

11/18/2003

107-O-03

AN ORDINANCE

**Extending the Moratorium Provided for by
Ordinances 61-O-03 on the Issuance of Building
Permits for Certain Residential Construction in the Fifth Ward**

WHEREAS, the City Council enacted Ordinance 61-O-03 on August 18, 2003 to provide for a moratorium on certain residential construction in the R5 Zoning Districts of the 5th Ward; and

WHEREAS, the moratorium provided for a one-hundred twenty- (120-) day period expiring on December 16, 2003 to allow for City consideration of binding appearance review for residential construction through its Plan Commission and Planning and Development Committee; and

WHEREAS, the Plan Commission will submit its report on binding appearance review to the Planning and Development Committee on November 24, 2003; and

WHEREAS, the Planning and Development Committee will require several meetings for its review and public discussions of said report; and

WHEREAS, the Plan Commission's Neighborhood Planning Committee scheduled a meeting for October 30, 2003 to review the various zoning designations and bulk restrictions in the 5th Ward; and

WHEREAS, that meeting has been rescheduled to November 18, 2003; and

WHEREAS, a transcript and Staff Report of the November 18, 2003 meeting must be prepared and forwarded to the City Council; and

WHEREAS, Section 3 of Ordinance 61-O-03 provided that the City Council may, by Ordinance(s), provide for extensions of the moratorium upon a finding that its continuation would serve the public health, welfare, and safety; and

WHEREAS, the City Council hereby finds that a sixty- (60-) day continuation of said moratorium would serve the public health, welfare, and safety, by allowing for the above-described tasks to be completed,

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 the moratorium established and declared by Ordinance 61-O-03 is hereby extended for an additional sixty (60) days on the application for and/or approval or issuance of subdivision plats, rezonings, variations, demolition permits except where demolition is pursuant to 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 sixty- (60-) 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: November 24, 2003

Adopted: November 24, 2003

Approved: November 25, 2003

Lorraine A. Marton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel