

44-O-02

AN ORDINANCE

**Granting a Special Use to Allow a
Type 2 Restaurant at 940 Church Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on April 2, 2002 pursuant to proper notice in case no. ZBA 02-22-SU(R) on the application of James R. Shipley, agent of Ice Dreams, Inc. d/b/a Marble Slab Creamery, lessee, for a special use for a Type 2 Restaurant, pursuant to Section 6-12-2-3 of the Zoning Ordinance to allow a Type 2 restaurant at 940 Church Street, within the RP Research Park District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, making a written record thereof, made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance and recommended City Council approval of the application; and

WHEREAS, the Planning and Development Committee considered the record and recommendation of the ZBA at its April 22, 2002 meeting and recommended City Council approval of the application; and

WHEREAS, the City Council considered this Ordinance 41-O-02 at its April 22, 2002 and May 6, 2002 meetings,

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

SECTION 1: That the City Council hereby adopts the findings and recommendation of the ZBA and the recommendation of the Planning and Development Committee in the aforescribed case no. ZBA 02-22-SU(R) and grants said special use to operate a Type 2 Restaurant on property commonly known as 940 Church Street and legally described as:

LOT 1 IN DAVIS CHURCH RESUBDIVISION, BEING A RESUBDIVISION OF PART OF DEMPSTER'S SUBDIVISION OF BLOCK 66 OF THE VILLAGE (NOW CITY) OF EVANSTON, BEING A SUBDIVISION IN THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 2000 AS DOCUMENT 00766688 IN COOK COUNTY, ILLINOIS.

SECTION 2: Pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions and limitations on the grant of a special use, the following conditions and limitations are hereby imposed. When necessary to effectuate the conditions imposed on the subject property by this Ordinance 44-O-02, "applicant" shall be read as "owner," "applicant's successor's in interest" and/or "operator of the use".

- a. The special use granted hereby shall be subject to compliance with all applicable provisions of the Zoning Ordinance and other applicable laws;
- b. The approval is subject to construction and operation of the use in substantial compliance with representations of the Applicant, documents placed on file in connection with this case by the Applicant, and the plans, as approved by the City.
- c. 1) The operator shall adhere to a Litter Collection Plan, which he shall prepare and submit in writing to the City's Zoning Division prior to issuance of a Certificate of Occupancy. Said Litter Collection Plan shall require policing of an area located within a 250-foot radius of the building in which the use is located. This area shall be policed once every three hours during the hours the use is in operation and shall be kept free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, and all other litter of any type emanating from any source. The operator of the Type 2 restaurant

shall comply with the Litter Collection Plan. This Ordinance shall prevail over any inconsistent or contrary provisions in the Plan.

2) For the purpose of this Ordinance, "litter" shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish, ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

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: April 22, 2002

Adopted: May 6, 2002

Approved: May 9, 2002

Lorraine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

Kathleen T. Brennan
Corporation Counsel

