

7/27/2009  
6/11/2009.

**51-O-09**

**AN ORDINANCE**

**Granting a Special Use for a  
Child Daycare Center at 526 Davis Street  
in the D4 Downtown Transition Zoning District**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on May 19, 2009, pursuant to proper notice, in case no. 09ZMJV-0025 to consider an application by Lori Kiser-McCourty, lessee (the "Applicant"), with permission from Ted Mavrakis, owner of the property located at 526 Davis Street (the "Subject Property"), located in the D4 Downtown Transition District and legally described in Exhibit A, attached hereto and incorporated herein by reference, for a Special Use to establish a Child Daycare Center on the Subject Property, pursuant to Subsection 6-11-5-3 of Title 6 of the Evanston City Code, 1979, as amended, ("the Zoning Ordinance"); and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a *verbatim* record and written findings that the application for a Special Use for a Child Daycare Center met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meetings of July 13, 2009 and July 27, 2009, the Planning and Development Committee of the City Council ("P&D Committee") considered and ultimately adopted the ZBA's record, findings, and recommendations and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of July 27, 2009, the City Council considered, amended, and adopted the respective records, findings, and recommendations of the ZBA and the P&D Committee, as amended,

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

**SECTION 1:** The foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That the City Council hereby adopts the respective records, findings, and recommendations of the ZBA and the P&D Committee, and hereby approves the Special Use for a Child Daycare Center on the Subject Property, applied for in case no. 09ZMJV-0025.

**SECTION 3:** That, pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use, violation of any of which shall constitute grounds for revocation of said Special Use pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and with the approved plans and documents on file in this case.
  
- B. Fine for Non-Compliance:** Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in said notice within five (5) days, the Applicant shall owe the City a fine of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant fails to comply. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay any such fine within thirty (30) days of written notice from the City to do so.

- C. **No Illegal Parking on Davis Street:** The Applicant shall include in all enrollment agreements a condition that states that persons who drop off or pick up children from the Child Daycare Center authorized by the terms of this ordinance shall not park illegally on Davis Street while doing so.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

**SECTION 5:** That the Applicant shall record a certified copy of this ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the construction or operation of the Special Use hereby authorized.

**SECTION 6:** If any provision of this ordinance or application thereof to any person or circumstance is ruled 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 7:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

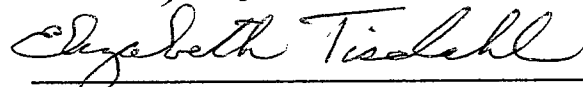
**SECTION 8:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 13, 2009

Approved:

Adopted: July 27, 2009

July 29, 2009



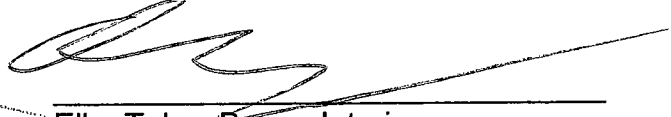
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:



Rodney Greene, City Clerk



Elke Tober-Purze, Interim  
First Assistant Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

SUB-LOTS 1 TO 5 INCLUSIVE, IN THE SUBDIVISION OF LOTS 11 AND 12 IN BLOCK 26 IN EVANSTON IN THE SOUTHEAST FRACTIONAL  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN:** 11-18-108-047-0000

**COMMONLY KNOWN As:** 518-26 Davis Street, Evanston, Illinois.

