

**85-O-22**

**AN ORDINANCE**

**Approving an Amendment to the Special Use Permit Approved  
At 619 Howard Street Authorized by  
Ordinance 45-O-19**

**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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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 2012, as amended, (“the Zoning Ordinance”); and

**WHEREAS**, on May 13, 2019, the City Council enacted Ordinance 45-O-19, attached hereto as Exhibit 2 and incorporated herein by reference, which granted a Special Use Permit for a Banquet Hall Facility (the “Banquet Hall”) at 619 Howard Street (the “Subject Property”), which is legally described in Exhibit 1; and

**WHEREAS**, Ordinance 45-O-19 approved the Special Use Permit with a number of conditions pursuant to City Code 6-9-5-12, including the condition that all outdoor events in the Banquet Hall parking lot must receive approval from the Design and Project Review Committee (“DAPR”); and

**WHEREAS**, the Land Use Commission (“LUC”) met on August 10, 2022, pursuant to proper notice, to consider case no. 22ZMJV-0043, an application filed by India Mussell-McKay of Palmhouse Productions, LLC (the “Applicant”) requesting an amendment to ordinance 45-O-19 removing the requirement that all outdoor special events in the Banquet Hall parking lot receive approval from DAPR ; and

**WHEREAS**, the LUC, after hearing testimony and receiving other evidence, made a written record and written findings and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of September 12, 2022, the Planning and Development Committee of the City Council (“P&D Committee”) considered the LUC’s record and findings and recommended the City Council accept the LUC’s recommendation and approved the application in case no.22ZMJV-0043; and

**WHEREAS**, at its meetings of September 12, 2022, and September 26, 2022, the City Council considered and adopted the respective records, findings, and recommendations of the LUC 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 hereby found as fact and incorporated herein by reference.

**SECTION 2:** Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit described herein.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council removes the requirement that DAPR review all outdoor special events in the Banquet Hall parking lot found in condition (B) on the Special Use Permit granted for the Banquet Facility in Ordinance 45-O-19.

**SECTION 4:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

**SECTION 5:** Except as otherwise provided for in this Ordinance 85-O-22, all applicable regulations of Ordinance 45-O-19, the Zoning Ordinance, and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 85-O-22 shall govern and control.

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**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 herein are hereby 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: September 12, 2022

Approved:

Adopted: September 14, 2022

September 12, 2022

*Daniel Biss*  
Daniel Biss, Mayor

Attest:

Approved as to form:

*Stephanie Mendoza*  
Stephanie Mendoza, City Clerk

*Nicholas E. Cummings*  
Nicholas E. Cummings, Corporation Counsel

**EXHIBIT 1**

**LEGAL DESCRIPTION**

LOTS 1-5 IN BLOCK 2 IN NILES HOWARD TERMINAL ADDITION, BEING A SUBDIVISION OF THE SOUTH 6.25 CHAINS (412 1/2 FEET) OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD, IN COOK COUNTY, ILLINOIS.

**PINS:** 11-30-210-016-0000  
11-30-210-017-0000  
11-30-210-018-0000  
11-30-210-019-0000  
11-30-210-020-0000

Commonly Known As: 619 Howard Street, Evanston, Illinois.

## EXHIBIT 2

4/23/2019

**45-0-19**

### AN ORDINANCE

#### **Granting a Special Use Permit for a Banquet Hall Facility Located at 619 Howard Street in the B3 Business District**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on April 16, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0021, an application filed by Thomas Ahleman (the "Applicant"), architect for the owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 619 Howard Street (the "Subject Property") and located in the B3 Business 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 Banquet Hall Facility, 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 Banquet Hall Facility met the standards for Special Uses in Section 6-3-5-10 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of May 13, 2019, 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. 19ZMJV-0021; and

**WHEREAS**, at its meeting of May 28, 2019, 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 Medical Office on the Subject Property as applied for in case no. 19ZMJV-0021.

**SECTION 3:** Pursuant to Subsection 6-9-5-12 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 6-3-5 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. Parking Lot Events:** In addition to all other city requirements to host outdoor events in Evanston, all events held in the Banquet Hall facility parking lot must also receive approval from the Design and Project Review Committee.
- C. Hours of Operation:** The Applicants shall operate the Banquet Hall Facility, only between the hours of 8:00 a.m. to 11:00 p.m. on any given Sunday through Thursday, and 9:00 a.m. to 12:00 a.m. on any given Friday or Saturday.
- D. Customer Parking:** The Banquet Hall Facility must utilize off-site parking and a valet service for events where the expected attendance is between forty-one (41) and one hundred (100) patrons. A shuttle service to off-site parking is required for events where the expected attendance is over one hundred (100) patrons.
- E. Employee Parking:** The Applicant or its Employees shall not park on the streets near the Subject Property.
- F. 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.

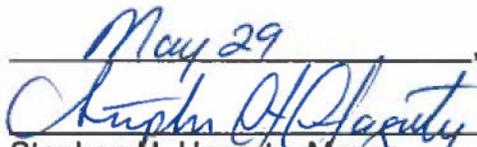
SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, 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.

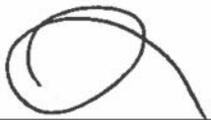
Introduced: May 13th, 2019

Adopted: Adj 13th, 2019

Approved:

May 29, 2019  
  
Stephen H. Hagerty, Mayor

Attest:

  
\_\_\_\_\_  
Devon Reid, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Michelle L. Masoncup, Corporation Counsel

**EXHIBIT 1**

**LEGAL DESCRIPTION**

LOTS 1-5 IN BLOCK 2 IN NILES HOWARD TERMINAL ADDITION, BEING A SUBDIVISION OF THE SOUTH 6.25 CHAINS (412 1/2 FEET) OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD, IN COOK COUNTY, ILLINOIS.

**PINS:** 11-30-210-016-0000  
11-30-210-017-0000  
11-30-210-018-0000  
11-30-210-019-0000  
11-30-210-020-0000

Commonly Known As: 619 Howard Street, Evanston, Illinois.