

3/19/2007

34-O-07

AN ORDINANCE

**Establishing a 105-day Moratorium on the
Issuance of Building Permits for Construction on
Green Bay Road from Isabella Street to Lincoln Street**

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, and 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, there has been substantial interest in new residential development on former commercial land in the Central Street Commercial Corridor; and

WHEREAS, there is a community concern about the potential planned developments and resulting density, and connectivity of new development to the existing neighborhoods to the north and south; and

WHEREAS, the City Council approved the hiring of a consultant at its meeting of November 13, 2006 to provide Planning Services along the Central Street Corridor, including the portion of Green Bay Road between Livingston Street and Lincoln Street; 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 April 23, 2007; and

WHEREAS, the Plan Commission shall review the consultants' reports and prepare its own report to the City Council; and

WHEREAS, 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, construction of buildings is, generally, irreversible; and

WHEREAS, a moratorium during the City's review of possible re-zoning along Green Bay Road is necessary to prevent construction which may be inconsistent with any revised zoning regulations; and

WHEREAS, the Planning and Development Committee considered this Ordinance 34-O-07 at its meeting of March 26, 2007, and recommended City Council approval thereof; and

WHEREAS, at its March 26, 2007 meeting, the City Council considered and adopted the record and recommendation of the Planning and Development Committee; 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 made a part hereof.

SECTION 2: That, in response to the need to consider appropriate planning, design, and other issues with possible recommendation for related amendments to the Zoning Ordinance regarding properties located on Green Bay Road from Lincoln Street to Isabella Street (hereinafter, "the Moratorium Area"), a one hundred five (105) -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 five (105) -day moratorium authorized hereby would serve the public health, welfare, and safety, provide by ordinance(s) for extension(s) thereof.

SECTION 4: This Ordinance shall not apply:

a) to a perfected building permit application for new construction, rehabilitation, or repair which is on file with the City on or prior to the effective date of this Ordinance 34-O-07;

b) to an application for zoning analysis filed for any planned development applications filed prior to the adoption of this Ordinance 34-O-07.

SECTION 5: That the Plan Commission, Preservation Commission, and other appropriate City bodies are hereby authorized 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 any study and/or 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, to enforce the provisions of this Ordinance 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:

- (A) 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;
- (B) 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 the effective date of this Ordinance 34-O-07; and
- (C) to perform or to refuse to perform any act not specifically provided for in this Section 6, in a manner consistent with this Ordinance 34-O-07 and required or appropriate to enforce the moratorium.

SECTION 7: If any provision of this Ordinance 34-O-07, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance 34-O-07 which can be given effect without the invalid provisions or applications thereof.

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

SECTION 9: This Ordinance 34-O-07 shall take effect immediately upon its passage, due to the urgency of implementing a moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: March 26, 2007 Approved:
 Adopted: March 26, 2007 April 3, 2007

Lorraine H. Morton
 Lorraine H. Morton, Mayor

Attest:
Mary P. Morris (sup)
 Mary P. Morris, City Clerk

Approved as to form:
Herbert O. Hill (sup)
 Corporation Counsel

