

67-O-09

AN ORDINANCE

**Amending Various Portions of
Section 6-18-3 of the Zoning Ordinance,
"Definitions"**

WHEREAS, on April 15, 2009, June 17, 2009, and July 8, 2009, the Plan Commission held public hearings, pursuant to proper notice, regarding case nos. ZPC 09-PLND-0014 (B-2, B-3, B-9) to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), specifically to Section 6-18-3, "Definitions"; and

WHEREAS, the Plan Commission received testimony and made verbatim transcripts and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 14, 2009, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission, in case number ZPC 09-PLND-0015 (B-4) and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 29, 2009, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

**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 "Community Center" found in Section 6-18-3 of the Zoning Ordinance is hereby amended to read as follows:

COMMUNITY CENTER: A place, structure, area or other facility that is open to the public, under the jurisdiction of a public or non-profit agency, and is used for community recreation, education and/or service activities. A community center may include, but is not limited to, the following uses: auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing courts, playing field, and swimming pool. Community Center does not include retail services, membership organizations, commercial indoor recreation, commercial outdoor recreation, transitional shelter, transitional treatment facility, short or long term care facility.

SECTION 3: That Section 6-18-3 of the Zoning Ordinance is hereby amended to include the following:

LIVE-WORK UNIT: A structure or portion of a structure: (1) that combines an allowed commercial or manufacturing activity with a residential living space for the owner or proprietor of the commercial or manufacturing activity, and that person's household; (2) where the resident owner or proprietor of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place pursuant to a valid business license or permit associated with the premises.

SECTION 4: That the definition of "Restaurant, Type 1" found in Section 6-18-3 of the Zoning Ordinance is hereby amended to read as follows:

RESTAURANT, TYPE 1: A restaurant wherein less than thirty percent (30%) of food and beverages served is consumed off the premises, excluding food and beverages delivered directly to the residence or workplace of the consumer, and where food and beverages are not served at a drive-through facility.

SECTION 5: That the definition of "Restaurant, Type 2" found in Section 6-18-3 of the Zoning Ordinance is hereby amended to read as follows:

RESTAURANT, TYPE 2: A restaurant where thirty percent (30%) or more of food and beverages served are consumed off-premises, excluding food and beverages delivered directly to the residence or workplace of the consumer, or where any food and beverages are served at a drive-through facility.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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 8: That this Ordinance 67-O-09 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: September 14, 2009

Approved:


Adopted: September 29, 2009


October 1, 2009


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

