

Effective Date: June 23, 2013

6/10/2013
4/22/2013
4/4/2013

47-O-13

AN ORDINANCE

**Amending Portions of the Zoning Ordinance
Related to the "Commercial Indoor Recreation" 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 renaming and amending the Use known as "Commercial Indoor Recreation" and making it a Special Use in the I2 district; 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 April 22, 2013, the Planning and Development Committee of the City Council considered, amended, and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0015 and recommended City Council approval thereof, as amended; and

WHEREAS, at its meetings of April 22, May 13, May 28, and June 10, 2013, the City Council considered and adopted the record and recommendation of the Plan Commission as amended by 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: The definition of "Commercial Indoor Recreation" in Section 6-18-3 of the Zoning Ordinance is hereby amended to read as follows:

Public or private recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Commercial Indoor Recreation" shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars that sell pre-packaged food items, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial Indoor Recreation" shall not include Cultural Facilities, Community Centers and Recreation Centers, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use. For purposes of this definition, the term "Commercial Purpose," as defined in this Section, shall not apply.

SECTION 3: Subsection 6-14-3-3 of the Zoning Ordinance, "Special Uses" in the I2 District, is hereby amended to include "Commercial Indoor Recreation."

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: April 22, 2013

Approved:

Adopted: June 10, 2013

June 13, 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

