

49-O-16

AN ORDINANCE

**Amending Various Parts of Title 6, Chapter 3 of the Evanston City Code
Modifying Notice Requirement Provisions**

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

SECTION 1: That Subsection 6-3-4-6(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C) Mailed Notices Required for Redistricting or Rezoning: Notice shall also be given by the applicant by first class mail to all property owners within a five-hundred-foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be rezoned or redistricted whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the he/she has complied with this Subsection. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

SECTION 2: That Subsection 6-3-5-7(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C) Mailed Notices Required: Notice shall also be given by the applicant by first class mail to all property owners within a five-hundred-foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The failure of delivery of such notice, however, shall not invalidate any such amendment. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 3: That Subsection 6-3-5-16(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C) Mailed Notices Required: Notice shall also be given by the applicant by first class mail to all property owners within a five-hundred-foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection.

SECTION 4: That Subsection 6-3-6-8(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C) Mailed Notices Required: Notice shall also be given by the applicant by first class mail to all property owners within a one-thousand-foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject property whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The failure of delivery of such notice, however, shall not invalidate any such hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 5: That Subsection 6-3-6-12(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C) Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, shall be considered to be a major adjustment. The Plan Commission following Notice given by the applicant by first class mail to all property owners whose properties are located within a one-thousand-foot radius of the property boundary of the planned development, may approve an application for a major adjustment to the development plan not requiring a modification of written conditions of approval or recorded easements upon finding that any changes in the plan as approved will be in substantial conformity with such development plan. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any. If the commission determines that a major adjustment is not in substantial conformity with the final development

plan as approved, then the commission shall review the request in accordance with the procedures set forth in Section 6-3-6-8 of this Chapter.

SECTION 6: That Subsection 6-3-7-5(D) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (D) Mailed Notices Required: Notice shall also be given by the applicant by first class mail to all property owners within one thousand (1,000) feet of the property lines in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 7: That Subsection 6-3-8-10(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (A) Mailed Notices Required: Notice shall also be given by the applicant by first class mail to all property owners within a five-hundred-foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the City. The applicant must submit to the City an affidavit certifying that the applicant has complied with this Subsection. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

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.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 11: 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.

Introduced: July 11, 2016

Adopted: July 25, 2016

Approved:

August 1, 2016

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel