

**92-O-21
AN ORDINANCE**

Amending Title 2 of City Code and Codifying the Land Use Commission

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

SECTION 1: Title 2 of the Evanston City Code of 2012, as amended (“City Code”), is hereby amended to add Chapter 18 as follows:

CHAPTER 18 – LAND USE COMMISSION.

2-18-1. - PURPOSE.

The City Council establishes a Land Use Commission to provide for planning the future development and redevelopment of the Municipality as authorized by Division 12 of the Illinois Municipal Code, 65 ILCS 5/11-12-4 et seq, hear and decide major variations from provisions of the Zoning Ordinance, hear and decide appeals, hear and make recommendations to the Planning and Development Committee and City Council on applications for certain major variations, all special use permits including planned developments, and applications for map amendments and text amendments to the Zoning Ordinance.

Planning by the Land Use Commission may be directed toward the following ends:

- (A) Adoption by the City Council of an Official Comprehensive General Plan or geographic or functional parts thereof, showing the present and future use and development or redevelopment of land in the City, including general statements of policy and objectives. Such Plan in itself shall not be regulatory but shall be for the general guidance of local governments and others.
- (B) Adoption by the City Council of new or amended zoning, building construction, and other regulations or ordinances, all designed to bring about the desired use and development or redevelopment of land as indicated in specific or general terms by the Official Comprehensive General Plan.
- (C) Adoption from time to time by the City Council, when changed conditions warrant or it is otherwise desired, changes or amendments in the previously adopted Official Comprehensive General Plan, regulations, ordinances and programs.

(D) Providing for the review of and preparation of reports, recommendations or actions on matters relating to plans for development or redevelopment of the City, public improvements and any matters relating to implementation of the Comprehensive General Plan.

2-18-2. - MEMBERSHIP.

(A) Upon formation, the Land Use Commission shall initially consist of eleven (11) members composed of current members of the Plan Commission and Zoning Board of Appeals (ZBA). Upon expiration of these initial members' terms, the Land Use Commission in its final form shall consist of nine (9) members. Once Land Use Commission membership reaches nine (9) members, new Land Use Commission members shall be appointed with four (4) year terms thereafter by the Mayor, subject to confirmation by the City Council.

(B) All appointed regular members of the Land Use Commission shall serve as such without compensation.

(C) Appointments of regular members shall be for four (4) years and they may be reappointed for an additional term.

(D) An appointment by the Mayor, subject to confirmation by the Council, to fill a vacancy in an unexpired term shall be for the remainder of the term. Thereafter, that member shall be eligible for appointment for two (2) full terms.

(E) When a regular member of the Land Use Commission has been unable or has failed to attend meetings during a consecutive period of four (4) months, such absence shall be construed, after notice to the member thereof, as a resignation from the Commission. A vacancy thus created shall be filled as in the case of other vacancies.

2-18-3. - PROCEDURE AND ORGANIZATION.

The Land Use Commission shall:

(A) Elect a chairman to serve for the following calendar year with eligibility for re-election.

(B) Elect a vice-chairman to act whenever the chairman is absent or unable to serve.

(C) Establish its own rules of procedure that do not conflict with the City Code.

(D) Hold a meeting of the Commission twice a month, unless specifically directed otherwise by the chairman.

(E) Establish such subcommittees as it deems necessary.

(F) Prepare an annual report for presentation to the City Council. Such report may: (1) incorporate comments on the adequacy of the Comprehensive General Plan and the

zoning ordinance as instruments of long-term development policy, (2) summarize the actions of the Land Use Commission during the calendar year, and (3) outline the program of the Land Use Commission for the following year, indicating joint programs to be carried out in cooperation with the Community Development Department, other staff needs.

(G) Adopt such other rules of procedure deemed necessary to conduct meetings and public hearings and to carry out its duties, following Roberts' Rules of Order in situations not covered by adopted rules.

2-18-4. - POWERS AND DUTIES.

The Land Use Commission shall have the following powers and duties:

(A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning and Zoning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.

(B) To initiate studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future development or redevelopment of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or redevelopment of the City, which will be acted upon by the City Council, shall first be presented to the Land Use Commission to provide them a reasonable opportunity for review and comment.

(C) To study, review and prepare recommendations on all matters related to the Comprehensive General Plan which are referred to the Land Use Commission by the City Council.

(D) To study, review and prepare recommendations on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.

(E) Approve, approve with conditions, or disapprove any application for major variation, and any combined application for a major and minor variation pursuant to Section 6-3-8, except when such application pertains to off-street parking and loading for all uses other than single-family and two-family residential, and height beyond fifty (50) feet.

(F) Hear and make recommendations to the Planning & Development Committee and the City Council regarding any application for a map amendment or text amendment to the Zoning Ordinance.

(G) Hear and make recommendations to the Planning & Development Committee and the City Council regarding any application for a major variation pertaining to off-street

parking and loading for all uses other than single-family and two-family residential and height beyond fifty (50) feet pursuant to Section 6-3-8.

(H) Hear and make recommendations to the Planning & Development Committee and the City Council regarding any application for a special use, including planned developments.

(I) Hear and decide any appeal from Zoning Administrator decisions regarding any application for a minor variation and fence variation pursuant to Section 6-3-8.

(J) Hear and decide any appeal from any order or final decision made by the Zoning Administrator in the administration or enforcement of the Zoning Ordinance pursuant to Section 6-3-11, except for an appeal of a decision based on the review and recommendation of the Design and Project Review Committee.

(K) Hear and decide or make recommendations on any other matters referred by the City Council.

(L) To carry out the above duties, the Land Use Commission shall have the following powers:

1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Land Use Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.
2. To conduct such public hearings as required and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan.
3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.
4. To request from the Community Development Department such staff time as may be required to assist the Land Use Commission in carrying out its duties.

(M) None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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.

Introduced: September 21, 2021 Approved:

Adopted: October 11, 2021 10/15, 2021

Daniel Biss

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza

Stephanie Mendoza, City Clerk

Nicholas E. Cummings

Nicholas E. Cummings, Corporation Counsel