

9/17/2007

90-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 2200 Central Street (the "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 adopted Ordinance 31-O-07 on February 26, 2007, to provide for a one hundred twenty (120) -day extension of the moratorium, expiring on July 8, 2007; and

WHEREAS, the City Council adopted Ordinance 62-O-07 on June 25, 2007, to provide for a ninety-five (95) -day extension of the moratorium, expiring on October 12, 2007; and

WHEREAS, the City Council approved the hiring of consultants at its meeting of November 13, 2006 to provide Planning Services within the Moratorium Area; and

WHEREAS, the consultants studied the issues presented and prepared a plan (the "Central Street Master Plan") addressing land use and appropriate development planning issues for consideration by the Plan Commission and City Council; and

WHEREAS, at its June 13, 2007 meeting, the Plan Commission voted to recommend the Central Street Master Plan to the Planning and Development Committee of the City Council; and

WHEREAS, at its July 9, 2007 meeting, the Planning and Development Committee considered and adopted the Plan Commission's recommendation to approve the Central Street Master Plan; and

WHEREAS, Section 3 of 90-O-06 provides that the City Council may, upon finding that continuation of the moratorium for further study beyond the one hundred eighty (180) 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 one hundred twenty (120) days for the Moratorium Area is necessary to allow time for the Plan Commission and City Council to conduct public hearings regarding possible rezoning and related issues consistent with the Central Street Master Plan; and

WHEREAS, the City Council finds that extending 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, extended for one hundred twenty (120) days by Ordinance 31-O-07, and re-extended for ninety-five (95) days by Ordinance 62-O-07, is hereby extended for an additional one hundred twenty (120) days, expiring on February 9, 2008, 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-O-07 on February 12, 2007.

SECTION 3: 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; 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 September 11, 2006; 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 one hundred twenty (120) 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.

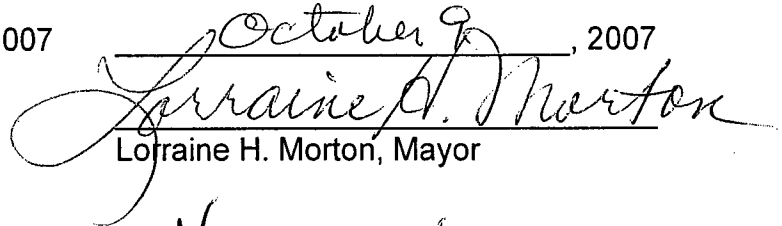
SECTION 7: This Ordinance shall take effect immediately upon its passage, due to the urgency of re-establishing the moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: September 24, 2007

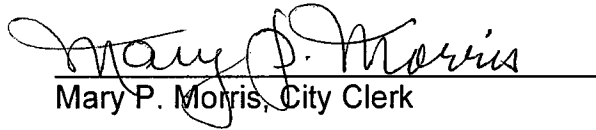
Approved:

Adopted: October 8, 2007

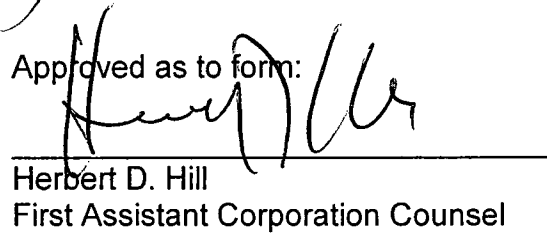
October 9, 2007


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Herbert D. Hill
First Assistant Corporation Counsel