

25-O-15

AN ORDINANCE

**Amending the Zoning Map to Place Certain Properties
Within the oDM Dempster-Main Overlay District**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 1979, as amended, (“the Zoning Ordinance”); and

WHEREAS, on June 11, 2014, November 12, 2014 and February 11, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 14PLND-0045, to consider amendments to the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to place certain properties within the oDM Howard-Ridge Overlay District; and

WHEREAS, the Plan Commission received testimony and made findings pursuant to Subsection 6-3-4-6 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of March 23, 2015, the Planning and Development Committee of the City Council considered and accepted the findings and recommendation of the Plan Commission in case no. 14PLND-0045 and recommended City Council approval thereof; and

WHEREAS, at its meetings of March 23, 2015 and April 13, 2015, the City Council considered and adopted the record and recommendation of the Planning and Development Committee; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124),

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 amends the Zoning Map to place those properties with the addresses and PINs listed in Exhibit A and identified in Exhibit B, both attached hereto and incorporated herein by reference, within the oDM Dempster-Main Overlay District.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 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: 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: March 23, 2015

Approved:

Adopted: April 13, 2015

April 15, 2015

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk (NB)

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**Addresses and PINs of Properties Located Within the
oDM Dempster-Main Overlay District**

11-18-329-010-0000	1303 ELMWOOD AVE
11-18-329-019-0000	815 DEMPSTER ST
11-18-329-020-0000	813 DEMPSTER ST
11-18-329-021-0000	809 DEMPSTER ST
11-18-329-022-0000	1302 SHERMAN AVE
11-18-329-023-0000	801 DEMPSTER ST
11-18-329-024-0000	1301 ELMWOOD AVE
11-18-329-025-0000	1301 ELMWOOD AVE
11-18-329-026-0000	1301 ELMWOOD AVE
11-18-329-027-0000	1301 ELMWOOD AVE
11-18-330-008-0000	1308 CHICAGO AVE
11-18-330-009-0000	609 DEMPSTER ST
11-18-330-010-0000	609 DEMPSTER ST
11-18-418-011-0000	1301 CHICAGO AVE
11-19-104-001-0000	1233 ELMWOOD AVE
11-19-104-013-0000	808 DEMPSTER ST
11-19-104-014-0000	806 DEMPSTER ST 1/2
11-19-104-015-0000	802 DEMPSTER ST
11-19-104-016-0000	800 DEMPSTER ST
11-19-104-046-0000	804 DEMPSTER ST
11-19-105-001-0000	614 DEMPSTER ST
11-19-105-002-0000	606 DEMPSTER ST
11-19-117-045-0000	905 SHERMAN AVE
11-19-117-046-0000	ELMWOOD AVE
11-19-117-047-0000	717 MAIN ST
11-19-117-048-0000	711 MAIN ST
11-19-117-049-0000	709 MAIN ST
11-19-117-050-0000	703 MAIN ST
11-19-122-012-0000	825 MAIN ST
11-19-122-023-0000	MAIN ST
11-19-122-025-0000	801 MAIN ST
11-19-200-001-0000	516 DEMPSTER ST
11-19-213-030-1001	900 CHICAGO AVE 301
11-19-213-030-1002	900 CHICAGO AVE 302
11-19-213-030-1003	900 CHICAGO AVE 303
11-19-213-030-1004	900 CHICAGO AVE 304
11-19-213-030-1005	900 CHICAGO AVE 305

11-19-213-030-1006	900 CHICAGO AVE 306
11-19-213-030-1007	900 CHICAGO AVE 306
11-19-213-030-1008	900 CHICAGO AVE 307
11-19-213-030-1009	900 CHICAGO AVE 308
11-19-213-030-1010	900 CHICAGO AVE 309
11-19-213-030-1011	900 CHICAGO AVE 310
11-19-213-030-1012	900 CHICAGO AVE 310
11-19-213-030-1013	900 CHICAGO AVE 311
11-19-213-030-1014	900 CHICAGO AVE 312
11-19-213-030-1015	900 CHICAGO AVE 313/4
11-19-213-030-1016	900 CHICAGO AVE 315
11-19-213-030-1017	900 CHICAGO AVE 316
11-19-213-030-1019	900 CHICAGO AVE 402
11-19-213-030-1020	900 CHICAGO AVE 403
11-19-213-030-1021	900 CHICAGO AVE 404
11-19-213-030-1022	900 CHICAGO AVE 405
11-19-213-030-1023	900 CHICAGO AVE 406
11-19-213-030-1024	900 CHICAGO AVE 406
11-19-213-030-1025	900 CHICAGO AVE 407
11-19-213-030-1026	900 CHICAGO AVE 408
11-19-213-030-1027	900 CHICAGO AVE 409
11-19-213-030-1028	900 CHICAGO AVE 410
11-19-213-030-1029	900 CHICAGO AVE 410
11-19-213-030-1030	900 CHICAGO AVE 411
11-19-213-030-1031	900 CHICAGO AVE 412
11-19-213-030-1032	900 CHICAGO AVE 413
11-19-213-030-1033	900 CHICAGO AVE 414
11-19-213-030-1034	900 CHICAGO AVE 415
11-19-213-030-1035	900 CHICAGO AVE 416
11-19-213-030-1037	900 CHICAGO AVE 502
11-19-213-030-1038	900 CHICAGO AVE 503
11-19-213-030-1039	900 CHICAGO AVE 504
11-19-213-030-1040	900 CHICAGO AVE 505
11-19-213-030-1041	900 CHICAGO AVE 506
11-19-213-030-1042	900 CHICAGO AVE 506
11-19-213-030-1043	900 CHICAGO AVE 507
11-19-213-030-1044	900 CHICAGO AVE 508
11-19-213-030-1045	900 CHICAGO AVE 509
11-19-213-030-1046	900 CHICAGO AVE 510
11-19-213-030-1047	900 CHICAGO AVE 510
11-19-213-030-1048	900 CHICAGO AVE 511
11-19-213-030-1049	900 CHICAGO AVE 512
11-19-213-030-1050	900 CHICAGO AVE 513
11-19-213-030-1051	900 CHICAGO AVE 514
11-19-213-030-1052	900 CHICAGO AVE 515
11-19-213-030-1053	900 CHICAGO AVE 516

11-19-213-030-1054	900 CHICAGO AVE 601
11-19-213-030-1055	900 CHICAGO AVE 602
11-19-213-030-1056	900 CHICAGO AVE 603
11-19-213-030-1057	900 CHICAGO AVE 604
11-19-213-030-1058	900 CHICAGO AVE 605
11-19-213-030-1059	900 CHICAGO AVE 606
11-19-213-030-1060	900 CHICAGO AVE 606
11-19-213-030-1061	900 CHICAGO AVE 607
11-19-213-030-1062	900 CHICAGO AVE 608
11-19-213-030-1063	900 CHICAGO AVE 609
11-19-213-030-1067	900 CHICAGO AVE 613
11-19-213-030-1068	900 CHICAGO AVE 614
11-19-213-030-1069	900 CHICAGO AVE 615
11-19-213-030-1070	900 CHICAGO AVE 616
11-19-213-030-1071	900 CHICAGO AVE 616
11-19-213-030-1073	900 CHICAGO AVE 702
11-19-213-030-1074	900 CHICAGO AVE 703
11-19-213-030-1075	900 CHICAGO AVE 704
11-19-213-030-1076	900 CHICAGO AVE 705
11-19-213-030-1077	900 CHICAGO AVE 706
11-19-213-030-1078	900 CHICAGO AVE 707
11-19-213-030-1079	900 CHICAGO AVE 707
11-19-213-030-1080	900 CHICAGO AVE 708
11-19-213-030-1081	900 CHICAGO AVE 709
11-19-213-030-1082	900 CHICAGO AVE 710
11-19-213-030-1083	900 CHICAGO AVE 711
11-19-213-030-1084	900 CHICAGO AVE 712
11-19-213-030-1085	900 CHICAGO AVE 712
11-19-213-030-1086	900 CHICAGO AVE 713
11-19-213-030-1087	900 CHICAGO AVE B-1
11-19-213-030-1088	900 CHICAGO AVE B-2
11-19-213-030-1089	900 CHICAGO AVE B-3
11-19-213-030-1090	900 CHICAGO AVE B-4
11-19-213-030-1091	900 CHICAGO AVE B-5
11-19-213-030-1092	900 CHICAGO AVE B-6
11-19-213-030-1093	900 CHICAGO AVE B-7
11-19-213-030-1094	900 CHICAGO AVE B-8
11-19-213-030-1095	900 CHICAGO AVE B-9
11-19-213-030-1096	900 CHICAGO AVE B-10
11-19-213-030-1097	900 CHICAGO AVE B-11
11-19-213-030-1098	900 CHICAGO AVE B-12
11-19-213-030-1099	900 CHICAGO AVE B-13
11-19-213-030-1100	900 CHICAGO AVE B-14
11-19-213-030-1101	900 CHICAGO AVE B-15
11-19-213-030-1102	900 CHICAGO AVE B-16
11-19-213-030-1103	900 CHICAGO AVE B-17

11-19-213-030-1104	900 CHICAGO AVE B-18
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11-19-213-030-1106	900 CHICAGO AVE B-20
11-19-213-030-1107	900 CHICAGO AVE B-21
11-19-213-030-1108	900 CHICAGO AVE B-22
11-19-213-030-1109	900 CHICAGO AVE B-23
11-19-213-030-1110	900 CHICAGO AVE B-24
11-19-213-030-1111	900 CHICAGO AVE B-25
11-19-213-030-1112	900 CHICAGO AVE B-26
11-19-213-030-1113	900 CHICAGO AVE B-26
11-19-213-030-1114	900 CHICAGO AVE B-27
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11-19-213-030-1116	900 CHICAGO AVE B-29
11-19-213-030-1117	900 CHICAGO AVE B-15T
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11-19-213-030-1119	900 CHICAGO AVE B-14T
11-19-213-030-1120	900 CHICAGO AVE B-31
11-19-213-030-1121	900 CHICAGO AVE B-13T
11-19-213-030-1122	900 CHICAGO AVE B-32
11-19-213-030-1123	900 CHICAGO AVE B-12T
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11-19-213-030-1125	900 CHICAGO AVE B-11T
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11-19-213-030-1127	900 CHICAGO AVE B-35
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11-19-213-030-1132	900 CHICAGO AVE B-37
11-19-213-030-1133	900 CHICAGO AVE B-7T
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11-19-213-030-1135	900 CHICAGO AVE B-39
11-19-213-030-1136	900 CHICAGO AVE B-5T
11-19-213-030-1137	900 CHICAGO AVE B-40
11-19-213-030-1138	900 CHICAGO AVE B-4T
11-19-213-030-1139	900 CHICAGO AVE B-41
11-19-213-030-1140	900 CHICAGO AVE B-3T
11-19-213-030-1141	900 CHICAGO AVE B-3T
11-19-213-030-1142	900 CHICAGO AVE B-42
11-19-213-030-1143	900 CHICAGO AVE B-2T
11-19-213-030-1144	900 CHICAGO AVE B-43
11-19-213-030-1145	900 CHICAGO AVE B-1T
11-19-213-030-1146	900 CHICAGO AVE G-1
11-19-213-030-1147	900 CHICAGO AVE G-2
11-19-213-030-1148	900 CHICAGO AVE G-3
11-19-213-030-1149	900 CHICAGO AVE G-4

11-19-213-030-1150	900 CHICAGO AVE G-5
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11-19-213-030-1152	900 CHICAGO AVE G-7
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11-19-213-030-1154	900 CHICAGO AVE G-9
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11-19-213-030-1156	900 CHICAGO AVE G-11
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11-19-213-030-1169	900 CHICAGO AVE P-4
11-19-213-030-1170	900 CHICAGO AVE P-5
11-19-213-030-1171	900 CHICAGO AVE P-6
11-19-213-030-1172	900 CHICAGO AVE P-7
11-19-213-030-1173	900 CHICAGO AVE P-8
11-19-213-030-1174	900 CHICAGO AVE P-9
11-19-213-030-1175	900 CHICAGO AVE P-10
11-19-213-030-1176	900 CHICAGO AVE P-11
11-19-213-030-1177	900 CHICAGO AVE P-12
11-19-213-030-1178	900 CHICAGO AVE P-13
11-19-213-030-1179	900 CHICAGO AVE P-14
11-19-213-030-1180	900 CHICAGO AVE P-15
11-19-213-030-1181	900 CHICAGO AVE P-16
11-19-213-030-1182	900 CHICAGO AVE P-17
11-19-213-030-1183	900 CHICAGO AVE P-18
11-19-213-030-1184	900 CHICAGO AVE P-19
11-19-213-030-1185	900 CHICAGO AVE P-20
11-19-213-030-1186	900 CHICAGO AVE P-20
11-19-213-030-1187	900 CHICAGO AVE P-21
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11-19-213-030-1194	900 CHICAGO AVE P-15T
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11-19-213-030-1196	900 CHICAGO AVE P-14T
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11-19-213-030-1198	900 CHICAGO AVE P-13T
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11-19-213-030-1201	900 CHICAGO AVE P-30
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11-19-213-030-1203	900 CHICAGO AVE P-11T
11-19-213-030-1204	900 CHICAGO AVE P-31
11-19-213-030-1205	900 CHICAGO AVE P-10T
11-19-213-030-1206	900 CHICAGO AVE P-32
11-19-213-030-1208	900 CHICAGO AVE P-33
11-19-213-030-1209	900 CHICAGO AVE P-8T
11-19-213-030-1210	900 CHICAGO AVE P-35
11-19-213-030-1211	900 CHICAGO AVE P-36
11-19-213-030-1212	900 CHICAGO AVE P-37
11-19-213-030-1213	900 CHICAGO AVE P-38
11-19-213-030-1214	900 CHICAGO AVE P-39
11-19-213-030-1215	900 CHICAGO AVE P-8T
11-19-213-030-1216	900 CHICAGO AVE P-40
11-19-213-030-1217	900 CHICAGO AVE P-7T
11-19-213-030-1218	900 CHICAGO AVE P-41
11-19-213-030-1219	900 CHICAGO AVE P-6T
11-19-213-030-1220	900 CHICAGO AVE P-42
11-19-213-030-1221	900 CHICAGO AVE P-5T
11-19-213-030-1222	900 CHICAGO AVE P-43
11-19-213-030-1223	900 CHICAGO AVE P-4T
11-19-213-030-1224	900 CHICAGO AVE P-44
11-19-213-030-1225	900 CHICAGO AVE P-3T
11-19-213-030-1226	900 CHICAGO AVE P-45
11-19-213-030-1227	900 CHICAGO AVE P-2T
11-19-213-030-1228	900 CHICAGO AVE P-46
11-19-213-030-1229	900 CHICAGO AVE P-1T
11-19-213-030-1230	900 CHICAGO AVE 401
11-19-213-030-1231	900 CHICAGO AVE 501
11-19-213-030-1232	900 CHICAGO AVE 610
11-19-213-030-1233	900 CHICAGO AVE 610
11-19-213-030-1234	900 CHICAGO AVE 611
11-19-213-030-1235	900 CHICAGO AVE 701
11-19-213-030-1236	900 CHICAGO AVE P-9T
11-19-213-031-0000	900 CHICAGO AVE
11-19-213-032-0000	900 CHICAGO AVE
11-19-213-033-1001	900 CHICAGO AVE 100
11-19-213-033-1002	900 CHICAGO AVE 106
11-19-220-019-0000	511 MAIN ST
11-19-220-020-0000	501 MAIN ST

11-19-220-029-1001	515 MAIN ST 301
11-19-220-029-1002	515 MAIN ST 302
11-19-220-029-1003	515 MAIN ST 303
11-19-220-029-1004	515 MAIN ST 304
11-19-220-029-1005	515 MAIN ST 305
11-19-220-029-1006	515 MAIN ST 306
11-19-220-029-1007	515 MAIN ST 307
11-19-220-029-1008	515 MAIN ST 308
11-19-220-029-1009	515 MAIN ST 309
11-19-220-029-1010	515 MAIN ST 401
11-19-220-029-1011	515 MAIN ST 402
11-19-220-029-1012	515 MAIN ST 403
11-19-220-029-1013	515 MAIN ST 404
11-19-220-029-1014	515 MAIN ST 405
11-19-220-029-1015	515 MAIN ST 406
11-19-220-029-1016	515 MAIN ST 407
11-19-220-029-1017	515 MAIN ST 408
11-19-220-029-1018	515 MAIN ST 409
11-19-220-029-1019	515 MAIN ST 501
11-19-220-029-1020	515 MAIN ST 502
11-19-220-029-1021	515 MAIN ST 503
11-19-220-029-1022	515 MAIN ST 504
11-19-220-029-1023	515 MAIN ST 505
11-19-220-029-1024	515 MAIN ST 506
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11-19-220-029-1031	515 MAIN ST 604
11-19-220-029-1032	515 MAIN ST 605
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11-19-220-029-1035	515 MAIN ST 608
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11-19-220-029-1037	515 MAIN ST 701
11-19-220-029-1038	515 MAIN ST 702
11-19-220-029-1039	515 MAIN ST 703
11-19-220-029-1040	515 MAIN ST 704
11-19-220-029-1041	515 MAIN ST 705
11-19-220-029-1042	515 MAIN ST 706
11-19-220-029-1043	515 MAIN ST 707
11-19-220-029-1044	515 MAIN ST 708
11-19-220-029-1045	515 MAIN ST 709
11-19-220-029-1046	515 MAIN ST 801

11-19-220-029-1047	515 MAIN ST 802
11-19-220-029-1048	515 MAIN ST 803
11-19-220-029-1049	515 MAIN ST 804
11-19-220-029-1050	515 MAIN ST 805
11-19-220-029-1051	515 MAIN ST 806
11-19-220-029-1052	515 MAIN ST 807
11-19-220-029-1053	515 MAIN ST 808
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11-19-220-029-1056	515 MAIN ST 902
11-19-220-029-1057	515 MAIN ST 903
11-19-220-029-1058	515 MAIN ST 904
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11-19-220-029-1060	515 MAIN ST 906
11-19-220-029-1061	515 MAIN ST 907
11-19-220-029-1062	515 MAIN ST 908
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11-19-220-029-1066	515 MAIN ST P-3
11-19-220-029-1067	515 MAIN ST P-4
11-19-220-029-1068	515 MAIN ST P-5
11-19-220-029-1069	515 MAIN ST P-6
11-19-220-029-1070	515 MAIN ST P-7
11-19-220-029-1071	515 MAIN ST P-8
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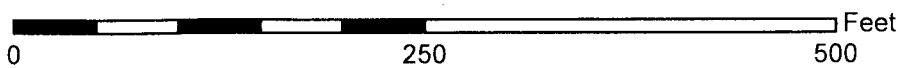
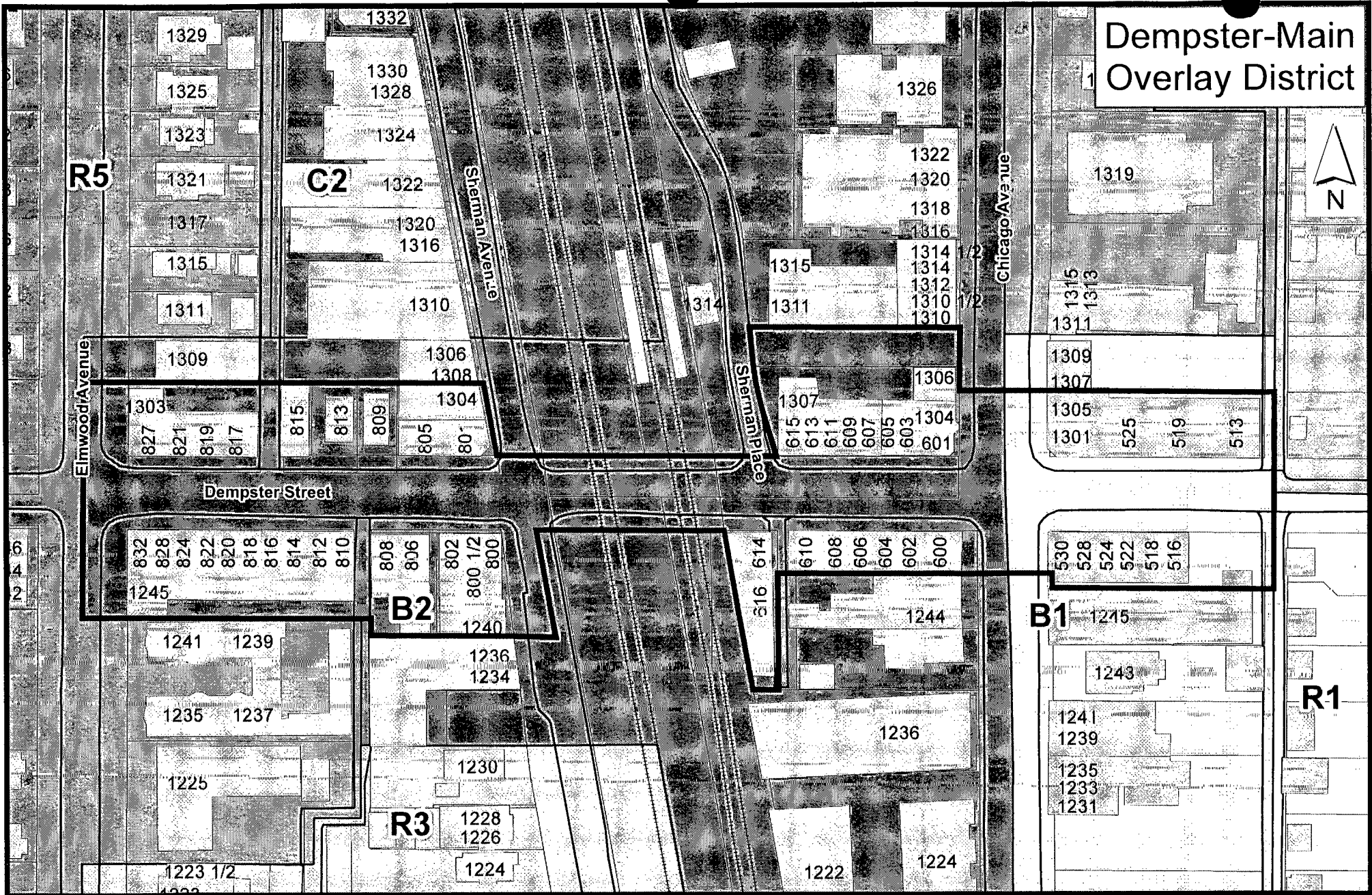
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



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11-19-401-024-0000	845 CHICAGO AVE
11-19-424-008-8001	CHICAGO AVE
11-19-424-008-8002	CHICAGO AVE

EXHIBIT B

**Maps of Properties Re-Zoned to
oDM Dempster-Main Overlay District**

Dempster-Main Overlay District



-  Overlay District
-  Railroad
-  Building Footprint
-  Street
-  Tax Parcel

DMOverlay-Dempster.mxd - 1/27/2015
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