

5/25/05
5/11/2005
5/4/2005

56-O-05

AN ORDINANCE

**Extending by 90 Days the Moratorium
Established by Ordinance 43-O-05 on Issuance of
Building Permits for That Portion of Central Street
Between Bennett Avenue and Marcy Avenue**

WHEREAS, the City Council enacted Ordinance 43-O-05 on March 14, 2005 to provide for a moratorium on certain construction on Central Street between Bennett Avenue and Marcy Avenue ("the moratorium area"), presently located in a B2 Zoning District; and

WHEREAS, the moratorium was established to prevent construction which is, for the most part, irreversible, during the City's consideration of potential amendments to the zoning regulations set forth in Title 6 of the Zoning Ordinance as they apply to the moratorium area; and

WHEREAS, the moratorium expires on June 11, 2005; and

WHEREAS, the Plan Commission's full agenda has not allowed for scheduling of a public hearing to consider various potential amendments to provide for optimum zoning regulations in the moratorium area; and

WHEREAS, the conditions and reasons which gave rise to the moratorium still exist; and

WHEREAS, Section 7 of Ordinance 43-O-05 provides that the City Council may, upon finding that continuation of the moratorium for further study

beyond the ninety (90) days established thereby would serve public health, welfare, and safety, provide by Ordinances(s) for extension(s) thereof; and

WHEREAS, at its May 9, 2005 meeting, the Planning and Development Committee considered a sixty- (60-) day extension of said moratorium and determined that additional time would be necessary to allow for completion of all tasks precedent to City consideration of any recommended amendments to the Zoning Ordinance; and

WHEREAS, the City Council hereby finds that a ninety- (90) day continuation of said moratorium would serve public health, welfare, and safety by allowing time for the Plan Commission to conduct a public hearing, complete its study, and make its recommendation to City Council, and for City Council consideration thereof, and

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 the City Council hereby finds that continuation of the moratorium for further study beyond the period established by Ordinance 43-O-05 would serve the public health, welfare, and safety inasmuch as the conditions and reasons which gave rise to the moratorium still exist.

SECTION 3: That the moratorium established and declared by Ordinance 43-O-05 is hereby extended for an additional ninety- (90) days on 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 4: 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 6 of this Ordinance.

SECTION 5: 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 6: 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 Ordinance 43-O-05.

(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 7: That this moratorium shall continue in force and effect for ninety (90) days through September 9, 2005.

SECTION 8: That the City Council may, upon finding that continuation of the moratorium for further study beyond the period authorized

hereby would serve public health, welfare, and safety, may provide by Ordinance(s) for extension(s) thereof.

SECTION 9: 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 10: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: May 9, 2005

Adopted: May 23, 2005

Approved:

May 26, 2005
Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mayra Press
Deputy City Clerk

Approved as to form:

[Signature]
Corporation Counsel