

56-O-03

AN ORDINANCE

**Establishing a Moratorium on the
Issuance of Building Permits for
Construction of New Single-Family Residential
Construction in R1 Zoning Districts In the Sixth Ward**

WHEREAS, the City of Evanston is a home rule municipality pursuant to the Illinois Constitution of 1970; and

WHEREAS, the City adopted a Zoning Ordinance in 1993 which, among other things, placed certain restrictions on height, bulk, density, setbacks, lot size and other parameters affecting the size of a residential structure; and

WHEREAS, the City has historically drafted its R1 Single-Family Residential District regulations to provide for areas of lesser density and more open space on each lot than on lots in other Residential Zoning Districts; and

WHEREAS, the City Council is considering binding appearance review for new one and two family dwelling construction; and

WHEREAS, in recent years the teardown of existing residences followed by construction of a residence built to the maximum of permitted zoning restrictions has proliferated in many communities in the area as well as in Evanston; and

WHEREAS, the newly-constructed residences are commonly referred to as "teardowns" or "trophy houses"; and

WHEREAS, these new constructions are of concern to neighboring owners and to the public because of the resulting effects on drainage and water runoff, the blocking of air

movement and light, the casting of shadows, the effect of larger structures on existing sewer and water infrastructure and stormwater treatment capacity, the reduction of open space and land available for trees and other plantings; and

WHEREAS, the proliferation of the aforescribed new construction changes the vision the City and the residents of R1 Residential Districts have for their community; and

WHEREAS, the Zoning Committee of the Plan Commission met on May 27, 2003 to discuss the increase of teardowns and the “monster” or “trophy” houses in the 6th Ward; and

WHEREAS, the Zoning Committee determined that a moratorium on new single-family residences in the 6th Ward having a gross floor area in excess of 3,000 square feet would allow the City Council to study the need for amendments to the Zoning Ordinance to address concerns of 6th Ward residents about the increasingly large new constructions which limit the enjoyment of neighboring residents and which strain the capacity of existing infrastructure; and

WHEREAS, such concerns particularly affect the R1 Residential Districts in the 6th Ward, inasmuch as in the last 5 years, 22 single-family detached residences have been torn down and replaced with 22 single-family residences having a gross floor area over 3,000 square feet; and

WHEREAS, Aldermen and citizens have expressed their concerns about teardowns and trophy houses at various Planning and Development Committee meetings; and

WHEREAS, the enactment of a moratorium on new construction of single-family residences in excess of 3,000 square feet in the 6th Ward would be in the interest of the public health, welfare, and safety inasmuch as it would provide time for the continued study of appropriate amendments to the Zoning Ordinance and other provisions of the Municipal Code,

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That in response to the need to consider amendments to the Zoning Ordinance, binding appearance review for one- and two-family dwellings, or other appropriate ordinances in the Municipal Code, to regulate teardowns, as defined herein, a 90-day moratorium is established and declared on the application for and/or approval or issuance of subdivision plats, rezonings, variances, demolition permits, or building permits for new construction projects in R1 Residential Districts in the 6th Ward that involve teardowns when the new construction would be single-family detached dwellings, in excess of 3,000 square feet, counting as floor area any area under a roof with a ceiling height of 7 1/2 feet or more rather than floor area as defined in the Zoning Ordinance. Floor area would include:

- a) the principal structure, garages, and any other roofed structure with a ceiling height of 7 1/2 feet or more;
- b) off-street parking spaces as counted toward building lot coverage pursuant to Ordinance 109-O-02;

- c) and the basement if the first floor of the residence is over 2' above grade, grade measured from the lot line in the front of the residence.

Floor areas include the entire area within exterior building walls with no exceptions.

SECTION 3: The City Council may, upon finding that continuation of the moratorium for further study beyond the ninety-day moratorium authorized hereby would serve the public health, welfare, and safety, may provide by Ordinances for extension(s) thereof.

SECTION 4: This ordinance shall not apply in the following circumstances:

- a) Where a perfected building permit is on file with the City on or prior to the effective date of this Ordinance.
- b) Where the new construction will not exceed the footprint, height, and other dimensions of the torn-down structure.

SECTION 5: That the Plan Commission and other appropriate City bodies are hereby authorized and directed to study and review concerns about R1 Residential Zoning District regulations in the 6th Ward as expressed in this Ordinance and to make any recommendations they may have for amendments to such regulations and related provisions of the City Code to the City Council.

SECTION 6: That the City Manager is hereby directed to enforce said moratorium in the 6th Ward during said period of time and in accordance with the terms of this Ordinance.

SECTION 7: If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or

application of this Ordinance which can be given effect without the invalid provisions or application thereof.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: This ordinance shall take effect immediately upon its passage, due to the urgency of implementing a moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: June 9, 2003

Adopted: June 9, 2003

Approved: June 12, 2003

Lorraine H. Morton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

