

9-O-10

AN ORDINANCE

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

WHEREAS, at its meeting of September 29, 2009, the City Council adopted Ordinance 67-O-09, which amended the definitions of "Restaurant, Type 1" and "Restaurant, Type 2" found in Section 6-18-3 of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"); and

WHEREAS, at its meeting of January 25, 2010, the Planning and Development Committee of the City Council approved a motion directing staff to prepare an ordinance that would reinstitute the previous meanings of said definitions,

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

RESTAURANT, TYPE 1: An establishment in which the principal use is the service of prepared food and beverages for consumption on the premises. All service of prepared food and beverages for consumption on the premises shall require customers to order at a table, booth, or dining counter with service by a waiter or waitress at said table, booth, or dining counter and shall also require the use of reusable (nondisposable) flatware and dishware. Drive-through facilities are prohibited.

SECTION 3: 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: An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant, Type 1" as defined herein. This definition shall not include establishments where incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.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

Introduced: February 8, 2010

Approved:

Adopted: February 22, 2010

February 26, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:
Rodney Greene
Rodney Greene, City Clerk

Approved as to form:
W. Grant Farrar
W. Grant Farrar, City Attorney