

9/3/2003

**84-O-03**

**AN ORDINANCE**

**Extending the Moratorium Provided for by  
Ordinance 56-O-03 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 Council enacted Ordinance 56-O-03 to provide for a moratorium on the application for and/or approval or issuance of subdivision plats, rezonings, variances, demolition permits, or building permits for certain new construction projects in R1 Residential Districts in the 6<sup>th</sup> Ward that involve teardowns when the new construction would be single-family detached dwellings in excess of 3,000 square feet; and

WHEREAS, the moratorium provided for a ninety- (90-) day period to allow for continuation of a study underway by the Plan Commission of the proliferation of teardowns and the "monster" or trophy houses in the 6<sup>th</sup> Ward; and

WHEREAS, Ordinance 56-O-03 was effective on June 12, 2003 and will expire on September 10, 2003; and

WHEREAS, Ordinance 56-O-03 provides in its Section 3 that the City Council, may, upon finding that continuation of the moratorium for further study beyond the ninety- (90-) day moratorium authorized hereby would serve the public health, welfare, and safety, provided by Ordinances for extension(s) thereof; and

WHEREAS, the Zoning Committee of the Plan Commission held a public hearing on July 17, 2003 to discuss said teardowns, at which citizen comment was received and discussion had about the effect of "McMansions" as infill construction in existing

neighborhoods, the height and mass of new structures, and the method provided for in the Zoning Ordinance for calculating building height; and

WHEREAS, the Zoning Committee of the Plan Commission held a public hearing on July 30, 2003 to further discuss said teardowns, at which citizen comment was received and discussion had about a design review process and/or additional zoning restrictions, concerns about height and scale, and amendments to the Zoning Ordinance designed to address these concerns; and

WHEREAS, the Zoning Committee of the Plan Commission held a public hearing on August 26, 2003 to further consider the subject of teardowns in the 6<sup>th</sup> Ward, at which citizen comment was received and discussion had about the method of measurement of building height the use of overlay district regulations as a means of regulating large houses built after teardowns, and other concerns about "McMansion" houses were expressed; and

WHEREAS, the Plan Commission has scheduled a public meeting on September 10, 2003 to continue its consideration of the increasingly large new constructions which limit the enjoyment of neighboring residents and which strain the capacity of existing infrastructure; and

WHEREAS, conclusion of the Planning Commission's study, preparation of its report, and presentation to the City Council will require an additional ninety (90) days; and

WHEREAS, continuation of the moratorium provided for by Ordinance 56-O-03 for an additional ninety (90) days for further study would serve the public health, welfare, and safety, and

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

**SECTION 1:** That the City Council finds the foregoing recitations as fact and makes them a part hereof.

**SECTION 2:** That the moratorium provided for by Ordinance 56-O-03 is hereby extended for ninety (90) days on the issuance of certain building permits 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 extension 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 6<sup>th</sup> 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 6<sup>th</sup> 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: September 8, 2003

Adopted: September 8, 2003

Approved: September 8, 2003  
Lorraine H. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

