

7/27/2005

89-O-05

AN ORDINANCE

**Amending Section 6-15-11-5 of the Zoning Ordinance to
Delete the Requirement of Preservation Commission Review of
Applications for Special Uses and Variations for
Properties Located in Federal Historic Districts**

WHEREAS, the Plan Commission held public hearings on December 8, 2004, January 5, 2005, January 12, 2005, February 9, 2005, March 9, 2005, April 13, 2005, and May 11, 2005, in case no. ZPC 04-13T, pursuant to proper notice, to consider an amendment to the Zoning Ordinance in Section 6-15-11-5, "Relationship to Special Uses and Variations" to delete the requirement of Preservation Commission Review of applications for special uses and variations for non-landmark properties located in Federal Historic Districts; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a *verbatim* record and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the aforescribed amendment to the Zoning Ordinance did not meet the standards for text amendments, and recommended City Council denial thereof; and

WHEREAS, at its June 27, 2005 meeting, the Planning and Development Committee of the City Council considered the record and recommendation of the Plan Commission, adopted the record and rejected the Commission's recommendation; and

WHEREAS, the Planning and Development Committee considered and adopted findings pursuant to Section 6-3-4-5 of the Zoning Ordinance at its July 11, 2005 meeting to approve the proposed amendment, recommending City Council approval thereof; and

WHEREAS, the City Council considered the respective records and recommendation of the Commission and the Committee at its June 27, 2005, July 11, 2005, and July 25, 2005 meetings; adopted the respective records of both bodies; rejected the recommendation of the Plan Commission; and adopted the recommendation of the Planning and Development Committee,

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 Evanston City Code of 1979, as amended, be it and hereby is, further amended by revising Section 6-15-11-5 to read as follows:

Section 6-15-11-5: RELATIONSHIP TO SPECIAL USES AND VARIATIONS:

Whenever an application is made for a special use or variation relating to an historic landmark, or a property located in a local historic district, the application shall be referred to the Preservation Commission that shall have the authority to make its recommendations to the appropriate decision-making body relating to lot coverage, yard requirements, parking, building height, fences, and/or landscaping based upon its determination as to whether the special use or variation:

(a) is necessary and/or appropriate in the interest of historic conservation so as to not adversely affect the historical architecture or aesthetic integrity of the landmark or character of local historic districts; or

(b) is necessary to provide the owner a recoverable rate of return on the real property where the denial thereof would amount to a taking of the property without just compensation; and

(c) will not be materially detrimental to the public health, safety, and welfare, or injurious to property in the district or vicinity where the property is located.

SECTION 3: That the aforescribed text amendment meets the applicable standards therefor set forth in Section 6-3-4-5 of the Zoning Ordinance:

(A) It is consistent with the goals, objectives, and policies of the Comprehensive General Plan in that elimination of the requirement of Preservation Commission review of applications for variations or special uses for non-landmark properties will expedite the review process and thereby facilitate reinvestment in, and rehabilitation of, buildings in historically significant areas. Without an additional level of review, affected property owners may seek to take advantage of Federal preservation programs at the lowest voluntary level designated by the Federal government, thereby encouraging the preservation of the City's diverse housing stock and thematic neighborhoods. The effect of the amendment is the provision of an economic redevelopment tool for land use without imposition of regulatory requirements which may impair marketability of a property.

(B) The compatibility of the amendment with the overall character of existing development in the immediate vicinity of the subject property is inapplicable.

(C) The amendment will not have an adverse effect on the value of adjacent properties. Without the need for an extra layer for review of applications for zoning grants, affected property owners may be encouraged to seek Federal incentives to improve or maintain properties in Federal historic districts.

(D) The elimination of an additional layer of review of the subject variation and special use applications will conserve City resources and services. The Preservation Coordinator and the Preservation Commission are available to consult with owners who wish to seek their advice. This consultation, as it would not be a prerequisite to zoning approval, can be had at any stage in the development process, thereby affording affected owners the opportunity to avail themselves of the expertise of persons with knowledge of the historic preservation aspects of construction and conservation of buildings.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: July 11, 2005

Adopted: July 25, 2005

Approved: August 1, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel