

7/13/2016

95-O-16

AN ORDINANCE

**Granting a Special Use Permit for a Craft Brewery Located at 707
Howard Street in the B3 Business District
(“North Shore Cider Company”)**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on July 5, 2016, pursuant to proper notice, to consider case no. 16ZMJV-0049, an application filed by Christopher Collins, potential lessee for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 707 Howard Street (the “Subject Property”) and located in the B3 Business District, for a Special Use Permit for a Craft Brewery, pursuant to Subsection 6-9-4-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”) 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 Craft Brewery 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 July 25, 2016, 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. 16ZMJV-0049; and

WHEREAS, at its meeting of July 25, 2016, 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 Craft Brewery on the Subject Property as applied for in case no. 16ZMJV-0049.

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 must 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 must operate the Craft Brewery authorized by this ordinance only between the hours of 10:00 am to 10:00 pm on any given Sunday through Thursday and between the hours of 10:00 am to 12:00 am on any given Friday and Saturday.
- C. Parking:** The Applicant must have two (2) on-site parking spaces.
- D. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant must 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: July 25, 2016

Approved:

Adopted: July 25, 2016

August 1, 2016

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 38 THROUGH 41 IN BLOCK 8 IN BRUMMEL AND CASE HOWARD TERMINAL ADDITION, A SUBDIVISION OF ALL THAT PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$, THENCE NORTH ON EAST LINE OF NORTHWEST $\frac{1}{4}$ OF SECTION, 13.65 CHAINS; THENCE WEST 19 CHAINS TO INTERSECTION WITH CENTER LINE OF RIDGE ROAD; THENCE SOUTH 5 DEGREES EAST ON CENTER LINE OF RIDGE ROAD TO SOUTH LINE OF SOUTHEAST $\frac{1}{4}$ OF NORTHWEST $\frac{1}{4}$, THENCE EAST ON SOUTH LINE OF SOUTHEAST $\frac{1}{4}$ OF NORTHWEST $\frac{1}{4}$, 14.99 CHAINS TO THE PLACE OF BEGINNING (EXCEPT PUBLIC STREETS AND HIGHWAYS), IN COOK COUNTY, ILLINOIS.

PIN: 11-30-124-032-0000

COMMONLY KNOWN AS: 707 Howard Street, Evanston, Illinois.