

Effective Date: December 29, 2010

12/13/2010
10/5/2010

77-O-10

AN ORDINANCE

Amending Various Portions of the Zoning Ordinance Relating to Religious Institutions in the B1 and B3 Zoning Districts

WHEREAS, the City of Evanston is a home rule unit of government pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, Article VII, Section 6a of the Illinois Constitution of 1970 confers certain powers upon home rule units, among which are the powers to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the power to regulate development and land use is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, the creation of zoning districts and enforcement of zoning regulations, is a legitimate and frequently-utilized means of regulating development and land use; and

WHEREAS, the City of Evanston, has, pursuant to its home rule authority, adopted zoning regulations, codified as Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"); and

WHEREAS, in said Zoning Ordinance the City has created several zoning districts, including Business, Commercial, and Downtown districts; and

WHEREAS, each such zoning district has a stated purpose; and

WHEREAS, the stated purposes of the Business zoning districts include the promotion of shopping, businesses, and office uses; and

WHEREAS, promoting the commercial vitality of the City's Business zoning districts, in order to increase revenues and strengthen the local tax base, is a compelling governmental interest; and

WHEREAS, Religious Institutions generally do not offer shopping opportunities or retail services, or generate property tax or sales tax revenue; and

WHEREAS, on October 13, 2010, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 10PLND-0074 to consider various amendments to the text of the Zoning Ordinance, relating to the Use known as "Religious Institution", including making it a Special Use in the Business, Commercial, and Downtown zoning districts; and

WHEREAS, the Plan Commission received testimony and made written 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 meetings of October 25, 2010, November 8, 2010, November 22, 2010, and December 13, 2010, the Planning and Development Committee of the City Council considered the findings and recommendation of the Plan Commission in case no. 10PLND-0074, amended them to restrict them to the B1 and B3 Business zoning districts, and adopted them and recommended City Council approval thereof, as amended; and

WHEREAS, the Howard Street, between the Chicago Transit Authority station to the east, and Ridge Avenue to the west is the only area of the City in the B3 Business zoning district; and

WHEREAS, according to the City of Evanston's Comprehensive General Plan and the Southeast Evanston Comprehensive Neighborhood Plan, the economic revitalization of the aforementioned portion of Howard Street, is one of the City's most important priorities; and

WHEREAS, in support of its revitalization efforts, the City has, among other efforts, established the West Evanston Tax Increment Financing District, a redevelopment agreement that provided partial financing for the development at 415 Howard Street, which transformed a parking lot into an eighteen (18)-story apartment building; and

WHEREAS, on December 7, 2010, the City Council convened a special meeting and engaged in a far-ranging dialogue with citizens and community religious leaders regarding this ordinance; and

WHEREAS, at its meeting of December 13, 2010, the City Council considered and adopted the records and recommendations of the Plan Commission, as amended by the Planning and Development Committee; and

WHEREAS, requiring Religious Institutions to apply for and obtain Special Use permits in order to begin operation in the B1 and B3 Business zoning districts would neither render the use of real property in the City, for the purpose of religious exercise, impracticable, nor discourage Religious Institutions from locating within the City; and

WHEREAS, Religious Institutions that currently operate in the B1 and B3 Business zoning districts could continue to operate as legal non-conforming Uses, and would only need to apply for Special Use Permits if they intended to expand or re-build if destroyed; and

WHEREAS, in 2006, the City granted a Special Use Permit for a Religious Institution to the New Hope Christian Methodist Episcopal Church, located at 2004-10 Emerson Street, permit its construction; and

WHEREAS, in 2006, the City granted a Special Use Permit for a Religious Institution to the Jewish Reconstructionist Congregation, located at 303 Dodge Avenue, a legal non-conforming Use, to permit its demolition, rebuilding, and expansion; and

WHEREAS, in 2008, the City amended the Special Use Permit for a Religious Institution of the Bethel African Methodist Episcopal Church, located at 1744 Darrow Avenue/1812 Lyons Avenue, to permit its expansion; and

WHEREAS, in 2009, the City amended the Special Use Permit for a Religious Institution of the Seventh Day Adventist Church, Lake Region Conference, located at 1825 Dodge Avenue, to permit its expansion; and

WHEREAS, the City Council has exhaustively considered citizen input and participation, and evaluated economic, zoning, planning, land use, due process, and other relevant factors in the course of its legislative deliberations regarding this ordinance; and

WHEREAS, the City Council and staff continue to devote resources and attention to the economic development in the City, and that this ordinance is but one step in a continually evolving and lawful approach to zoning as applied to cultural and non-profit institutions in the City,

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 6-9-2-2 of the Zoning Ordinance, "Permitted Uses" in the B1 District, is hereby amended to delete the following: "Religious Institution."

SECTION 3: That Subsection 6-9-2-3 of the Zoning Ordinance, "Special Uses" in the B1 District, is hereby amended to include the following: "Religious Institution."

SECTION 4: That Subsection 6-9-4-2 of the Zoning Ordinance, "Permitted Uses" in the B3 District, is hereby amended to delete the following: "Religious Institution."

SECTION 5: That Subsection 6-9-4-3 of the Zoning Ordinance, "Special Uses" in the B3 District, is hereby amended to include the following: "Religious Institution."

SECTION 6: That Subsection 6-16-1-2 of the Zoning Ordinance is hereby amended to read as follows:

6-16-1-2: EXEMPTION FROM OFF-STREET PARKING AND LOADING REQUIREMENTS FOR EXISTING BUILDINGS AND USES:

Changes in the use or intensity of use of a building and/or land area, which do not include construction of a new building, or building addition (i.e., increase in gross floor area), shall be exempt from the parking and loading requirements of this Ordinance, except in the following cases:

- (A) Changes in a use or intensity of a use regarding medical or dental offices in the business, commercial, office or transitional manufacturing districts.
- (B) Changes in use to religious institution in the business, commercial, or downtown districts.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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 9: 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: October 25, 2010

Approved:

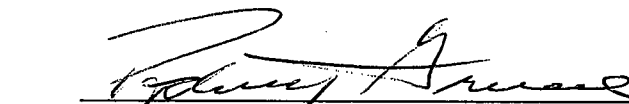
Adopted: December 13, 2010

December 15, 2010


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, City Attorney