

1/15/2008
11/29/2007

109-O-07

AN ORDINANCE

**Re-Establishing the Moratorium on the Issuance of
Building Permits for Construction in Downtown,
Established by Ordinance 57-O-07,
For Forty-Five Days, to March 13, 2008**

WHEREAS, the City Council adopted Ordinance 57-O-07 on June 11, 2007, to establish a one hundred eighty (180)-day moratorium, ending December 9, 2007, 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 downtown area, shown on the map attached hereto as Exhibit A and made a part hereof. ("Moratorium Area"), and bounded by the following streets: (i) to the west by Oak Avenue from Lake Street to Grove Street, by Ridge Avenue from Grove Street to Emerson Street, including the viaducts in the northwest until the intersection of Green Bay Road and Emerson Street; (ii) to the north by Emerson Street from the intersection of Green Bay Road and Emerson Street to Benson Avenue, by University Place from Benson Avenue to Sherman Avenue, and by Elgin Road/Clark Street to the alley immediately east of Chicago Avenue; (iii) to the east by the north-south alley between Chicago Avenue and Hinman Avenue, by Church Street from said alley to Hinman Avenue, and by Hinman Avenue from Church Street to Lake Street; (iv) and to the south by Lake Street to Oak Avenue; and

WHEREAS, the moratorium established a one hundred eighty (180) -day period expiring on December 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 103-O-07 on November 26, 2007, to provide for a two (2) -day extension of the moratorium, which expired on December 11, 2007; and

WHEREAS, the City Council approved the hiring of consultants to provide Planning Services within the Moratorium Area; and

WHEREAS, the consultants have studied the issues presented and submitted reports addressing land use and appropriate development planning issues for consideration by the Plan Commission and City Council; and

WHEREAS, re-establishing of the moratorium established by Ordinance 57-O-07 and extended by Ordinance 103-O-07 is necessary to allow time for the Plan Commission to conduct additional public hearings and prepare its recommendations to the City Council; and

WHEREAS, additional time is necessary for the City Council to review the Plan Commission's recommendations and conduct its own consideration of the possible rezoning and related issues which may be presented in said recommendations; and

WHEREAS, conditions and reasons for enacting Ordinances 57-O-07 and 103-O-07 continue to exist in the Moratorium Area; and

WHEREAS, the City Council finds that re-establishing the moratorium for an additional forty-five (45) days, until March 13, 2008, 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, established by Ordinance 57-O-07 and extended for two (2) days by Ordinance 103-O-07, is hereby re-established for an additional forty-five (45) days, until March 13, 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, or an application for zoning analysis for any planned development, was on file with the City on or prior to January 28, 2008, the effective date of this Ordinance.

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: That, to enforce the provisions of this Ordinance and Ordinance 57-O-07 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 to accept 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 those projects for which a perfected building permit application for new construction, or an application for zoning analysis for any planned development, was on file with the City on or prior to January 28, 2008, the effective date of this Ordinance; 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 57-O-07, and required or appropriate to enforce the moratorium.

SECTION 5: That the City Council, upon finding that extension of the moratorium for further study beyond the extension of forty-five (45) days, until March 13, 2008, authorized hereby would serve the public health, welfare, and safety, may establish, 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: December 10, 2007 Approved:
Adopted: January 28, 2008, January 30, 2008

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:
Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel

EXHIBIT A

