

12/16/2003, 12/04/2003

108-O-03

AN ORDINANCE

**Extending the Moratorium Provided for by
Ordinances 56-O-03 and 84-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 6th 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 6th Ward; and

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

WHEREAS, the City Council enacted Ordinance 84-O-03 on September 8, 2003 to extend Ordinance 56-O-03 until December 8, 2003 to allow the Plan Commission to meet on September 10, 2003, conclude its study, and prepare its report for submission to City Council; and

WHEREAS, the Zoning Committee of the Plan Commission held additional hearings on September 17, 2003, October 8, 2003, and October 21, 2003; and

WHEREAS, the Plan Commission met on November 12, 2003 to consider the reports of the aforescribed Zoning Committee meetings; and

WHEREAS, conclusion of the Plan Commission's study, preparation of its report and presentation thereof to the City Council will require an additional sixty (60) days; and

WHEREAS, this Ordinance 108-O-03, providing for a sixty- (60-) day extension of the moratorium, was introduced at the City Council meeting of November 24, 2003; and

WHEREAS, a suspension of the City Council Rule 20.1 set forth in Resolution 30-R-01, was necessary to allow passage of Ordinance 108-O-03 on November 24, 2003 at the same meeting at which it was introduced; and

WHEREAS, City Council Rule 26 requires a unanimous vote of all Aldermen present to suspend the Rules for the purpose of adopting an Ordinance at the same meeting at which it is introduced; and

WHEREAS, the City Council Rules were not suspended on November 24, 2003, inasmuch as the vote on motion for suspension was eight to one, not the required unanimous vote; and

WHEREAS, the moratorium provided for by Ordinance 108-O-03 expired on December 6, 2003; and

WHEREAS, conditions and reasons for enacting Ordinance 56-O-03 and 84-O-03 continue to exist despite the aforescribed lapse; and

WHEREAS, Section 3 of Ordinance 84-O-03 provides that the City Council may, upon finding that continuation of the moratorium provided for therein for further study

would serve the public health, welfare, and safety, provide by Ordinances for extension thereof; and

WHEREAS, continuation of the aforescribed moratorium for sixty (60) days from the effective date of this Ordinance would serve the public health, welfare, and safety by allowing for completion of the above-described tasks,

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 and extended by Ordinance 84-O-03 is hereby established for sixty (60) days, beginning on its passage, on the issuance of certain building permits that involve teardowns when the new construction would be single-family detached dwellings, with an absolute height measured from grade to the tallest part of the roof in excess of 35 feet, or with a gross floor area 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 and any other roofed structure with a ceiling height of 7 1/2 feet or more, but excluding detached and attached garages;
- b) and off-street parking spaces as counted toward building lot coverage pursuant to Ordinance 109-O-02.

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 sixty- (60-) 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 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: November 24, 2003

Adopted: December 15, 2003

Approved: December 18, 2003

Lorraine A. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

DESCRIPTION OF SURPLUS PROPERTY TO BE SOLD
(See attached)

Approximately 123 skids of brown/red brick street pavers of approximately 320 bricks per skid. Total pavers approximately 39,360.

To be picked up by successful bidder at the City of Evanston, Municipal Service Center, 2020 Asbury Avenue, Evanston, IL 60201, Monday through Friday, 7 am to 3 pm.

No partial purchase shall be considered. Bids shall be for entire supply of pavers.