

3/11/2005

**43-O-05**

**AN ORDINANCE**

**Establishing a Moratorium on Issuance of  
Building Permits for 90 Days for  
That Portion of Central Street  
Between Bennett Avenue and Marcy Avenue**

**WHEREAS,** the City of Evanston, as a home rule unit of government under the 1970 Illinois Constitution is empowered to enact legislation pertaining to its government and affairs, including but not limited to the enactment of zoning ordinances and amendments thereto to protect the public health, safety and welfare, and

**WHEREAS,** the City Council at its March 14, 2005 meeting will consider adoption of Ordinance 9-O-05 which, if adopted, will re-zone that portion of Central Street between Bennett Avenue and Marcy Avenue from B2 Business Zoning District to B1 Business Zoning District; and

**WHEREAS,** at its March 14, 2005 meeting, the City Council will also consider Ordinance 13-O-05 which, if adopted, would amend the text of the Zoning Ordinance to eliminate a "build-to-lot-line" requirement in B1 and B2 Business Zoning Districts, among other Zoning Districts; and

**WHEREAS,** new construction along Central Street between Bennett Avenue and Marcy Avenue in the past five years has altered the existing building height, density, and bulk, and increased motor vehicle and pedestrian

traffic volume in the area, and decreased the uninterrupted flow of air and light; and

**WHEREAS**, many members of the public and concerned citizens who reside between Bennett Avenue and Marcy Avenue have appeared before the Plan Commission and the Planning and Development Committee to express their concerns about the negative impact of further development; and

**WHEREAS**, the Plan Commission and the City Council have determined from their intensive review of the Zoning District Regulations preceding proposed Ordinances 9-O-05 and 13-O-05 and from citizen concerns about the negative impact of new construction, that further study of the Zoning District Regulations on Central Street between Bennett Avenue and Marcy Avenue is necessary and in the best interest of the citizens of Evanston to determine the optimum zoning regulations for that area; and

**WHEREAS**, more time is necessary for the Plan Commission to conduct its review and make recommendations to the City Council concerning this matter; and

**WHEREAS**, it is in the best interest of the citizens of Evanston that full, unhurried consideration be given to potential amendments or changes to the Zoning District Regulations as they apply to the moratorium area; and

**WHEREAS**, a moratorium of short, limited duration will protect the interests of affected land owners and is therefore necessary and appropriate during the pendency of the City's review of these zoning matters; and

**WHEREAS**, the area described as "all properties on Central Street between Bennett Avenue and Marcy Avenue" is "the moratorium area"; and

**WHEREAS**, the Planning and Development Committee, after public discussion at its meeting on March 14, 2005, recommended that the City Council prohibit further development within the moratorium area; and

**WHEREAS**, at its March 14, 2005 meeting, City Council adopted the recommendation of the Planning and Development Committee to establish the aforescribed moratorium, and

**WHEREAS**, establishment of the aforescribed moratorium is a proper exercise of the City's home rule powers and is necessary to prevent the construction of buildings, which for the most part is irreversible, during the City's consideration of the moratorium,

**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 incorporated herein.

**SECTION 2:** That a moratorium is hereby imposed upon the issuance of any permit for construction of a building in the area described as "all properties, located on Central Street between Bennett Avenue and Marcy Avenue", the moratorium area; and

**SECTION 3:** That the City Manager and all other City officers and personnel are authorized hereby to refuse acceptance of any application for a

special use, planned development, unique use, variation, or any combination thereof and are further authorized to deny issuance of any building permit, in the moratorium area, except as provided in Section 5 of this Ordinance 43-O-05.

**SECTION 4:** That the Plan Commission is hereby authorized and directed to continue to study and review the zoning regulations in the moratorium area, and to make any recommendations that they may have regarding amendments to such regulations, and any related provisions of the Zoning Ordinance to the Planning and Development Committee and the City Council.

**SECTION 5:** That this Ordinance shall not apply in the following circumstances:

(a) Where a perfected building permit application is on file with the City on or prior to the effective date of this Ordinance.

(b) Where the City Manager or her designee determines that the issuance of a demolition permit for a property within the moratorium area is necessary and in the interest of the public health, safety, or welfare.

**SECTION 6:** That this moratorium shall continue in force and effect for ninety (90) days through June 11, 2005.

**SECTION 7:** That the City Council may, upon finding that continuation of the moratorium for further study beyond the ninety (90) day period moratorium authorized hereby would serve public health, welfare, and safety, may provide by Ordinance(s) for extension(s) thereof.

**SECTION 8:** 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 applications of this Ordinance which can be given effect without the invalid provision or application.

**SECTION 9:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 10:** That this Ordinance shall take effect immediately upon its passage due to the urgency of implementing a moratorium as aforescribed to preserve the existing character of the moratorium area until optimum Zoning District Regulations can be determined.

Introduced: March 14, 2005

Adopted: March 14, 2005

Approved:

March 17, 2005  
Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

