

7/8/2013
5/29/2013

60-O-13

AN ORDINANCE

**Granting a Special Use Permit for a Bed and Breakfast Establishment
Located at 1622 Forest Place in the
R1 Single-Family Residential Zoning District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on April 2 and April 23, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0017, an application filed by Patriot Park, LLC (the “Applicant”), owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1622 Forest Place (the “Subject Property”) and located in the R1 Single-Family Residential Zoning District (“R1 District”), for a Special Use Permit to establish, pursuant to Section 6-4-7 and Subsection 6-8-2-4 of Title 6 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Bed and Breakfast Establishment (“B&B”) on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a B&B did not meet the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council deny the application; and

WHEREAS, at its meeting of June 10, 2013, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council reject the ZBA’s recommendation and instead approve the application in case no. 13ZMJV-0017; and

WHEREAS, at its meetings of June 10 and July 8, 2013, the City Council considered the ZBA's and P&D Committee's records, findings, and recommendations, and amended and adopted the recommendation of the P&D Committee, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

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

SECTION 2: The City Council hereby approves the Special Use Permit for a B&B on the Subject Property as applied for in case no. 13ZMJV-0017.

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. Commercial Trash Collection:** During the ninety (90) days after the Applicant begins operation, pursuant to a license issued under City Code Title 8, Chapter 19, as amended, of the B&B authorized by this ordinance, City staff shall monitor to determine whether normal residential trash service is sufficient to prevent a nuisance or a threat to the public health, welfare, and safety. If it is not, it shall issue a report to that effect to the P&D Committee. The City Council reserves the right to require the Applicant to enter into a contract with the City's municipal solid waste service franchisee for trash collection as often as the Council determines may be required to prevent such a nuisance or threat to the public health, welfare, and safety.
- C. No Third Floor Kitchen:** The Applicant shall not install cooking facilities on the third floor of the Subject Property.

- D. Coach House Occupancy Restricted:** Pursuant to Subsection 6-4-7-(B) of the Zoning Ordinance, the coach house on the Subject Property shall not be used as living quarters for guests of the B&B authorized by the terms of this ordinance. Any lease of said coach house shall be for a term no shorter than one (1) year.
- E. 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: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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 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: June 10, 2013

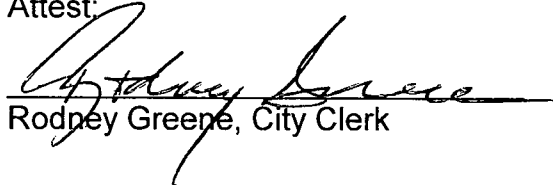
Approved:

Adopted: July 8, 2013

July 15, 2013


Ann Rainey, Mayor Pro Tem

Attest:


Rodney Greene, City Clerk

Approved as to form:

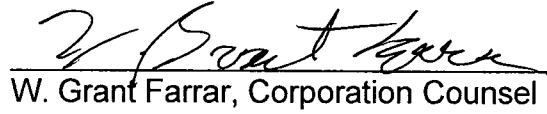

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

LOT 13 (EXCEPT THE SOUTH 34 FEET THEREOF), AND ALL OF LOT 14 AND THE SOUTH 14 FEET OF LOT 15 IN BLOCK 22 IN THE VILLAGE OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PIN: 11-18-405-013-0000

COMMONLY KNOWN As: 1622 Forest Place, Evanston, Illinois.

