

12-O-14

AN ORDINANCE

**Granting a Special Use Permit for a Type 2 Restaurant
Located at 337 Howard Street in the
B3 Business Zoning District ("Harold's Chicken Shack")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on December 17, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0111, an application filed by Harold's Chicken Shack, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 337 Howard Street (the "Subject Property") and located in the B3 Business Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-9-4-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Type 2 Restaurant, "Harold's Chicken Shack," 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 Type 2 Restaurant 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 January 13, 2014, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 13ZMJV-0111; and

WHEREAS, at its meetings of January 13 and January 27, 2014, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and 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 Type 2 Restaurant on the Subject Property as applied for in case no. 13ZMJV-0111.

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. Litter Collection Plan:** The Applicant shall implement and adhere to a Litter Collection Plan that requires the policing of an area located within a radius of two hundred fifty feet (250') of the Subject Property. The Applicant shall police this area at least once every three (3) hours during the hours the Special Use is in operation and shall keep it free of all litter, from any source. For the purpose of this ordinance, "litter" shall include, but is not limited to: food, food waste, and beverages; solid waste, including paper, wrappings, containers, cardboard, napkins, straws, utensils, plates, cans, glass, crockery, cigarette butts, ashes and similar materials; animal waste and dead animals; yard clippings and leaves; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

- C. **Litter Pick-Up Plan:** The Applicant and/or the owner of the Subject Property shall provide and maintain, on the Subject Property, exterior litter receptacles, in sufficient number and type, and with collections therefrom of sufficient number and frequency, in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the Special Use authorized hereby. Litter shall be collected no less than three (3) times per week, including collections on Sundays as necessary, in the City's judgment, to comply with this condition. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. The owner of the Subject Property shall provide adequate space at the rear of and on the Subject Property to accommodate the litter receptacles and collections required. Within seven (7) days of written notice from the City to do so, the Applicant and/or the owner of the Subject Property shall modify the number of litter receptacles and/or the number of collections therefrom, as directed by the City.
- D. **Hours of Operation:** The Applicant shall not operate the Type 2 Restaurant authorized by this ordinance between 10:00 p.m. and 10:00 a.m. on any day.
- 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: January 13, 2014

Approved:

Adopted: January 27, 2014

January 29, 2014

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**

ALL THAT PART OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING ON A LINE PARALLEL TO AND 33 FEET NORTH OF SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ AT A POINT 450.87 FEET EAST OF THE EASTERLY LINE OF CLARK STREET NOW KNOWN AS CHICAGO AVENUE, THENCE EAST ALONG SAID FIRST MENTIONED LINE 100 FEET TO THE CENTER LINE OF A 13 INCH BRICK WALL (SAID WALL RUNNING DUE NORTH FROM SAID FIRST MENTIONED LINE A DISTANCE OF 85 FEET); THENCE NORTH ALONG THE CENTER LINE OF SAID WALL A DISTANCE OF 85 FEET TO THE SOUTH LINE OF AN EAST AND WEST ALLEY; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 11-30-213-019-0000

COMMONLY KNOWN As: 337 Howard Street, Evanston, Illinois.