

4/27/2017
5/2/2017
8/3/2017

44-O-17

AN ORDINANCE

**Amending Various Sections of Title 6 of the City of Evanston Code to
Modify Notice Requirements for Zoning Applications and Hearings**

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

SECTION 1: That Subsection 6-3-8-6(A) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (A)** Notice and Opportunity to Comment: Upon receipt of a completed application for a minor variation or a fence variation, the City will provide notice, through use of a third party service, by first class mail to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's determination.

SECTION 2: That Subsection 6-3-8-6(C) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (C)** Notification of Decision: The City shall send the Zoning Administrator's decision within ten (10) working days to the applicant and all other persons previously notified pursuant to Subsection (A) of this Section.

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

- (A)** Notice and Opportunity to Comment: Upon receipt of a completed application for a family necessity variation the City will provide notice, through use of a third party service, by first class mail to all owners of property located within a two

hundred fifty (250) foot radius 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. In addition, a sign shall be posted on the property subject to the application and shall remain on the property for a minimum of ten (10) working days prior to the recommendation of the Zoning Administrator. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's recommendation.

SECTION 4: 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: The City will provide notice, through the use of a third party service, by first class mail to all owners of property 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign must 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 is sufficient notice for the initial hearing, as well as any continuances of the same hearing, if any.

SECTION 5: 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: The City will provide notice, through the use of a third party service, by first class mail to all owners of property 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such amendment. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 6: 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: The City will provide notice, through the use of a third party service, by first class mail to all owners of property 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary.

SECTION 7: 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: The City will provide notice, through the use of a third party service, by first class mail to all owners of property 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such hearing. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

SECTION 8: 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: Major Adjustments: Any adjustment to the approved development plan not authorized by Subsection (B) of this Section, is considered to be a major adjustment. The City will provide notice, through the use of a third party service, by first class mail to all owners of property within a one thousand foot radius of the property lines of the planned development, inclusive of public roads, streets, alleys and other public ways from the planned development site whose addresses appear on the current tax assessment list. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. Upon providing such notice, the Plan Commission may approve an application for a major adjustment to the development plan not requiring a 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 9: 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: The City will provide notice, through the use of a third party service, 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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 10: That Subsection 6-3-8-10(B) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (B) Mailed Notices Required: The City will provide, through the use of a third party service, 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 pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. 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 11: That Appendix D.6-1 within Title 6 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

D.6 SUBMISSION REQUIREMENTS FOR VARIATION APPLICATIONS:

D.6-1 Written Information: Variation applications shall contain the following written information:

- (a) The property owner's name and address and the owner's signed consent to the filing of the application;
- (b) The applicant's name and address, if different than the owner, and his interest in the subject property;
- (c) The names and addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (d) The names and addresses of all owners of: 1) property within a two hundred fifty foot (250') radius from the subject property inclusive of public ways for minor variations; and 2) for major variations, owners within a five hundred foot (500') radius of the subject property inclusive of public ways as shown in the tax assessment records; and
- (e) The address and legal description of the subject property; and
- (f) Any request for a mailed noticing fee waiver where the City would cover the mailing costs (in the event of demonstrable financial hardship in the form of documentation showing current enrollment in a City of Evanston aid based program or State/Federal cash or food assistance program).

SECTION 12: 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 13: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 15: 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: August 14th, 2017

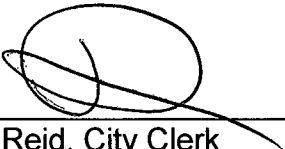
Adopted: September 11th, 2017

Approved:

September 14, 2017

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:


W. Grant Farrar, Corporation Counsel