

35-O-12

AN ORDINANCE

**Amending Portions of the Zoning Ordinance
Relating to the Creation of the
“Payday Loan or Consumer Loan Establishment” Use**

WHEREAS, on March 15, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0010 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Payday Loan or Consumer Loan Establishment;” 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 meeting of March 26, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0010 and recommended City Council approval thereof; and

WHEREAS, at its meeting of March 26, 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, THAT:**

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Section 6-18-3 of the Zoning Ordinance, "Definitions," is hereby amended to include the following:

PAYDAY LOAN OR CONSUMER LOAN ESTABLISHMENT: Any business that makes or offers a loan transaction where a cash advance, post-dated check, or other financial instrument, which the parties agree will be held for a period of time before presentment for payment or deposit, is accepted as collateral for the loan, or by which a loan transaction is made or offered in lieu of a title to personal or real property, in an amount not exceeding \$25,000, that is not expressly done through a bank, savings and loan association, or credit union. No Payday Loan or Consumer Loan Establishment shall be permitted within one thousand feet (1,000'), measured property line to property line, of another such establishment.

SECTION 3: That Subsection 6-10-4-3 of the Zoning Ordinance, "Special Uses" in the C2 District, is hereby amended to include the following:

Payday Loan or Consumer Loan Establishment

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 7: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: March 26, 2012

Approved:


Adopted: March 26, 2012

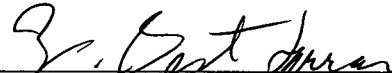
March 28, 2012


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

