

**Evanston Zoning Ordinance D4 and PUDs**

**6-11-5: D4 DOWNTOWN TRANSITION DISTRICT:**

**6-11-5-1: PURPOSE STATEMENT:**

The D4 downtown transition district is intended to provide for business infill development and redevelopment within downtown Evanston. The massing and scale of structures within the D4 district should be reflective of established uses and should provide suitable transition between downtown districts and those districts adjacent to the downtown. The district is also intended to encourage and sustain a mix of office, retail, and residential uses. Planned developments are encouraged as a special use in the D4 district. Where a lot zoned D4 is overlaid with an oRD redevelopment overlay district designation, a planned development is required in order to ensure that proposed development in these areas is consistent with the objectives and policies of the adopted plan for downtown Evanston. (Ord. 43-0-93)

**6-11-5-2: PERMITTED USES:**

The following uses are permitted in the D4 district:

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|--|--|
| Artist studio (when located above the ground floor). | Membership organization.   |
| Commercial indoor recreation.                        | Office.  |
| Cultural facility.                                   | Public utility.  |
| Dwellings (when located above the ground floor).     | Residential care home - category I (when located above the ground floor and subject to the general requirements of section <a href="#">6-4-4</a> of this title). |
| Financial institution.                               | Restaurant - type 1.   |
| Food store establishment.                            | Retail goods establishment.  |
| Government institution.                              | Retail services establishment. (Ord. 43-0-93)  |
| Hotel.   |  |

**6-11-5-3: SPECIAL USES:**

The following uses may be allowed in the D4 district, subject to the provisions set forth in section [6-3-5](#) of this title:

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|---|--|
| Assisted living facility (when located above the ground floor). | Daycare center - adult (subject to the general requirements of section <a href="#">6-4-3</a> of this title). |
| Commercial parking garage.                                      |  |
| Convenience store.  | Daycare center - child (subject to the general requirements of section <a href="#">6-4-2</a> of this title). |

Drive-through facility (accessory or principal).

Planned development (subject to the requirements of section [6-11-1-10](#) of this chapter and section [6-3-6](#) of this title).

Educational institution - private.

Educational institution - public.

Religious institution.

Funeral services excluding on site cremation.

Residential care home - category II (when located above the ground floor and subject to the general requirements of section [6-4-4](#) of this title).

Independent living facility (when located above the ground floor).

Open sales lot.

Restaurant - type 2. (Ord. 43-0-93; amd. Ord. 39-0-95; Ord. 33-0-99; Ord. 2-0-00; Ord. 58-0-02; Ord. 114-0-02)

Performance entertainment venue.

**6-11-5-4: LOT SIZE:**

The minimum lot size requirements for the D4 district are as follows:

(A) Nonresidential: There is no minimum lot size requirement for nonresidential lots in the D4 district.

(B) Residential: The minimum lot size for a building or structure in the D4 district that includes residential uses shall at no time be less than five thousand (5,000) square feet. The minimum lot size per dwelling unit in the D4 district shall at no time be less than four hundred (400) square feet. (Ord. 43-0-93)

**6-11-5-5: LOT WIDTH:**

There is no minimum lot width in the D4 district. (Ord. 43-0-93)

**6-11-5-6: FLOOR AREA RATIO:**

The maximum floor area ratio in the D4 district for structures not containing residential dwelling units is 4.5. The maximum floor area ratio in the D4 district for structures containing residential dwelling units is 5.4. (Ord. 43-0-93)

**6-11-5-7: YARDS:**

The yard requirements for the D4 district are as follows:

(A) Front yard Building to front property line is permitted if setbacks on the same public right of way of any existing street facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum five feet (5') clear width for pedestrian passage between the building's

outermost projection and any objects lawfully occupying the public right of way including, but not limited to, trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way

- (B) Side yard when abutting street Building to side property line is permitted if setbacks on the same public right of way of any existing street facing facades of principal buildings on abutting properties, together with setbacks on same block and side of the public right of way of any existing street facing facades of other principal buildings, form a substantially continuous setback along the public right of way; and if the proposed setback allows a minimum five feet (5') clear width for pedestrian passage between the building's outermost projection and any objects lawfully occupying the public right of way including, but not limited to, trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters

Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited between building and public right of way

- (C) Side yard when not

abutting street Buildings and parking garages: none; surface parking five feet (5')

- (D) Rear yard Buildings and parking garages: none; surface parking, five feet (5'), except when abutting a residential district side yard or rear yard: buildings and parking garages, fifteen feet (15'); surface parking, ten feet (10')

(Ord. 13-0-05)

**6-11-5-8: BUILDING HEIGHT:**

The maximum building height in the D4 district for structures not containing residential dwelling units is eighty five feet (85'). The maximum building height in the D4 district for structures containing residential dwelling units is one hundred five feet (105'). Building height (floors or stories) when seventy five percent (75%) or more of the gross floor area is devoted to accessory parking decks, up to a maximum of four (4) stories or forty feet (40'), whichever is less, shall be excluded from the calculation of building height. (Ord. 43-0-93)

**6-11-1-10: PLANNED DEVELOPMENTS:**

In the downtown, planned developments are an allowed special use in the D1, D2, D3 and D4 Districts. In addition to the general requirements for planned developments set forth in Section [6-3-6](#), "Planned Developments", the Plan Commission shall not recommend approval of, nor shall the City Council adopt a planned development in the downtown

districts unless they shall determine, based on written findings of fact, that the planned development adheres to the following standards:

(A) General Conditions:

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in Section [6-1-2](#), "Purpose and Intent".

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within an historic district listed on the National Register of Historic Places or for property located within an historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

2. Each planned development shall enhance the identity and character of the downtown, by preserving where possible character-giving buildings, enhancing existing streetscape amenities, maintaining retail continuity in areas where it is prominent, strengthening pedestrian orientation and scale and contributing to the mixed use vitality of the area.

3. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, the Plan for Downtown Evanston, any adopted land use or urban design plan specific to the area, this Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:

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|---------------------------------|--|
| (a) Land use.                   | (h) Impact on schools, public services and facilities.   |
| (b) Land use intensity.         | (i) Essential character of the downtown district, the surrounding residential neighborhood, and abutting residential lots.   |
| (c) Housing.                    | (j) Neighborhood planning.   |
| (d) Preservation.               | (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls. |
| (e) Environmental.              |  |
| (f) Urban design.               |  |
| (g) Traffic impact and parking. |  |

4. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for the planned development.

No special use permit for a planned development shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one year period for such time as it shall determine, without further hearing before the Plan Commission. The City Council may, at its sole discretion, place conditions on the extension in order to assure that the planned development is diligently pursued to its completion.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening", and shown on the required landscape plan that shall be submitted as part of the planned development application.

(B)Site Controls and Standards: The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Site Plan and Appearance Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in or interpolated from the Plan for Downtown Evanston, and the City's Manual of Design Guidelines or in common use by design professionals.

1. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic.

2. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the downtown district in which it is located.

3. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

4. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.

5. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.

6. For every planned development there shall be provided a traffic circulation impact study which shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study shall also show the amount and direction of anticipated traffic flow and clearly describe what road and traffic control improvements might become necessary as a result of the construction of the proposed development.

7. The zoning administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

(C) Development Allowances: As provided in section [6-3-6](#), "Planned Developments", of this title the plan commission may recommend approval of, and the city council may grant, site development allowances for planned developments. Said allowances shall be limited as follows:

1. The maximum height increase over that otherwise permitted in the downtown districts shall be as follows:

(a) Twenty four feet (24').

D1

(b) Forty three feet (43').

D2

(c) Eighty five feet (85'). (For lots that exceed 95 feet in width a tower or towers D3 may be erected to a height of 220 feet, provided that the tower or towers above a height of 42 feet, shall be set back not less than 30 feet from any front lot line or side lot line abutting a street and 25 feet from an interior side lot line. Further, no tower shall be located less than 50 feet from any other tower located on the same lot.)

(d) Forty feet (40').

D4

Except in the D3 district, the height of any story of a building approved as a planned development pursuant to section 6-3-6 of this title may be excluded from the calculation of building height when seventy five percent (75%) or more of the gross floor area of such story consists of parking required for the building, excluding mechanical penthouse, however, in no case shall this exclusion be greater than four (4) stories or forty feet (40'), whichever is less.

2. The maximum increase in floor area ratio over that otherwise permitted in the D2, D3 or D4 district shall be as follows:

(a) D2 1.25.

(b) D3 3.5.

(c) D4 0.5 (0.6 when incorporating residential dwelling units). (Ord. 43-0-93)

(D)Mandatory Planned Development Minimum Thresholds: Any development the land use of which is listed among the permitted uses or special uses for the zoning district in which the subject property is located meeting any one of the following characteristics may only be authorized as a planned development in accordance with section [6-3-6](#) of this title. For purposes of this subsection, "new construction" is defined as construction that results in the zoning lot being improved with substantially new structures, and/or construction conforming to the definition of a "substantial rehabilitation and substantial additions" in section [6-18-3](#) of this title.

1. The area of the zoning lot to be improved with new construction is in excess of thirty thousand (30,000) square feet.

2. The development provides for the construction of more than twenty four (24) new residential units.

3. The development plan for which application for a building permit is made contains more than twenty four (24) units of any one type or in any combination of any commercial, business, retail or office uses.

4. The development plan for which application for a building permit is made contains more than twenty four (24) units of any one type or in any combination of any residential, commercial, business, retail, or office uses.

5. The development plan for which application for a building permit is made provides for the new construction of more than twenty thousand (20,000) square feet of gross floor area under one roof for any commercial, business, retail or office use. For purposes of this subsection, gross floor area excludes the area of any floors or portion of floors the volume of which is below the established grade but shall include all accessory areas, areas devoted to parking or loading, elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, notwithstanding floor areas excluded from the calculation of gross floor area by section [6-18-3](#) of this title. (Ord. 59-0-04)