2012, as amended, is hereby amended as follows:

**6-8-13. – DEFINITIONS**

EFFICIENCY HOME:	A small residential building, with a ground floor area of <del>five hundred (500)</del> <u>six hundred (600)</u> square feet or less, containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot and permanently affixed to a foundation. A mobile home or recreational vehicle shall not be considered an efficiency home.
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**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6:** 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 7:** This ordinance shall be in full force and effect from and after its passage.

**SECTION 8:** 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: \_\_\_\_\_, 2024

Approved:

Adopted: \_\_\_\_\_, 2024

\_\_\_\_\_, 2024

*Daniel Biss*

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

*Stephanie Mendoza*

*Alexandra B. Ruggie*

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Stephanie Mendoza, City Clerk

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Alexandra Ruggie, Interim Corporation Counsel