

9/17/2007

91-O-07

AN ORDINANCE

**Extending By 120 Days the Moratorium Provided for by
Ordinance 34-O-07 on the Issuance of
Building Permits for Construction on
Green Bay Road from Isabella Street to Lincoln Street**

WHEREAS, the City Council adopted Ordinance 34-O-07 on March 26, 2007, to provide for a moratorium on the issuance of building permits for construction on Green Bay Road from Lincoln Street to Isabella Street (the "Moratorium Area"); and

WHEREAS, the moratorium provided for a one hundred five (105) - day period expiring on July 9, 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 63-O-07 on June 25, 2007, to provide for a ninety-four (94) -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 along the Central Street Corridor, including the portion of Green Bay Road between Livingston Street and Lincoln Street; 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 34-O-07 provides that the City Council may, upon finding that continuation of the moratorium for further study beyond the one hundred five (105) 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 in the Moratorium Area 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 five (105) days adopted by Ordinance 34-O-07 and extended for ninety-four (94) days by Ordinance 63-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 March 26, 2007, the effective date of Ordinance 34-O-07.

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 March 26, 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 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.

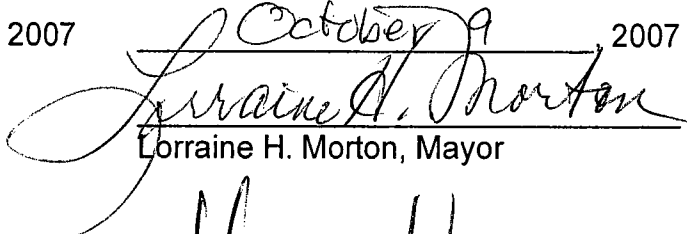
SECTION 7: This Ordinance shall take effect immediately upon its passage, due to the urgency of re-establishing the moratorium as aforescribed to prevent inconsistent and incompatible development.

Introduced: September 24, 2007

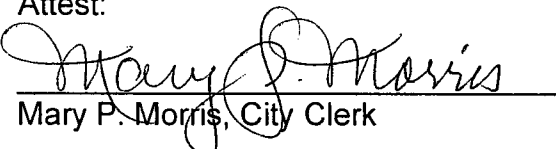
Approved:

Adopted: October 8, 2007

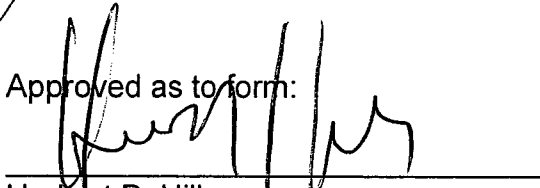
October 9, 2007


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Herbert D. Hill
First Assistant Corporation Counsel

