

7/19/2005

**91-O-05**

**AN ORDINANCE**

**Extending by 90 Days the Moratorium  
Established by Ordinance 43-O-05 and  
Extended by Ordinance 56-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 until June 11, 2005 on certain building 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 City Code as they apply to the moratorium area; 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**, the City Council extended the aforescribed moratorium to September 9, 2005 by Ordinance 56-O-05, adopted on May 23, 2005; and

**WHEREAS**, Section 8 of Ordinance 56-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 July 25, 2005 meeting, the Planning and Development Committee considered a ninety- (90-) day extension of the moratorium and determined that said additional time would be necessary to allow for completion of all tasks precedent to City Council 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 and extended by Ordinance 56-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 and extended by Ordinance 56-O-05 is hereby extended for an additional ninety (90) days on the issuance of any permits for building construction 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; or

(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 through December 8, 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: July 25, 2005

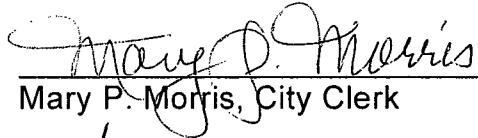
Adopted: September 12, 2005

Approved:

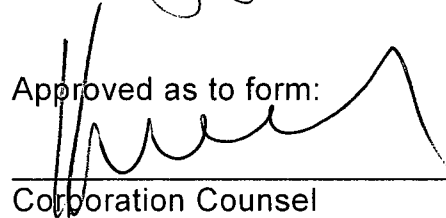
September 13, 2005

  
Lorraine H. Morton, Mayor

Attest:

  
Mary P. Morris, City Clerk

Approved as to form:

  
Corporation Counsel

