

78-O-00

AN ORDINANCE

**Amending Sections 6-3-6-3 And 6-3-8-12(E)
Of The Zoning Ordinance Regarding
The Economic Benefit Variation Standard**

WHEREAS, the Plan Commission held a public hearing on September 8, 1999, October 13, 1999, December 8, 1999, January 12, 2000, February 9, 2000, March 8, 2000, April 12, 2000, May 11, 2000, and June 14, 2000 in case no. ZPC 99 6T pursuant to proper notice to consider amendments to Title 6, Chapter 3 of the Zoning Ordinance regarding the economic benefit variation standard; and

WHEREAS, the Plan Commission heard testimony and received other evidence, made a written record of its proceedings, and pursuant to section 6-3-4-5 of the Zoning Ordinance found that the proposed amendment met the standards therein for text amendments, recommended City Council approval of an amendment to the text of section 6-3-8-12(E); and

WHEREAS, the Planning and Development Committee of the City Council considered the aforescribed amendments at its June 26, 2000, July 10, 2000, and July 24, 2000 meetings and recommended City Council approval thereof,

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

SECTION 1: That the foregoing recitals are found as fact and incorporated herein.

SECTION 2: That the City Council hereby accepts the findings and recommendation of the Plan Commission and amends section 6-3-8-12(E) of the Zoning Ordinance, with section 6-3-8-12 otherwise unchanged, to read as follows:

6-3-8-12: **STANDARDS FOR VARIATION:** In considering an application for a minor variation, fence variation, family necessity variation, or a major variation, or a combination thereof, the Zoning Administrator, the Zoning Board of Appeals, or the City Council, as the case may be, may approve such variation only upon finding that the application complies with the separate standards for each type of variation set forth below:

6-3-8-12(E)

Major Variations: Major variations may be authorized by the Zoning Board

of Appeals, or by the City Council in the case of an application for a major variation to off-street parking, off-street loading, and height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, or a combined application for a major variation pertaining to off-street parking, off-street loading, height beyond fifty feet (50'), including within that measurement any height otherwise excluded because the story provides required parking, and any other variation, upon making written findings that the proposed variation satisfies the following standards:

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
2. The requested variation is in keeping with the intent of the Zoning Ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- 5.(a) The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
(b) While the granting of the variation will result in additional income to a party with an interest in the subject property the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Zoning Board of Appeals or the City Council, depending on final jurisdiction under section 6-3-8-2, has found that public benefits to the

surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to any of the standards of section 6-3-6-3.

6. The alleged difficulty or hardship has not been created by any person having an interest in the property.

7. The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 26, 2000

Adopted: July 24, 2000

Approved:

August 3, 2000
Lorraine A. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

