

12/6/2006

120-O-06

AN ORDINANCE

**Extending By 60 Days the Moratorium Provided for by
Ordinance 52-O-06 on the Issuance of
Building Permits for Construction in the
West Evanston TIF District and Areas to the North**

WHEREAS, the City Council adopted Ordinance 52-O-06 on April 11, 2006, to provide for a moratorium on the issuance of building permits for construction in the West Evanston TIF District designated and provided for by Ordinance 102-O-05, Ordinance 103-O-05, and Ordinance 104-O-05, and the areas indicated on the map attached hereto as Exhibit A, and made a part hereof ("Moratorium Area"); and

WHEREAS, the moratorium provided for a one hundred twenty (120) -day period expiring on August 9, 2006, to allow for City consideration through its Plan Commission and Planning and Development Committee of the possible re-zoning of part or all of the area, indicated on the map attached hereto as Exhibit A, into an appropriate Zoning District; and

WHEREAS, the City Council adopted Ordinance 82-O-06, on July 24, 2006, to provide for a one hundred twenty-five (125) -day extension of the moratorium, expiring on December 12, 2006; and

WHEREAS, the City Council approved the hiring of two consultants at its meeting of June 24, 2006 to provide Physical Planning and Urban Infill Design Services Within and Adjacent to the TIF District; and

WHEREAS, the consultants must study the issues presented and then prepare reports addressing land use and appropriate development planning issues for consideration by the Plan Commission and City Council; and

WHEREAS, the consultants are to submit their Reports to the City before the meeting of the City Council on January 8, 2007; and

WHEREAS, an extension of the moratorium provided for by Ordinance 52-O-06 and Ordinance 82-O-06 is necessary to allow time for the Plan Commission to conduct further public hearings and prepare its Report to the City Council; and

WHEREAS, additional time is necessary for the City Council to review the Plan Commission's Report and conduct its own consideration of the possible rezoning and related issues which may be presented in the Report; and

WHEREAS, conditions and reasons for enacting Ordinance 52-O-06 and Ordinance 82-O-06 continue to exist in the Moratorium Area, except in the area bounded on the north by Foster Street, on the south by Emerson Street, on the east by the first alley west of Jackson Avenue, and on the west by the first alley east of Dewey Avenue, described in Exhibit B, attached hereto and made a part hereof ("Revised Moratorium Area"); and

WHEREAS, Section 3 of Ordinance 52-O-06 and Section 5 of Ordinance 82-O-06 provide that the City Council may, upon finding that continuation of the moratorium provided for therein, for further study, would serve the public health, welfare, and safety, provide by Ordinance(s) for extension(s) thereof; and

WHEREAS, the City Council finds that continuation of the moratorium for an additional one sixty (60) days for the Revised Moratorium Area would serve the public health, welfare, and safety by allowing for completion of the above-described tasks,

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, in response to the need for additional time to consider appropriate zoning and related amendments to the Zoning Ordinance and/or other ordinances in the City Code, the moratorium for one hundred twenty (120) days adopted by Ordinance 52-O-06 and extended for one hundred twenty-five (125) additional days by Ordinance 82-O-06, is hereby extended for sixty (60) additional days on applications 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 Revised Moratorium Area described in Exhibit B, except for those projects for which a perfected building

permit application for new construction was on file with the City on or prior to April 11, 2006, the effective date of Ordinance 52-O-06 and the planned development at 1613 Church Street approved by Ordinance 38-O-06 on April 11, 2006.

SECTION 3: That the Plan Commission and other appropriate City bodies are hereby authorized and directed to continue to study and review the zoning regulations in the Revised Moratorium Area, and to make any recommendations that it or they may have regarding amendments to such regulations and related provisions of the City Code to the City Council.

SECTION 4:

(A) That, to enforce the provisions of this Ordinance and Ordinance 52-O-06 during the moratorium period in the Revised Moratorium Area, the City Manager and all other officers and personnel of the City are hereby authorized and directed as follows:

- (1) to refuse acceptance of any application for a plat of subdivision, building permit, special use, planned development, unique use, variation, re-zoning or any combination thereof; and to deny approval or issuance thereof, as appropriate, of any such applications;
- (2) to deny issuance of any building permit for new construction, except for a perfected building permit application which was on file with the City on or prior to April 11, 2006; and
- (3) to perform or to refuse to perform any act not specifically provided for in this Section 4, in a manner consistent with this Ordinance and Ordinance 52-O-06 and required or appropriate, to enforce the moratorium.

(B) The planned development at 1613 Church Street is not affected by the provisions of this Ordinance.

SECTION 5: That the City Council may, upon finding that continuation of the moratorium for further study beyond the extension of sixty (60) days authorized hereby would serve the public health, welfare, and safety, provide by ordinance(s) for extension(s) thereof.

SECTION 6: 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 provisions or applications thereof.

SECTION 7: All ordinances or parts or ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall take effect immediately upon its passage, due to the urgency of continuing the moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: December 11, 2006

Approved:

Adopted: December 11, 2006

December 19, 2006

Lorraine H. Morton
Lorraine H. Morton, Mayor

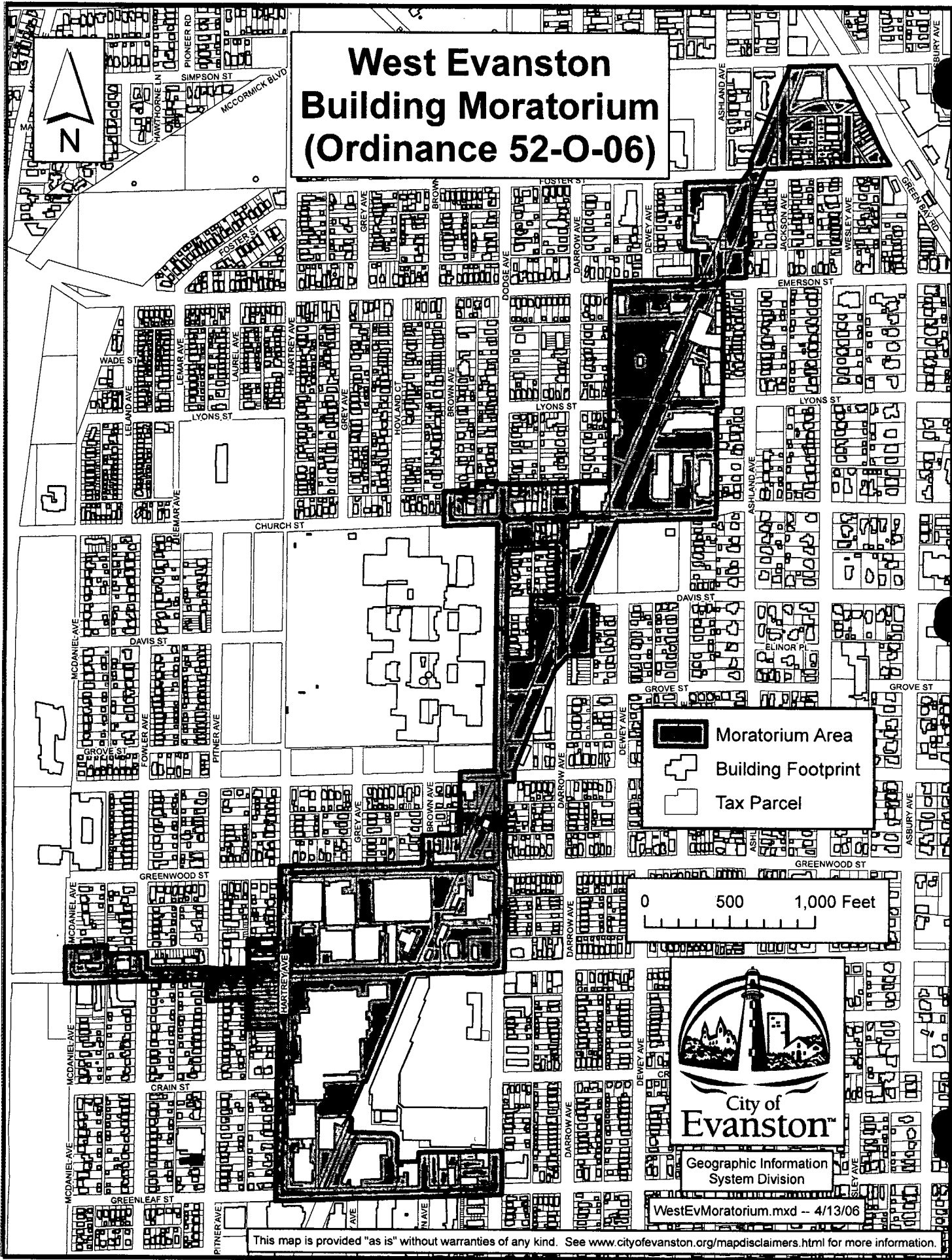
Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

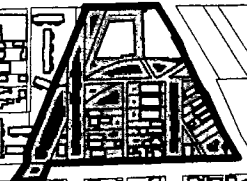
Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel


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





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

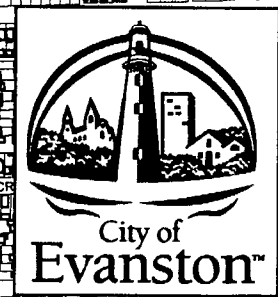
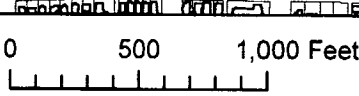
Proposed West Evanston Building Moratorium Extension with revised boundaries



 Moratorium Area

 Building Footprint

 Tax Parcel



City of
Evanston

Geographic Information
System Division

WestEvMoratorium.mxd -- 12/6/06

