

2/27/2007
2/23/2007

31-O-07

AN ORDINANCE

**Extending By 120 Days the Moratorium Provided for by
Ordinance 90-O-06 on the Issuance of
Building Permits for Construction on
Central Street from Ashland Avenue to 2200 Central Street**

WHEREAS, the City Council adopted Ordinance 90-O-06 on September 11, 2006, to provide for a moratorium on the issuance of building permits for construction on Central Street, from Ashland Avenue to and including 2200 Central Street ("Moratorium Area"); and

WHEREAS, the moratorium provided for a one hundred eighty (180) -day period expiring on March 10, 2007, 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 Moratorium Area; and

WHEREAS, the City Council approved the hiring of a consultant at its meeting of November 13, 2006 to provide Planning Services within the Moratorium Area; 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 consultant is to submit a report to the City before the meeting of the City Council on April 23, 2007; and

WHEREAS, an extension of the moratorium provided for by Ordinance 90-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 90-O-06 continue to exist in the Moratorium Area; and

WHEREAS, Section 3 of Ordinance 90-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 hundred twenty (120) days for the 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 eighty (180) days adopted by Ordinance 90-O-06 is hereby extended for one hundred twenty (120) 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 Moratorium Area, except for those projects for which a perfected building permit application for new construction was on file with the City on or prior to September 11, 2006, the effective date of Ordinance 90-O-06, and the planned development at 1700-1722 Central Street, approved by Ordinance 7-0-07 on February 12, 2007.

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 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 90-O-06 during the moratorium period in the 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 September 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 90-O-06 and required or appropriate, to enforce the moratorium.

(B) The planned development at 1700-1722 Central Street, approved by Ordinance 7-0-07 on February 12, 2007, is not affected by the provisions of this Ordinance.

SECTION 5: That the City Council may, upon finding that extension of the moratorium for further study beyond the extension of one hundred twenty (120) 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.

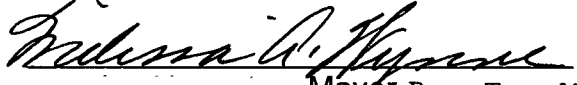
SECTION 7: All ordinances or parts or ordinances in conflict herewith are hereby repealed.

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.

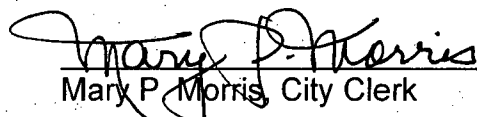
Introduced: February 26, 2007

Approved:

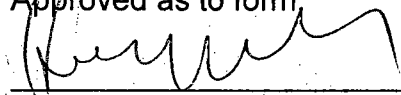
Adopted: February 26, 2007

March 2, 2007

Mayor Pro Tem Wynne

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Herbert D. Hill
First Assistant Corporation Counsel

