

08/18/2003

61-O-03

AN ORDINANCE

**Establishing a Moratorium on the
Issuance of Building Permits for Certain
Residential Construction In the Fifth 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 Zoning Ordinance placed restrictions on the number of dwellings relative to the area and width of lots; and

WHEREAS, the Zoning Ordinance divided the City into districts and regulated the types of residential land uses allowable therein; and

WHEREAS, the purposes and intents of the Zoning Ordinance as set forth therein include "Promoting the public health, safety, comfort, morals, convenience, general welfare, and the objectives and policies of the Comprehensive General Plan, as adopted and amended, from time to time, by the City Council;" "Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected, as said buildings relate to land area;" "Establishing, regulating, and limiting the building or set-back lines on or along streets, alleys, and property lines;" "Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within the surrounding buildings;" "Establishing standards to which buildings or structures shall

conform;" "Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts;" and "Encouraging the preservation and enhancement of natural resources, historic resources, natural features, and aesthetic amenities in the City;"

WHEREAS, the City adopted a Comprehensive General Plan in 2000 ("2000 General Plan") which, among other things, adopted certain "Values and Goals," including: "Neighborhood assets should be enhanced while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston;" "Promote activities that help strengthen communities and improve neighborhood quality of life;" "Evanston's housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price;" "Buildings and landscaping should be of attractive, interesting and compatible design;" "The historic heritage of Evanston should continue to be identified and preserved for the benefit of current and future residents;" and

WHEREAS, the 2000 Comprehensive General Plan provided for implementation of its "Values and Goals" by "Objectives" and "Policies/Actions"; and

WHEREAS, among the several "Objectives" were "Make quality design a priority for the construction and maintenance of all property;" "Continue to identify historic resources in Evanston;" "Promote Evanston's reputation as a community where historic preservation is a vital part of the community's identity;" "Address concerns about cost and affordability;" "Address high property tax concerns;" "Preserve Evanston's historic residential architecture and ambience;" "Maintain the appealing character of Evanston's neighborhoods while guiding their change;" "Recognize the effect of housing on the quality of neighborhoods;"

and "Maintain and enhanced property values and positive perceptions of housing in Evanston;" and

WHEREAS, among the "Policies/Actions" to implement the 2000 Comprehensive General Plan were "Encourage evaluation of structures, sites, areas, and neighborhoods for their historical and cultural significance;" "Increase recognition of historic preservation issues beyond architecture, including lakefront preservation, preservation of open space, cultural history, personal history of individuals, important events, sites associated with important events or individuals, and societal trends;" "Continue to connect City officials with residents to address issues identified as adversely affecting neighborhood quality of life;" "Continue assisting neighborhoods to recognize and preserve their own historically significant assets;" "Encourage high quality design and a heightened sensitivity toward appearance in proposed developments through the Site Plan and Appearance Review Committee;" "Encourage collaboration among neighborhood stakeholders (e.g., property owners, residents, businesses, and institutions) and City staff to improve housing conditions that are negatively impacting surrounding property values;" "Preserve neighborhood character while supporting redevelopment efforts that add to neighborhood desirability" to "Encourage creative adaptive reuse of properties available for redevelopment using zoning standards and the Site Plan and Appearance Review process to protect historic character;" "Encourage the preservation and creation of neighborhood open and green space;" and

WHEREAS, the 5th Ward, which contains the majority of affordable single-family housing in Evanston, stands to lose this housing to the development of multi-family buildings; and

WHEREAS, the City has historically drafted its R2 Single-Family Residential District regulations “to provide for small-lot single-family development at a relatively low density and to preserve the present physical character of that area while providing for infill development;” and

WHEREAS, the City has historically drafted its R3 Two-family Residential District regulations “to provide for infill development of single- and two-family residences in moderate density neighborhoods and to preserve the present physical character of such neighborhoods;” and

WHEREAS, the City has historically drafted its R4 General Residential District regulations “to provide for a mix of residential types at a moderate density including multiple-family dwellings, two-family dwellings, townhouses, and single-family attached and detached dwellings;” and

WHEREAS, the City has historically drafted its R5 General Residential District regulations “to provide for infill development of a mix of multi-family residential structures at a medium density, including townhouses, two-family dwellings, three-story walk-ups and courtyard apartment buildings that characterize the traditional multiple-family housing development found in this district;” and

WHEREAS, the Planning and Development Committee of the City Council and the Plan Commission have held, and will continue to hold, meetings to consider binding appearance review for residential construction; and

WHEREAS, the Plan Commission has directed its Neighborhood Planning Committee to review the various zoning designations and bulk restrictions in the 5th Ward;

WHEREAS, in recent years the teardown of existing single-family residences followed by construction of multi-family housing, built to the maximum of permitted zoning restrictions has had a negative impact in the 5th Ward community; and

WHEREAS, these new constructions are of concern to neighboring owners and to the public because of the resulting effects on neighborhood character, parking, traffic, 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 irreversibly changes the vision the City and the residents of the 5th Ward have for their community; and

WHEREAS, Aldermen and citizens have expressed their concerns about overly intensive development in the 5th Ward and the ramifications of such development on neighborhood character and affordability at various Planning and Development Committee meetings; and

WHEREAS, the Preservation Commission has discussed the advisability of creating a conservation district within the 5th Ward; and

WHEREAS, the enactment of a moratorium on new construction in the 5th Ward in R5 Zoning Districts which have the greatest bulk and are therefore the most affected by additional construction, 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; and

WHEREAS, vacant lots in residential districts which are not maintained in a clean manner are all nuisances and have a negative effect on property values; and

WHEREAS, the lack of maintenance is particularly such a problem with properties vacant for a period of years rather than on a short-term basis; and

WHEREAS, the Neighborhood Planning Committee of the Plan Commission has held meetings regarding the 5th Ward Planning Process;

WHEREAS, encouraging building on such lots is desirable; and

WHEREAS, the report of this Committee must be prepared and then considered by the Plan Commission, which will make a recommendation to the City Council; and

WHEREAS, the Plan Commission and the Planning and Development Committee require time to continue their consideration of binding appearance review; and

WHEREAS, the aforescribed meetings and process are estimated to require four months,

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 binding appearance review and amendments to the Zoning Ordinance and/or other appropriate ordinances in the Municipal Code to regulate residential construction other than that of single-family detached dwellings, a 120-day moratorium is established and declared on the application for and/or approval or issuance of subdivision plats, rezonings, variances, demolition permits except where demolition is pursuant an order of a Court or an Administrative Hearing Officer, or building permits for new construction projects in the R5 Zoning Districts of the 5th Ward that involve new construction of single-family attached dwellings (townhouses), two-family dwellings, multiple-family dwellings and additions to existing residential buildings. Applications regarding new construction of, single-family detached dwellings are not prohibited by the moratorium.

SECTION 3: The City Council may, upon finding that continuation of the moratorium for further study beyond the 120-day moratorium authorized hereby would serve the public health, welfare, and safety, provide by Ordinance(s) 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, density, and other parameters of the torn-down structure.

c) Where new construction will be built on a lot that has been vacant in excess of three years, provided that construction does not require a special use or variation(s).

SECTION 5: That the Plan Commission, Preservation Commission, and other appropriate City bodies are hereby authorized and directed to study and review concerns about R5 General Residential Zoning District regulations and other building and land use regulations in the 5th 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. Said bodies shall conduct their study and review with regard for the purposes and intents of the Zoning Ordinance and the “Values and Goals”, “Objectives”, and “Policies/Actions” of the 2000 Comprehensive General Plan, all as expressed in this Ordinance.

SECTION 6: That the City Manager is hereby directed to enforce said moratorium in the 5th Ward during its period of effectiveness 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: July 28, 2003

Adopted: August 18, 2003

Approved: August 19, 2003

Lorraine H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Asst. Corporation Counsel