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102-O-94

AN ORDINANCE

Amending Certain Sections of the City Code  
Title 6, Chapter 3 and Appendix D,  
Relating to Implementation and Administration  
of the Zoning Ordinance

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

SECTION 1: That Title 6, Chapter 3 of the Evanston City  
Code of 1979, as amended, be and it hereby is further amended, by  
revising section 6-3-4-6(C) to read as follows:

Section 6-3-4-6(C):

*Mailed Notices Required for Redistricting or Rezoning: Notice shall also be given by first class mail to all owners of property within five hundred feet (500') in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be rezoned or redistricted whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.*

SECTION 2: That section 6-3-4-7 is revised as follows:

6-3-4-7: OPPOSITION TO AMENDMENT:

If prior to the close of a Plan Commission hearing held pursuant to subsection 6-3-4-6(E), a written protest against any proposed map amendment, signed and acknowledged by thirty percent (30%) of the owners of property whose lot lines are located within five hundred feet (500') of the boundary of the area to be amended, inclusive of public rights of way, is filed with the City Clerk, passage of the amendment shall require a favorable vote of three-fourths ( $\frac{3}{4}$ ) of all the Aldermen elected to the City Council.

SECTION 3: That section 6-3-5-7 is revised by amending

6-3-5-7(A), by adding a new section 6-3-5-7(B), renumbering existing section 6-3-5-7(B) as 6-3-5-7(C), to read as follows:

**6-3-5-7: REVIEW PROCEDURE; RECOMMENDATION:**

- (A) After determining that the special use application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall prepare and forward his written recommendation accompanied by the Site Plan and Appearance Review Committee's written report to the Plan Commission, in the case of planned developments, and to the Zoning Board of Appeals for all other categories of special uses. At the same time, the Zoning Administrator shall, in the case of a planned development, cause notice of a public hearing before the Plan Commission to be published pursuant to Section 6-3-6-8. In the case of all other special uses, the Zoning Administrator shall cause notice of a public hearing before the Zoning Board of Appeals to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. *In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.*
- (B) *Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within 500 feet in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment.*

SECTION 4: That section 6-3-5-16(A) is revised as follows:

**6-3-5-16: SUBSTITUTION FOR AN EXISTING SPECIAL USE:** The Zoning Administrator, pursuant to his authority to render interpretations prescribed by Section 6-3-9 and subject to the procedures, standards and limitations contained herein, shall have the authority to review and grant applications for the substitution of a special use for an existing special use. Before rendering a decision on an application the Zoning Administrator shall undertake the following procedure:

- (A) **Notice and Opportunity to Comment:** After receipt of a completed application for the substitution of a special use for an existing special use, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of the property located *within five hundred feet (500')* in each direction of the subject property inclusive of public roads, streets, alleys and other public ways. In

addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the Zoning Administrator's decision. The notice shall indicate that the application shall be available for review and submittal of written comments thereon for ten (10) working days prior to the Zoning Administrator's decision.

SECTION 5: That section 6-3-5-17(A) is revised as follows:

**6-3-5-17: RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON SPECIAL USES:**

- (A) Applicants for a special use (exclusive of planned developments) and owners of property within *five hundred feet (500')* in each direction of the subject property, *inclusive* of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any special use hearing before the Zoning Board of Appeals:
1. To inspect all documents and material submitted as part of the application for the special use prior to the hearing.
  2. To reasonably examine all witnesses testifying.
  3. To present witnesses on their behalf.

SECTION 6: That section 6-3-6-8 is revised by amending 6-3-6-8(B), adding a new 6-3-6-8(C), and by re-numbering existing 6-3-6-8(C) as 6-3-6-8(D), to read as follows:

**6-3-6-8: REVIEW PROCEDURE; DECISION:**

- (B) After determining that the application is complete pursuant to Section 6-3-3-1, the Zoning Administrator shall at the same time schedule and cause notice to be published of a public hearing to be held by the Plan Commission at which time a formal presentation of the planned development application will be presented. The public hearing shall be held not less than fifteen (15) calendar days and no more than thirty (30) calendar days from the date of receipt of the complete application. *In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.*
- (C) *Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within one thousand feet*

**(1000') in each direction of the subject property, inclusive of public roads, streets, alleys, and other public ways from the subject property whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing.**

**SECTION 7: That section 6-3-6-11(A) is revised as**

**follows:**

**6-3-6-11: RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON PLANNED DEVELOPMENTS:**

**(A) Applicants for a planned development and owners of property within one thousand feet (1000') inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the Plan Commission:**

- 1. To inspect all documents and material submitted as part of the application for the special use prior to the hearing.**
- 2. To present witnesses on their behalf.**

**SECTION 8: That section 6-3-6-12(C) is revised as**

**follows:**

**6-3-6-12: ADJUSTMENTS TO DEVELOPMENT PLAN:**

**(C) Major Adjustments: Any adjustment to the approved development plan not authorized by Section 6-3-6-12(B) above, shall be considered to be a major adjustment. The Plan Commission following notice to all property owners whose properties are located within one thousand feet (1000') in each direction of the property boundary of the planned development, may approve an application for a major adjustment to the development plan not requiring a modification of written conditions of approval or recorded easements upon finding that any changes in the plan as approved will be in substantial conformity with such development plan. If the Commission determines that a major adjustment is not in substantial conformity with the final development plan as approved, then the Commission shall review the request in accordance with the procedures set forth in Section 6-3-6-8.**

**SECTION 9: That existing section 6-3-7-5 is deleted and**

**a new section 6-3-7-5 substituted therefor, to read as follows:**

**6-3-7-5: PROCEDURE FOR REVIEW AND DECISION OF PROPOSED USE:** An application for a unique use shall be processed in accordance with the following procedures:

- (A) **Public Hearing:** After the filing of an application for a unique use in proper form, the Zoning Administrator shall transmit the application to the Plan Commission and schedule a date for public hearing.
- (B) **Staff Review Procedure:** The Zoning Administrator shall schedule and conduct a staff review conference to review the comments received from the various departments and boards pursuant to subsection 6-3-7-4(A). Following the staff review conference, the Zoning Administrator shall forward staff's written report to the Plan Commission.
- (C) **General Notice of Public Hearing:** Notice of the public hearing required in subsection 6-3-7-5(A) shall be given by the Plan Commission by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date.
- (D) **Mailed Notices Required:** Notice shall also be given by first class mail to all owners of property within one thousand (1000') feet in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.
- (E) **Content of Published and Mailed Notices:** Published and mailed notice shall contain the time, date, and place of the public hearing.

SECTION 10: That section 6-3-7-6 is revised as follows:

**6-3-7-6: OPPOSITION TO UNIQUE USE:**

If prior to the close of a Plan Commission hearing pursuant to subsection 6-3-4-6(E) a written protest against any proposed unique use, signed and acknowledged by thirty percent (30%) of the owners of property whose lot lines are located within one thousand feet (1000') in each direction of the boundary of the area of the unique use, inclusive of public rights of way, is filed with the City Clerk, approval of the unique use shall require a favorable vote of three-fourth ( $\frac{3}{4}$ ) of the Aldermen elected to the City Council.

SECTION 11: That section 6-3-8-6(A) is revised as follows:

**6-3-8-6: PROCEDURE FOR MINOR VARIATIONS AND FENCE VARIATIONS:**

Applications for minor variations and fence variations shall be reviewed and decided in accordance with the following procedure:

- (A) Notice and Opportunity to Comment: Upon receipt of a completed application for a minor variation or a fence variation, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of property located within two hundred fifty feet (250') in each direction of the subject property, *inclusive of public streets, alleys, and other public ways*. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's determination.

SECTION 12: That section 6-3-8-7(A) is revised as follows:

**6-3-8-7: PROCEDURE FOR FAMILY NECESSITY VARIATION:**

Applications for family necessity variations shall be reviewed and decided in accordance with the following procedure:

- (A) Notice and Opportunity to Comment: Upon receipt of a completed application for a family necessity variation, the Zoning Administrator shall cause a written notice of the application to be delivered to all owners of property located within two hundred fifty feet (250') in each direction of the subject property, *inclusive of public roads, streets, alleys and other public ways*, in which the property subject of the application. In addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the recommendation of the Zoning Administrator. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's recommendation.

SECTION 13: That section 6-3-8-10 is revised by amending 6-3-8-10(A), by adding a new section 6-3-8-10(B), renumbering existing sections 6-3-8-10(B), (C), and D as sections 6-3-8-10(C), (D), and (E) respectively, as follows:

**6-3-8-10: PROCEDURE FOR DECISIONS ON MAJOR VARIATIONS:**

Applications for major variations shall be reviewed and decided in accordance with the following procedure.

- (A) **Public Hearing:** Upon receipt of a complete application for a major variation, or a combined variation application, the Zoning Board of Appeals shall hold a public hearing in accordance with its adopted rules and procedures.

**General Notice of Public Hearing:** Notice of the public hearing shall be given by the Zoning Board of Appeals by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date.

- (B) **Mailed Notices Required:** Notice shall also be given by first class mail to all owners of property within five hundred (500') feet in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.

SECTION 14: That section 6-3-8-11 is revised as follows:

**6-3-8-11: RIGHTS OF APPLICANTS AND AFFECTED PROPERTY OWNERS AT HEARINGS ON MAJOR VARIATIONS:**

Applicants for major variations and owners of property within five hundred feet (500') in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the Zoning Board of Appeals:

- (A) To inspect all documents and material submitted as part of the application for major variation prior to the hearing.
- (B) To reasonably examine all witnesses testifying.
- (C) To present witnesses on their behalf.
- (D) Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such

continued hearings shall be at the discretion of the Board.

SECTION 15: That Appendix D, "Submission Requirements", is revised by adding a new paragraph (d) (5) to section D.1, to read as follows:

**Appendix D - Submission Requirements**

**D.1 Submission Requirements for Amendment Petitions**

**D.1(d) (5)**

5. A list of property owners within 500' in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be redistricted or rezoned whose addresses appear on the current tax assessment list.

SECTION 16: That Appendix D is further revised by revising section D.3(e) as follows:

**D.3 Special Use Application Submission Requirements**

- (e) The names and addresses of all owners of property located within 500' excepting Planned development and 1000' for Planned development in each direction of the subject property inclusive of public roads, streets, alleys and other public ways from the subject property as shown on the most recent tax assessment records;

SECTION 17: That Appendix D is further revised by revising Section D.5(e) as follows:

- (e) The names and addresses of all owners of property located within 1000' in all directions of the subject property inclusive of public ways from the subject property whose addresses appear on the current tax assessment list.

SECTION 18: That Appendix D is further revised by revising section D.6-1-(d) as follows:

**SUBMISSION REQUIREMENTS FOR VARIATION APPLICATIONS**

**D.6-1 Written Information.** Variation applications shall contain the following written information.



- (d) The names and addresses of all owners of (i) property within two hundred fifty (250) feet in all directions from the subject property inclusive of public ways for minor variations; and (ii) for major variations, property owners within 500' feet in all directions of the subject property inclusive of public ways as shown in the tax assessment records; and

SECTION 19: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Introduced October 10, 1994

Adopted: October 24, 1994

Approved: October 25, 1994

Lorraine H. Morton  
Mayor

ATTEST:

Justin Davis  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

