

City of St. Charles, Illinois

Ordinance No. 2010-Z-4

**Ordinance Amending Title 17 of the St. Charles
Municipal Code entitled "Zoning," Chapter 17.32
"Historic Preservation"**

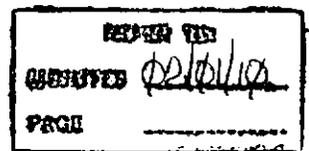
**Adopted by the
City Council
of the
City of St. Charles
February 1, 2010**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, February 5, 2010**



City Clerk





City of St. Charles, IL
Ordinance No. 2010-Z- 4

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
entitled “Zoning”, Chapter 17.32 entitled “Historic Preservation”**

WHEREAS, on or about May 1, 2009, The City of St. Charles (“the Applicant”) filed a petition to amend the Zoning Ordinance of the City of St. Charles regarding: requirements, procedures, and criteria for review of Certificates of Appropriateness; and requirements for showing Historic District boundaries on the official St. Charles Zoning Map; and,

WHEREAS, Notice of Public Hearing on said petition was published on or about May 2, 2009, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Historic Preservation Commission conducted a public hearing on or about May 20, 2009, on said petition in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said petition and all interested parties had an opportunity to be heard; and,

WHEREAS, the Historic Preservation Commission recommended approval of the petition on or about June 3, 2009; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the petition on or about July 13, 2009; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Historic Preservation Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. That Title 17, “Zoning,” Chapter 17.32 “Historic Preservation”, Section 17.32.070 “Historic District Designation Procedures”, Subsection 17.32.070(F) is hereby amended by deleting the same and substituting the following therefore:

F. Historic districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the

historic district. Historic district boundaries shall be shown on the official St. Charles Zoning Map.

3. That Title 17, "Zoning," Chapter 17.32 "Historic Preservation", Section 17.32.080 "Certificates of Appropriateness", Subsection 17.32.080(B) "Certificate of Appropriateness: When Required", is hereby amended by adding the following new Subsection 17.32.080(B)(5) thereto:

5. Any above-grade attachment or other physical connection between a building located within an historic district or a landmark site, and any other building, structure, above-ground improvement, open space or other portion of a property not located within the district or landmark site (excluding public and private utility wires, poles and related appurtenances), shall be deemed an Alteration and/or an Addition to the building located within the historic district or landmark site that is subject to the Certificate of Appropriateness requirements hereunder. Such attachments or connections include, but are not limited to, an addition to a building located in the district or landmark site that extends across the district or landmark site boundaries or an outdoor deck and stairs from a building in the district or landmark site that extends across the district or landmark site boundaries. The plans and specifications submitted for the Certificate of Appropriateness shall include the existing and proposed improvements to the property located outside the district or landmark site boundaries to which the attachment or connection extends. In determining whether an attachment or physical connection to a building outside the district meets the applicable criteria of this Chapter, the Historic Preservation Commission may take into account the improvements existing on or proposed for such property outside the district or landmark site.

4. That Title 17, "Zoning," Chapter 17.32 "Historic Preservation", Section 17.32.080 "Certificates of Appropriateness", Subsection 17.32.080(C) "Certificate of Appropriateness: Procedure", is hereby amended by deleting the same and substituting the following therefore:

C. Certificate of Appropriateness: Procedure

1. Where a Certificate of Appropriateness is required, the Building and Code Enforcement Division Manager shall furnish building permit applicants with an application for a Certificate of Appropriateness.
2. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within twenty-two (22) days following receipt of the application. Plans and specifications for exterior work submitted with a permit application shall be made available to the Historic Preservation Commission. The Director of Community Development shall notify the applicant of the time and place of the meeting. Failure of the Historic Preservation Commission to act upon an application for a Certificate of Appropriateness within twenty-two (22) days shall constitute approval and no other evidence shall be needed. Tabling the application shall be considered action by the Historic Preservation Commission, provided, however, that any such delay shall not exceed twenty-two (22) days unless the applicant has not provided the additional documentation or expert technical advice requested.

3. The Historic Preservation Commission may table the application for a Certificate of Appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The Commission shall hold an additional meeting or meetings to consider the application not more than twenty-two (22) days from receipt of all requested documentation and technical advice.
4. If the Historic Preservation Commission finds, on a preliminary basis, that the work proposed in the application does not meet the applicable criteria of this Chapter, it may recommend changes to the applicant that would cause the proposed work to meet the applicable criteria, and may confer with the applicant and attempt to resolve any differences between the applicant's plan and the applicable criteria.

5. That Title 17, "Zoning," Chapter 17.32 "Historic Preservation", is hereby amended by deleting all references to "Building Commissioner" and substituting "Building and Code Enforcement Division Manager" therefore.

6. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

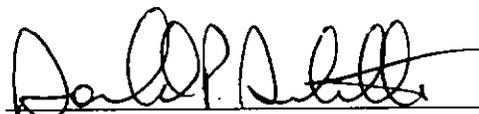
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 1st day of February 2010.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 1st day of February 2010.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 1st day of February 2010.

Attest:


Nancy Garrison
City Clerk/Recording Secretary


Donald P. DeWitte, Mayor

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on February 1, 2010, the Corporate Authorities of such municipality passed and approved Ordinance No. 2010-Z-4, entitled

"Ordinance Amending Title 17 of the St. Charles
Municipal Code entitled "Zoning," Chapter 17.32
"Historic Preservation",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2010-Z-4, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 5, 2010, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 1st day of February 2010.


Municipal Clerk

