

9/1/2009

89-O-09

AN ORDINANCE

**Enacting a New Subsection 6-3-5-15 (D)
of the Zoning Ordinance**

WHEREAS, on July 29, 2009, and August 12, 2009 the Plan Commission held public hearings, pursuant to proper notice, regarding case no. 09-PLND-0056 (C-3) to consider an amendment to the text of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"), specifically the enactment of a new Subsection 6-3-5-15 (D) thereof; 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 no. 09-PLND-0056 (C-3) 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 Subsection 6-3-5-15 of the Zoning Ordinance, "Limitations on Special Uses", is hereby amended to include a new Subsection (D) to read as follows:

(D) Subject to an exception granted by the City Council, any Special Use shall automatically terminate and be rendered void, without further action by the City, if, for a continuous period of two (2) years, the land, structure, or portion thereof for which the City Council has granted said Special Use either becomes vacant and remains unoccupied, or is occupied for a use other than said Special Use. Subsequent to such termination, any use or occupancy of said land, structure, or portion thereof, shall comply with the then-current use regulations of the zoning district wherein it is located.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 5: 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: September 14, 2009


Adopted: September 29, 2009

Approved:


September 30, 2009


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


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