

46-O-13

AN ORDINANCE

**Amending Portions of the Zoning Ordinance
to Create the "Yard Waste Transfer Facility" Use**

WHEREAS, on April 10, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0015 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"), relating to the creation of the Use known as "Yard Waste Transfer Facility;" 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 April 22 and May 13, 2013, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0015 and recommended City Council approval thereof; and

WHEREAS, at its meeting of May 13, 2013, 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:

YARD WASTE TRANSFER FACILITY: A non-governmental facility that accepts yard waste, as defined in City Code Section 8-4-1, as amended, and/or landscape waste, as defined in 415 ILCS 5/3.270, as amended, for sorting and/or consolidation prior to transfer to an off-site recycling and/or composting facility. Yard/landscape waste shall remain on-site before such transfer for no longer than twenty-four (24) hours or other time period designated in 415 ILCS 5/39.2(o), as amended. Composting on-site is prohibited. Any mechanical facilities used for the processing of such yard/landscape waste must be incidental in nature.

SECTION 3: Subsection 6-14-3-3 of the Zoning Ordinance, "Special Uses" in the I3 District, is hereby amended to include "Yard Waste Transfer Facility."

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 7: 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.

Introduced: May 13, 2013

Approved:

Adopted: May 28, 2013

May 30, 2013

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

