

Effective date: December 26, 2008

11/24/2008

11/14/2008

**126-O-08**

**AN ORDINANCE**

**Amending Section 6-18-3 of the Zoning Ordinance to Exclude  
Firearms-Related Businesses from the Definitions of  
“Retail Goods Establishment” and  
“Retail Services Establishment”**

**WHEREAS**, on September 17, 2008, pursuant to proper notice, the Zoning Committee of the Plan Commission held a public hearing in case no. ZPC 08-PLND-0098 to consider amending the text of Section 6-18-3 of the Evanston City Code of 1979, as amended (“the City Code”), to exclude businesses related to the transfer of firearms and ammunition from the definitions of “Retail Goods Establishment” and “Retail Services Establishment”, received testimony, made a verbatim transcript, and recommended approval of the application for a text amendment to the Plan Commission; and

**WHEREAS**, on October 15, 2008, pursuant to proper notice, the Plan Commission held a public hearing, received testimony, made a *verbatim* transcript, found that the proposed amendments met the standards for text amendments to Title 6 of the City Code, as amended (“the Zoning Ordinance”), and recommended City Council approval thereof; and

**WHEREAS**, at its November 24, 2008 meeting, the Planning and Development Committee of the City Council considered, amended, and adopted, as amended, the findings and recommendation of the Plan Commission in case no. ZPC 08-PLND-0098 and recommended City Council approval thereof; and

**WHEREAS**, at its December 8, 2008 meeting, the City Council considered and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee, as amended,

**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 by reference.

**SECTION 2:** That the definition of "Retail Goods Establishment" found in Section 6-18-3 of the Zoning Ordinance, as amended, is hereby further amended to read as follows:

**RETAIL GOODS ESTABLISHMENT:** A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. "Retail goods establishment" shall include, but not be limited to, department stores, hardware stores, apparel stores, art galleries, and other uses similar in nature and impact. "Retail goods establishment" shall not include dealers in firearms, handguns, or ammunition, or any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or a special use.

**SECTION 3:** That the definition of "Retail Services Establishment" found in Section 6-18-3 of the Zoning Ordinance, as amended, is hereby further amended to read as follows:

**RETAIL SERVICES ESTABLISHMENT:** A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barbershops, beauty facilities, laundry and dry-cleaning establishments (plant off-premises), tailoring shops, shoe repair shops and the like. "Retail services establishment" shall not include: businesses that exchange, loan, rent, manufacture, service, alter, repair, or otherwise transfer for consideration, firearms, handguns, or ammunition; tattoo facilities; or any use that is otherwise listed specifically in a zoning district as a permitted or a special use.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That 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.

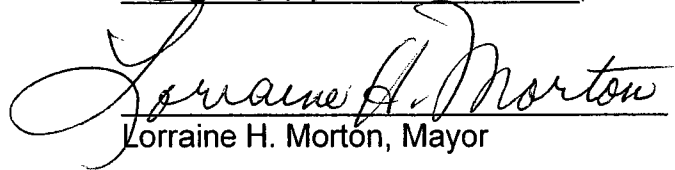
**SECTION 6:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.


Ayes: 9

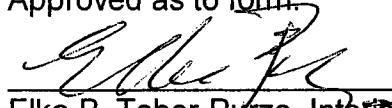
Nays: 0

Introduced: November 24, 2008      Approved:

Adopted: December 8, 2008      December 11, 2008

  
Lorraine H. Morton, Mayor

Attest:  
  
\_\_\_\_\_  
Mayre Press, Deputy City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Elke B. Tober-Purze, Interim  
First Assistant Corporation Counsel