

4/13/06

52-O-06

AN ORDINANCE

**Establishing a Moratorium on the
Issuance of Building Permits for Construction in the West
Evanston TIF District and Areas to the North**

WHEREAS, the City of Evanston is a home rule municipality pursuant to the Illinois Constitution of 1970; and

WHEREAS, the City adopted a Zoning Ordinance in 1993 pursuant to its home rule powers which, among other things, divided the City into various Zoning Districts, regulated the types of land uses allowable in those Districts, and placed certain restrictions on those land uses, including, but not limited to, lot size and restrictions on the location, height, bulk, density, setbacks of the structures thereon; and

WHEREAS, the purposes and intents of the Zoning Ordinance as set forth therein include "Promoting the public health, safety, comfort, morals, convenience, general welfare, and the objectives and policies of the Comprehensive General Plan, as adopted and amended, from time to time, by the City Council"; "Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected, as said buildings relate to land area"; "Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, and property lines"; "Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within the surrounding

buildings”; “Establishing standards to which buildings or structures shall conform”; “Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts”; and “Encouraging the preservation and enhancement of natural resources, historic resources, natural features, and aesthetic amenities in the City;” and

WHEREAS, the City adopted a Comprehensive General Plan in 2000 which, among other things, adopted certain “Values and Goals”, including: “Neighborhood assets should be enhanced while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston”; “Promote activities that help strengthen communities and improve neighborhood quality of life”; “Evanston’s housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price”; “Buildings and landscaping should be of attractive, interesting and compatible design”; and “The historic heritage of Evanston should continue to be identified and preserved for the benefit of current and future residents;” and

WHEREAS, the 2000 Comprehensive General Plan provided for implementation of its “Values and Goals” by “Objectives” and “Policies/Actions”; and

WHEREAS, among the several “Objectives” were “Make quality design a priority for the construction and maintenance of all property”; “Continue to identify historic resources in Evanston”; “Promote Evanston’s reputation as a community where historic preservation is a vital part of the community’s identity”; “Address concerns about cost and affordability”; “Address high property tax concerns”;

“Preserve Evanston’s historic residential architecture and ambience”; “Maintain the appealing character of Evanston’s neighborhoods while guiding their change”; “Recognize the effect of housing on the quality of neighborhoods”; and “Maintain and enhance property values and positive perceptions of housing in Evanston”; and

WHEREAS, among the “Policies/Actions” to implement the 2000 Comprehensive General Plan were “Encourage evaluation of structures, sites, areas, and neighborhoods for their historical and cultural significance”; “Increase recognition of historic preservation issues beyond architecture, including lakefront preservation, preservation of open space, cultural history, personal history of individuals, important events, sites associated with important events or individuals, and societal trends”; “Continue to connect City officials with residents to address issues identified as adversely affecting neighborhood quality of life”; “Continue assisting neighborhoods to recognize and preserve their own historically significant assets”; “Encourage high quality design and a heightened sensitivity toward appearance in proposed developments through the Site Plan and Appearance Review Committee”; “Encourage collaboration among neighborhood stakeholders (e.g., property owners, residents, businesses, and institutions) and City staff to improve housing conditions that are negatively impacting surrounding property values”; “Preserve neighborhood character while supporting redevelopment efforts that add to neighborhood desirability”; “Encourage creative adaptive reuse of properties available for redevelopment using zoning standards and the Site Plan

and Appearance Review process to protect historic character”; and “Encourage the preservation and creation of neighborhood open and green space”; and

WHEREAS, the 2000 Comprehensive General Plan of the City established the revitalization of West Evanston as a high priority for the City of Evanston; and

WHEREAS, the West Evanston Neighborhood Plan, adopted by City Council in September, 2005, adopted four priority goals for the area including economic development and housing development; and

WHEREAS, the West Evanston Neighborhood Plan recommended Tax Increment Financing (TIF) as one of the tools for revitalization of the West Evanston area; and

WHEREAS, the City Council established the West Evanston TIF District in September, 2005, by adoption of Ordinance 102-O-05, Ordinance 103-O-05, and Ordinance 104-O-05; and

WHEREAS, there has been substantial interest in new residential development on former industrial and commercial land within that portion of the TIF District north of Church Street and east of Darrow Avenue, as well as within areas north of the TIF District; and

WHEREAS, the afore-described land is zoned Industrial and the emerging market demand is for new residential development; and

WHEREAS, there is a community concern about the potential rezoning, density, and connectivity of new development to the existing

neighborhoods to the east and west; and

WHEREAS, a reference has been made by the City Council to the Plan Commission for rezoning of some of the parcels located in this area; and

WHEREAS, the Plan Commission must conduct a public hearing and prepare a report for consideration by the City Council; and

WHEREAS, the City has issued a Request for Qualifications, no. 07-08, for Physical Planning and Urban Infill Design Services within and adjacent to the TIF District; and

WHEREAS, the consultant the City selects to provide said Services must study the issues presented and then prepare a report addressing land use and appropriate development planning issues for consideration by the City Council; and

WHEREAS, preparation of the aforescribed reports and their consideration by the City Council are estimated to require one hundred twenty (120) days; and

WHEREAS, the Planning and Development Committee considered this Ordinance 52-O-06 at its special meeting of April 4, 2006, and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the record and recommendation of the Planning and Development Committee, with amendments, at its April 11, 2006 meeting; and

WHEREAS, the City Council voted unanimously to suspend Council Rule 3.2 to allow introduction and passage of this Ordinance 52-O-06 at the same City Council meeting,

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, in response to the need to consider appropriate zoning and related amendments to the Zoning Ordinance and/or other ordinances in the City Code for the West Evanston TIF adopted by Ordinance 102-O-05, Ordinance 103-O-05, and Ordinance 104-O-05, and the area indicated on the map attached hereto as Exhibit A and made a part hereof (the "Moratorium Area"), a one hundred twenty (120) -day moratorium is established and declared on the application for and/or approval or issuance of all subdivision plats, re-zonings, special uses, planned developments, variations, and building permits for construction projects in the Moratorium Area.

SECTION 3: The City Council may, upon finding that continuation of the moratorium for further study beyond the one hundred twenty (120) -day moratorium authorized hereby would serve the public health, welfare, and safety, provide by ordinance(s) for extension(s) thereof.

SECTION 4: This Ordinance 52-O-06 shall not apply in the following circumstances:

- a) to a perfected building permit application for new construction which is on file with the City on or prior to the effective date of this Ordinance;
- b) to an application for building permit filed to construct a planned development at 1613 Church Street in the event the City Council approves Ordinance 38-O-06, which would allow a re-zoning of that property and construction of said planned development; and
- c) to an application for building permit filed to construct a planned development at 1708-1710 Darrow Avenue/1805 Church Street to be next considered at the April 11, 2006 special meeting of the Planning and Development Committee, in the event the City Council approves an ordinance to allow such construction.

SECTION 5: That the Plan Commission, Preservation Commission, and other appropriate City bodies are hereby authorized and directed to study and review concerns about Zoning District regulations and other building and land use regulations in the Moratorium Area, 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. Said bodies shall conduct their study and review with regard for the purposes and intents of the Zoning Ordinance and the "Values and Goals", "Objectives", and "Policies/Actions" of the 2000 Comprehensive General Plan, all as expressed in this Ordinance.

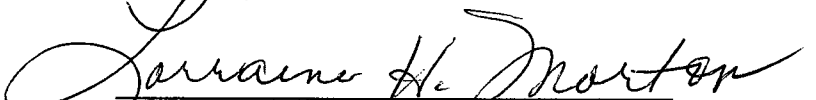
SECTION 6: That the City Manager is hereby directed to enforce the moratorium provided for in this Ordinance during its period of effectiveness in accordance with the terms of this Ordinance.

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.

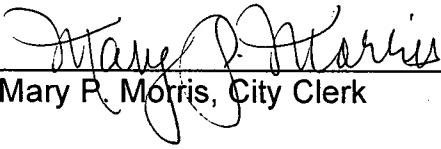
SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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.

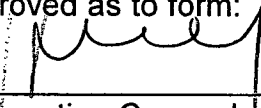
Introduced: April 11, 2006 Approved:
Adopted: April 11, 2006 April 17, 2006



Lorraine H. Morton, Mayor

Attest:


Mary R. Morris, City Clerk

Approved as to form:





Corporation Counsel

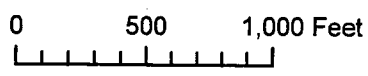
EXHIBIT A

MORATORIUM AREA
TIF District #6
West Evanston

West Evanston Building Moratorium (Ordinance 52-O-06)



 Moratorium Area
 Building Footprint
 Tax Parcel



City of
Evanston

EXHIBIT A

WestEvMoratorium.mxd -- 4/13/06

This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.