

**53-O-13**

**AN ORDINANCE**

**Granting a Special Use Permit for a Resale Establishment  
Located at 1104 Davis Street in the  
D4 Downtown Transition Zoning District**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on April 23, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0021, an application by Joel Stein (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1104 Davis Street (the “Subject Property”) and located in the D4 Downtown Transition Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-11-5-3 of Title 6 of the Evanston City Code, 2012, as amended (the “Zoning Ordinance”), a Resale Establishment on the Subject Property; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and findings that the application for a Resale Establishment met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of May 28, 2013, the City Council's Planning and Development Committee (“P&D Committee”) considered and adopted the ZBA's record and findings, and recommended City Council approval thereof; and

**WHEREAS**, at its meetings of May 28 and June 10, 2013, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D 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 City Council hereby approves the Special Use Permit for a Resale Establishment applied for in case no. 13ZMJV-0021.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Hours of Operation:** The Applicant shall not operate the Resale Establishment authorized hereby between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- C. Furniture Only:** The Applicant shall sell only furniture and furnishings in the Resale Establishment authorized by the terms of this ordinance.
- D. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

**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 ruled 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.

**SECTION 8:** 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 28, 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

**EXHIBIT A**

**Legal Description**

LOTS 5 AND 6 IN BLOCK 61 IN EVANSTON, ILL, SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE MAPS THEREOF, RECORDED JULY 27, 1854, IN BOOK 85 OF MAPS, PAGE 42, IN COOK COUNTY, ILLINOIS.

**PIN:** 11-18-308-021-0000

**COMMONLY KNOWN As:** 1104 Davis Street, Evanston, Illinois.