

3/29/2007

39-O-07

AN ORDINANCE

**Extending By 35 Days the Moratorium Provided for by
Ordinance 25-O-07 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 ("Original 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 adopted Ordinance 120-O-06 on December 11, 2006, to provide for a sixty (60) -day extension of the moratorium for the area indicated on the map attached hereto as Exhibit B, expiring on February 10, 2007 (the "Revised Moratorium Area"); and

WHEREAS, the City Council adopted Ordinance 25-O-07 on February 12, 2007, to re-establish, for thirty (30) days, the moratorium for the Revised Moratorium Area, expiring on March 14, 2007; and

WHEREAS, the City Council adopted Ordinance 33-O-07 on March 12, 2007, to re-establish, for thirty (30) days, the moratorium for the Revised Moratorium Area, expiring on April 13, 2007; 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 have studied the issues presented and prepared reports addressing land use and appropriate development planning issues for consideration by the Plan Commission and City Council; and

WHEREAS, the Plan Commission reviewed and adopted the consultants' reports at its January 29, 2007 meeting and issued a report to the City Council; and

WHEREAS, the Planning and Development Committee of the City Council considered the Plan Commission's report at regular and special meetings on January 29, 2007, February 22, 2007, and April 10, 2007; and

WHEREAS, Section 4 of Ordinance 25-O-07 provides that the City Council may, upon finding that continuation of the moratorium for further study beyond the thirty-five (35) days authorized thereby would serve the public health, welfare, and safety, provide by ordinance(s) for extension(s) thereof; and

WHEREAS, the City Council finds that extending the moratorium for an additional thirty-five (35) days for the Revised Moratorium Area is necessary to allow time 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 said Report; and

WHEREAS, the City Council finds that extending the moratorium for an additional thirty-five (35) 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, extended for one hundred twenty-five (125) additional days by Ordinance 82-O-06, re-extended for sixty (60) additional

days by Ordinance 120-O-06, re-established for thirty (30) days by Ordinance 25-O-07, and re-extended for thirty (30) days by Ordinance 33-O-07, is hereby extended for an additional thirty-five (35) days, expiring on May 18, 2007 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; except for those projects for which a perfected building permit application for new construction was on file with the City on or prior to February 12, 2007, the effective date of Ordinance 25-O-07, and the planned development at 1613 Church Street, approved by Ordinance 38-O-06 on April 11, 2006.

SECTION 3: That, to enforce the provisions of this Ordinance 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:

- (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; and
- (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 February 12, 2007; and
- (C) to perform or to refuse to perform any act not specifically provided for in this Section 3, in a manner consistent with this Ordinance and required or appropriate to enforce the moratorium.

SECTION 4: That the City Council may, upon finding that continuation of the moratorium for further study beyond the thirty-five (35) days authorized hereby would serve the public health, welfare, and safety, provide by ordinance(s) for extension(s) thereof.

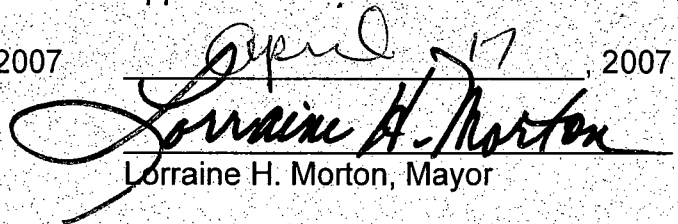
SECTION 5: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

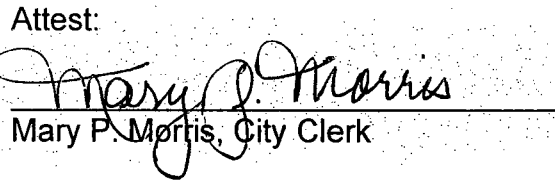
SECTION 6: All ordinances or parts or ordinances in conflict herewith are hereby repealed.

SECTION 7: This Ordinance shall take effect immediately upon its passage, due to the urgency of re-establishing the moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: April 10, 2007 Approved:

Adopted: April 10, 2007 April 17, 2007


Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

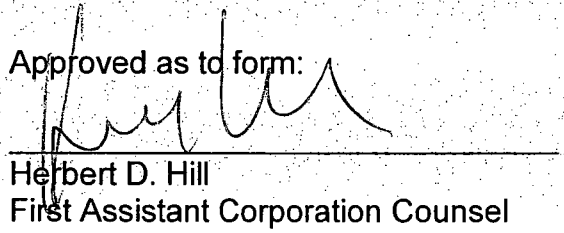
Approved as to form:

Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A

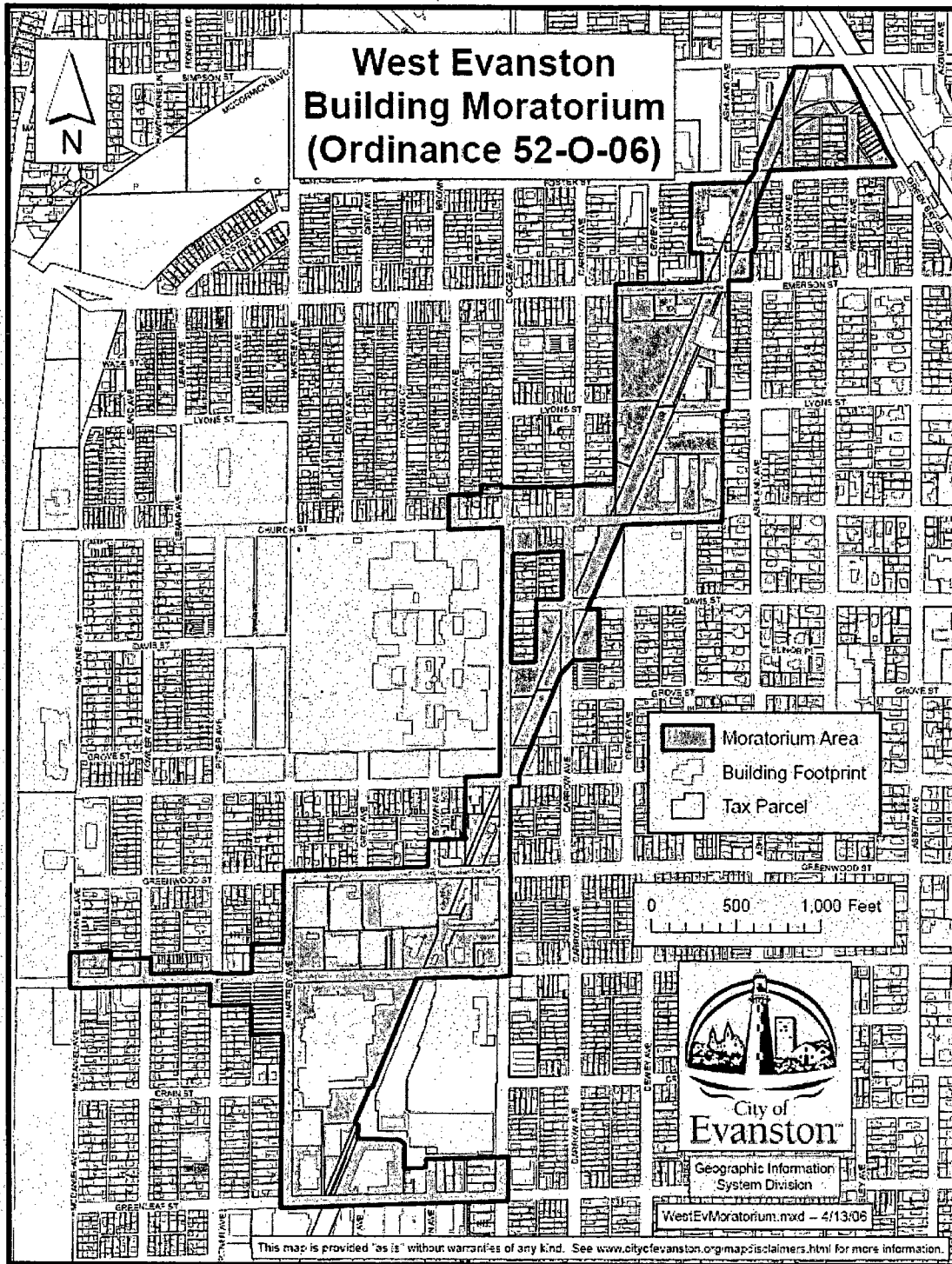


EXHIBIT B

