

ORDINANCE NO. F-0762

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE
AND THE WHEATON CITY CODE –
“DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT”**

WHEREAS, the 1999 Comprehensive Plan Update (“Plan”) of the City of Wheaton, Illinois (“City”) indicated the City’s desire to establish a development review process to ensure high quality development; and

WHEREAS, the Plan recommended the creation of an appearance/architectural review commission/committee to provide recommendations for all projects in the Central Business District area as an action to fulfill this strategy; and

WHEREAS, City staff has worked with a volunteer committee to develop appropriate guidelines and a review process; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Zoning Ordinance and the City Code to create a Downtown Design Review Overlay District; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton City Council on September 23, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City of Wheaton, DuPage County, Illinois, pursuant to its home rules powers, as follows:

Section 1: The Wheaton zoning map, which is part of the Wheaton Zoning Ordinance, is hereby amended to designate the property generally described as Downtown Wheaton and its periphery in the “Downtown Design Review Overlay District”.

The boundaries of the Downtown Design Review Overlay District are legally described as follows:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF MAIN STREET WITH THE CENTER LINE OF INDIANA STREET, IN SOUTHWEST QUARTER OF SECTION 16 TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE 3RD PRINCIPAL MERIDIAN, THENCE WEST, 232.32 FEET, ALONG THE CENTER LINE OF SAID INDIANA STREET TO THE EXTENSION OF THE WEST LINE OF LOT 5, IN BLOCK 1 OF W.I. E. F.E. WHEATON RESUBDIVISION, THENCE NORTH ALONG THE EXTENSION OF SAID WEST LINE OF LOT 5, TO THE NORTHWEST CORNER THEREOF, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 5, 33.32, FEET TO A POINT THAT IS 165.0 FEET WEST OF THE WEST LINE OF MAIN STREET, THENCE NORTH ON A LINE THAT IS 165.0 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF MAIN TO THE CENTER LINE OF ILLINOIS STREET, THENCE WEST ALONG THE CENTER LINE OF ILLINOIS STREET, TO THE CENTER LINE OF WHEATON AVENUE, THENCE NORTH ALONG THE CENTER LINE OF WHEATON AVENUE TO THE CENTER LINE OF WILLOW AVENUE, THENCE WEST

ALONG THE CENTER LINE OF WILLOW AVENUE TO THE CENTER LINE OF WEST STREET, THENCE SOUTH ALONG THE CENTER LINE OF WEST STREET TO THE EXTENSION OF THE NORTH LINE OF LOT 9 OF THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH RANGE 10 EAST, EXTENDED EASTERLY TO THE CENTER LINE OF WEST STREET, THENCE WEST ALONG SAID EXTENSION OF THE NORTH LINE OF LOT 9, TO THE WEST LINE OF LOTS 7 AND 8 EXTENDED SOUTH IN SAID COUNTY CLERK'S ASSESSMENT DIVISION, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 7 AND 8, TO THE CENTER LINE OF LIBERTY DRIVE, THENCE WEST ALONG THE CENTER LINE OF LIBERTY DRIVE TO THE CENTER LINE OF THE ILLINOIS PRAIRIE PATH EXTENDED (FORMERLY THE CHICAGO AURORA RAILWAY RIGHT-OF-WAY), THENCE NORTH AND NORTHWESTERLY ALONG THE CENTER LINE OF SAID ILLINOIS PRAIRIE PATH RIGHT-OF-WAY, TO THE CENTER LINE OF THE UNION PACIFIC RAILWAY (FORMERLY CHICAGO AND NORTHWESTERN RAILWAY), THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID UNION PACIFIC RAILWAY RIGHT-OF-WAY, TO THE CENTER LINE OF WESTERN AVENUE EXTENDED, THENCE NORTH ALONG THE CENTER LINE OF WESTERN AVENUE, TO THE CENTER LINE OF WESLEY STREET, THENCE EAST ALONG THE CENTER LINE OF WESLEY STREET, TO A LINE THAT IS 186 FEET WEST OF THE WEST LINE OF HOLT'S DIVISION, IN THE SOUTHEAST QUARTER OF SECTION 17, THENCE SOUTH ALONG SAID LINE TO THE NORTH LINE OF THE FRONT STREET, THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF FRONT STREET TO A LINE THAT IS 120 FEET WEST OF THE WEST LINE OF HOLT'S DIVISION AND PARALLEL THERETO, THENCE NORTH ON SAID PARALLEL LINE TO A POINT THAT IS 102.2 FEET SOUTH OF THE SOUTH LINE OF WESLEY STREET, THENCE EAST 60 FEET, PARALLEL WITH THE SOUTH LINE OF WESLEY STREET, THENCE SOUTH 13.8 FEET ALONG A LINE THAT IS 60 FEET WEST AND PARALLEL WITH THE WEST LINE OF HOLT'S DIVISION, THENCE EAST 60 FEET TO THE WEST LINE OF SAID HOLT'S DIVISION, THEN SOUTH 16 FEET ALONG SAID WEST LINE OF HOLT'S DIVISION TO A POINT THAT IS 132 FEET SOUTH OF THE SOUTH LINE OF WESLEY STREET, THENCE EAST 120 FEET ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF WESLEY STREET TO A LINE THAT IS 62 FEET WEST OF THE WEST LINE OF ELLIS AVENUE, THENCE SOUTH ALONG SAID LINE THAT IS 62 FEET WEST OF WEST LINE OF ELLIS AVENUE, TO THE CENTER LINE OF FRONT STREET, THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF FRONT STREET TO THE CENTER LINE OF ELLIS AVENUE, THENCE NORTH ALONG THE CENTER LINE OF ELLIS AVENUE TO THE EXTENSION OF A LINE THAT IS 46.47 FEET SOUTH OF THE SOUTH LINE OF THE 16 FOOT WIDE, EAST- WEST, ALLEY IN ARTHUR T. MC INTOSH & COMPANY'S FRONT STREET ADDITION, THENCE EASTERLY ALONG SAID EXTENSION AND LINE TO THE EAST LINE OF THE WEST HALF OF LOT 11, IN SAID ARTHUR T. MC INTOSH & COMPANY'S FRONT STREET ADDITION, THENCE NORTH ALONG SAID EAST LINE OF THE WEST HALF OF LOT 11, TO THE CENTER LINE OF SAID EAST- WEST ALLEY, THENCE EAST ALONG THE CENTER LINE OF SAID ALLEY TO THE WEST LINE OF GARY AVENUE, THENCE NORTH ALONG THE WEST LINE OF GARY AVENUE TO THE CENTER LINE OF WESLEY STREET, THENCE EAST ALONG THE CENTER LINE OF WESLEY STREET TO THE EXTENSION OF THE WEST LINE OF LOT 2 IN BLOCK 4 OF SAID COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST AND SOUTHEAST QUARTER OF SAID SECTION 17, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2 AND THE EXTENSION THEREOF, TO THE CENTER LINE OF THE EAST WEST ALLEYWAY IN SAID BLOCK 4, THENCE EAST ALONG THE CENTER LINE OF SAID EAST-WEST ALLEY TO THE CENTER LINE OF WEST STREET, THENCE SOUTH ALONG THE CENTER LINE OF WEST STREET TO THE CENTER LINE OF WESLEY STREET, THENCE EAST ALONG THE CENTER LINE OF WESLEY STREET TO THE EAST LINE EXTENDED OF WESLEY SQUARE CONDOMINIUMS, THENCE NORTH ALONG THE EAST LINE OF SAID WESLEY SQUARE CONDOMINIUMS AND THE EXTENSION THEREOF, TO THE CENTER LINE OF SEMINARY AVENUE, THENCE EAST ALONG THE CENTER LINE OF SEMINARY AVENUE TO THE CENTER LINE OF WHEATON AVENUE, THENCE SOUTH ALONG THE CENTER LINE OF WHEATON AVENUE TO THE CENTER LINE OF SEMINARY AVENUE (KARLSKOGE AVE.), THENCE EAST ALONG THE CENTER LINE OF SEMINARY AVENUE (KARLSKOGE AVENUE) TO THE CENTER LINE OF HALE STREET, THENCE SOUTH ALONG THE CENTER LINE OF HALE STREET TO THE EXTENSION OF THE SOUTH LINE OF GARY MEMORIAL CONSOLIDATION PLAT, THENCE EAST ALONG THE SOUTH LINE OF SAID GARY MEMORIAL CONSOLIDATION PLAT, 167.56 FEET, THENCE SOUTH 35 FEET, THENCE EAST 198 FEET TO THE CENTER LINE OF MAIN STREET, THENCE NORTH, ALONG THE CENTER LINE OF MAIN STREET TO THE CENTER LINE OF SEMINARY AVENUE,

THENCE EAST ALONG THE CENTER LINE OF SEMINARY AVENUE, TO THE CENTER LINE OF SCOTT STREET, THENCE SOUTH ALONG THE CENTER LINE OF SCOTT STREET TO THE CENTER LINE OF THE EAST- WEST ALLEYWAY IN BLOCK 1, IN THE ORIGINAL TOWN OF WHEATON, THENCE EAST ALONG THE CENTER LINE OF SAID ALLEYWAY IN BLOCK 1, OF THE ORIGINAL TOWN OF WHEATON, TO THE WEST LINE OF COLLEGE CHURCH OF WHEATON CONSOLIDATION PLAT, THENCE SOUTH ALONG SAID WEST LINE OF COLLEGE CHURCH OF WHEATON CONSOLIDATION PLAT, TO THE CENTER LINE OF WESLEY STREET, THENCE EAST ALONG THE CENTER LINE OF WESLEY STREET TO THE CENTER LINE OF WASHINGTON STREET, THENCE NORTH ALONG THE CENTER LINE OF WASHINGTON STREET TO A LINE THAT IS 182.74 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILWAY (FORMERLY CHICAGO & NORTHWESTERN RAILWAY), THENCE EAST ON SAID LINE AND THE EXTENSION THEREOF, TO A LINE THAT IS 103 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE WASHINGTON STREET RIGHT-OF-WAY, THENCE SOUTH ON SAID PARALLEL LINE TO THE CENTER LINE OF SAID UNION PACIFIC RAILWAY, THENCE WEST ALONG THE CENTER LINE OF SAID UNION PACIFIC RAILWAY TO THE CENTER LINE OF WASHINGTON STREET, THENCE SOUTH ALONG THE CENTER LINE OF WASHINGTON STREET TO THE CENTER LINE OF LIBERTY DRIVE, THENCE WEST ALONG THE CENTER LINE OF LIBERTY DRIVE, TO A LINE THAT IS 141 FEET WEST OF AND PARALLEL WITH THE WEST RIGHT-OF-WAY OF WASHINGTON STREET, THENCE SOUTH ALONG SAID PARALLEL LINE, 150 FEET, TO THE NORTH LINE OF SCHWABER & COMPANY'S TOWNHOMES, THENCE WEST ALONG THE NORTH LINE OF SAID SCHWABER & COMPANY'S TOWNHOMES, TO THE CENTER LINE OF THE NORTH SOUTH ALLEYWAY, IN EGGER'S RESUBDIVISION, THENCE SOUTH ALONG THE CENTER LINE OF SAID NORTH SOUTH ALLEYWAY TO THE CENTER LINE OF WILLOW AVENUE AND THE EXTENSION OF THE LINE OF THE NORTH SOUTH ALLEYWAY IN BLOCK #6, OF WARREN L. WHEATON'S SECOND ADDITION, THENCE CONTINUING SOUTH ALONG THE CENTER LINE OF THE ALLEYWAY IN SAID BLOCK #6, OF WARREN L. WHEATON'S SECOND ADDITION, TO THE CENTER LINE OF ILLINOIS STREET, THENCE WEST ALONG THE CENTER LINE OF ILLINOIS STREET TO THE CENTER LINE OF MAIN STREET, THENCE SOUTH ALONG THE CENTER LINE OF MAIN STREET TO THE POINT OF BEGINNING. ALL WITHIN SECTIONS 16 AND 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE 3RD PRINCIPAL MERIDIAN, CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS.

Section 2: The Wheaton Zoning Ordinance and Wheaton City Code text is hereby amended as follows:

Amend Article III Zoning Districts and General Regulations, Section 3.1 Districts as follows:

3.1 Districts.

D-O Downtown Design Review Overlay District: An overlay district designed for Downtown Wheaton and its periphery.

Amend Article V Administration and Enforcement Section 5.1 Enforcement as follows:

5.1 Enforcement

5.1.1 Duties of the Director of Planning. The Director of Planning shall have the following responsibilities for enforcement and administration of this ordinance:

8. To review all applications for downtown design review pursuant to Section 5.12 of this ordinance, and determine whether such applications comply with the Downtown Design Guidelines.

9. To fulfill other duties as specifically assigned by this ordinance.

Amend Article V Administration and Enforcement to renumber and create a new Section 5.3 The Downtown Design Review Board as follows:

5.3 Downtown Design Review Board

5.3A Establishment and Membership. The City of Wheaton hereby establishes the Downtown Design Review Board to review applications for downtown design review that are forwarded by the Director of Planning. The Downtown Design Review Board shall be made up of the following seven (7) members appointed by the Mayor with approval of the City Council:

1. Two (2) Downtown Wheaton business representatives
2. One (1) Downtown Manager
3. One (1) City Manager or his/her designee
4. Two (2) architects, landscape architects, urban planners, or other professionals with design expertise.
5. One (1) member of the Historic Preservation Commission.

The terms of office shall be for three (3) years, except that the first appointed members subsequent to adoption of this section shall be as follows: three (3) members shall be appointed for a term of three (3) years each; three (3) members for a term of two (2) years each; and one (1) member for a term of one (1) year. All members appointed subsequent thereto shall serve a term of three (3) years.

5.3B Jurisdiction. The Downtown Design Review Board is vested with the authority to review and make decisions on design review applications for proposals within the Downtown Design Review Overlay District that meet the applicability requirements of Section 5.12 of this Article.

5.3C. Meetings and Rules. All meetings of the Downtown Design Review Board shall be held at the call of the Chairperson and at such other times as the Board may determine necessary. All meetings conducted by the Downtown Design Review Board shall be open to the public and held in accordance with the Illinois Open Meetings Act. The Downtown Design Review Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent and failing to vote, indicating such fact, and shall also keep records of its meetings and other official actions. A copy of every decision shall be filed immediately with the Director of Planning and shall be a public record. The Downtown Design Review Board may adopt its own rules of procedure not in conflict with this chapter or with the applicable Illinois Statutes.

Amend Article V Administration and Enforcement Sections 5.3 Occupancy Permit through 5.12 Penalties as follows, and renumber all applicable sections and cross-references to reflect the following sections throughout the Zoning Ordinance:

5.3 Downtown Design Review Board

5.4 Occupancy Permit

5.5 Site Plan and Architectural Approval

5.6 Amendments

5.7 Variations

5.8 Notice of Hearings

5.9 Appeals

5.10 Special Use Permit

5.11 Planned Unit Development (PUD)

5.12 Downtown Design Review

5.13 Fees

5.14 Penalties.

Amend Article V Administration and Enforcement to renumber and amend Section 5.8 Appeals as follows:

5.9 Appeals

5.9A Scope of Appeal. An appeal may be taken to the Board by any person, firm corporation or by an officer, department, board or bureau aggrieved by a decision of the Director of Planning under this chapter, with the exception of appeals of the Director's decision on downtown design review applications which are appealed to the Downtown Design Review Board in accordance with Section 5.12 Downtown Design Review.

Amend Article V Administration and Enforcement to renumber and create a new Section 5.12 entitled Downtown Design Review as follows:

5.12 Downtown Design Review

5.12.1 Establishment and Purpose of the Downtown Design Review Process. The downtown design review process is hereby established to promote orderly and compatible development and redevelopment within the Downtown Design Review Overlay District and to ensure that such development or redevelopment complies with the approved Wheaton Downtown Design Guidelines which are an appendix to the Zoning Ordinance.

5.12.2 Applicability. Downtown design review is required for all properties located within the Downtown Design Review Overlay District, except for properties solely occupied by single-family dwellings and no other use. Any property occupied by a single-family dwelling that has been converted to a non-residential use shall be subject to downtown design review. The Character Areas map that is Appendix A of the Downtown Design Guidelines shall specify the set of guidelines that apply to the property.

Downtown design approval shall be required prior to the issuance of 1) a sign permit; 2) a building permit for any construction activity that modifies the exterior of the building or 3) a site development permit for any site alteration that requires a permit, and/or changing the exterior color or materials on the building. For applications that also require the approval of a special use permit, nonadministrative variation, and/or planned unit development by the City Council, the downtown design review process may be conducted concurrently with the applicable

discretionary review process or downtown design approval may be a condition of approval of the special use permit, nonadministrative variation, and/or planned unit development.

5.12.3 Application. The application requirements for downtown design review are set forth in Section 5.5.1, with the exception that all building elevations shall be in color. In addition, building material samples shall be provided, if required by the Director of Planning or Downtown Design Review Board.

5.12.4 Authority and Process.

- A. Action by the Director of Planning. Prior to issuance of a sign, building, or site development permit, the Director of Planning shall review all complete applications for properties located within the Downtown Design Review Overlay District, except for single-family dwellings, to determine compliance with all applicable zoning requirements and the approved Downtown Design Guidelines. Where there are any conflicts between the applicable zoning requirements and the Downtown Design Guidelines, the more restrictive shall control. The Director of Planning may approve or approve with conditions applications for downtown design review which, in his/her determination, comply with the Downtown Design Review Guidelines. The Director of Planning shall forward applications that do not fully comply with the Guidelines for review by the Downtown Design Review Board. The decision of the Director of Planning and any conditions shall be issued in writing within seven (7) days of receiving a complete application.
- B. Action by the Downtown Design Review Board. The Downtown Design Review Board shall consider complete applications that have been determined by the Director of Planning to not be in full compliance with the approved Downtown Design Review Guidelines. A meeting to review the application shall be held within fourteen (14) days of receiving a request to appear before the Downtown Design Review Board from the Director of Planning. In considering applications that do not fully comply with the Downtown Design Guidelines, the Downtown Design Review Board shall consider the following factors:
 - 1. Compatibility of the proposed development with neighboring properties;
 - 2. The degree to which the applicant is proposing to comply with the guidelines;
 - 3. Whether strict adherence to the guidelines is reasonable and/or achievable for the application in question; and/or
 - 4. Although not in full compliance with the Downtown Design Guidelines, the application as proposed will substantially improve the appearance and function of the building and/or site and will enhance the character of the downtown.

The Downtown Design Review Board may, upon a concurring vote of a majority of a quorum, approve, approve with conditions, or deny applications for downtown design review. The decision of the Downtown Design Review Board and any conditions shall be issued in writing.

- C. Appeals to the City Council. Appeals from the decision of the Downtown Design Review Board shall be forwarded to the City Council for review within thirty (30) days of the Downtown Design Review Board's decision. The City Council may affirm, or may, by a majority of the City Council, reverse, wholly or in part, or modify the decision of the Downtown Design Review Board. Where an appeal is filed for a property that is also under consideration for a special use permit, planned unit development, and/or variation, the appeal may be heard concurrently by the City Council as part of the discretionary review process where downtown design review was conducted concurrently with other review processes. The City Council's decision and any conditions shall be issued in writing.

5.12.5 Review Standards. Decisions by the Director of Planning or Downtown Design Review Board shall be based on the applicable Downtown Design Guidelines contained within the adopted Downtown Design Guidelines document.

5.12.6 Emergency Measures. The downtown design review process is not required when, in the opinion of the Director of Planning, there is an actual or immediate danger of collapse or failure of a building or structure, or part thereof, which would endanger life or physically damage adjoining property. The Director of Planning may also waive the downtown design review process, when in his/her opinion the proposed work is of such limited scope so as not to require review.

5.12.7 Modifications to Downtown Design Approvals. Modifications or changes to a downtown design approval, whether proposed by the property owner or required by the City to protect the public health, safety and welfare, shall require an application and approval as if for a new application. Submission of a new application is not required when, in the opinion of the Director of Planning, the proposed modification or change is of such limited scope and in sufficient conformance with the downtown design approval so as not to require a new application, however, the City may require a new or amended sign, building, or site development permit.

5.12.8 Limitations on Downtown Design Approvals. A downtown design approval shall automatically become null and void unless a building permit is issued and construction is actually begun within one (1) year of design approval and is thereafter diligently pursued to completion. However, the Director of Planning may extend the period by one (1) additional year, upon request of the property owner.

Amend Article XI R-5 Residential District, Section 11.3 Standards to add the following:

11.3 Standards. All of the property located in this district is subject to the general standards and regulations in this ordinance. To conserve space these standards and regulations have not been reprinted in the regulations for each district. Site plan and architectural approval (5.5) shall be required for all permitted uses listed in Section 11.1 except 1, 3, 4, and 5. Downtown design review in accordance with Section 5.12 shall be required for all uses except single-family dwellings located within the Downtown Design Review Overlay District.

Amend Article XII R-6 Residential District, Section 12.3 Standards to add the following:

9. Downtown design review in accordance with Section 5.12 shall be required for all uses except single-family dwellings located within the Downtown Design Review Overlay District.

Amend Article XIII R-7 Residential District, Section 13.3 Standards to add the following:

8. Downtown design review in accordance with Section 5.12 shall be required for all uses except single family dwellings located within the Downtown Design Review Overlay District.

Amend Article XIV I-1 Institutional District, Section 14.3 Standards to add the following:

9. Downtown design review in accordance with Section 5.12 shall be required for all uses, except single-family dwellings located within the Downtown Design Review Overlay District.

Amend Article XV O-R Office and Research District, Section 15.3 Standards to add the following:

4. Downtown design review in accordance with Section 5.12 shall be required for all uses, except single-family dwellings located within the Downtown Design Review Overlay District.

Amend Article XVII C-2 Retail Core Business District, Section 17.5 Standards to add the following:

- G. Downtown design review in accordance with Section 5.12 shall be required for all uses except single family dwellings located within the Downtown Design Review Overlay District.

Amend Article XIX CBD Perimeter Commercial District, Section 19.4 Standards to add the following:

- F. Downtown design review in accordance with Section 5.12 shall be required for all uses except single family dwellings located within the Downtown Design Review Overlay District.

Create a new Article XXVII Downtown Design Review Overlay District as follows:

**ARTICLE XXVII
DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT**

27.1 Purpose and applicability.

The purpose of this Article is to establish an overlay zoning district for Downtown Wheaton and its periphery. The visual character of Downtown Wheaton is an important resource that is valued by community residents. Maintaining this character protects property values and sustains the economic viability of the Downtown. All uses except single family dwellings shall be subject to the Downtown Design Review Process set forth in Section 5.12. In the Downtown Design Review Overlay District, the underlying zoning district requirements and the approved Wheaton Downtown Design Review Guidelines which are an appendix to the Zoning Ordinance shall apply.

27.2 Permitted and Special Uses

The use provisions of the applicable underlying zoning district shall apply in the Downtown Design Review Overlay District.

27.3 Bulk Regulations

The bulk regulations of the applicable underlying zoning district shall apply in the Downtown Design Review Overlay District.

27.4 Standards.

All of the property located in this district is subject to the general standards and regulations of this ordinance and the Downtown Design Guidelines. To conserve space, these standards and regulations have not been reprinted in the regulations for each district. Downtown design review per Section 5.12 is required for all uses except single family dwellings in the Downtown Design Review Overlay District.

Amend Article XII Demolition of Buildings of the City Code as follows:

Sec. 22-408. Application.

(4) Specific plan for the reuse of the property if the demolition permit is approved. If a reuse plan contemplates construction of a structure, an applicant shall include building plans and specifications prepared in compliance with the provisions of this chapter for any structure built on the subject property. Plans for reuse of properties located within the Downtown Design Review Overlay District shall be subject to the downtown design review process, as specified in Section 5.12 of the Zoning Ordinance.

Sec. 22-411. Procedure for Permit approval

(d) Other application processing. The demolition of a principal and/or accessory structure may also be processed as part of an annexation, subdivision, zoning, or special use permit application. Any such application which includes the proposed demolition of a structure must also include the permit application information referenced in Section 22-408. All properties located within the Downtown Design Review Overlay District shall be subject to the Downtown Design Review process as specified in Section 5.12 of the Zoning Ordinance.

Amend Section 2 of the City Code to create a new Division 10. Downtown Design Review Board as follows:

DIVISION 10. DOWNTOWN DESIGN REVIEW BOARD

Sec. 2-391. Established.

There is hereby established a downtown design review board for the city.

Sec. 2-392 Composition; appointment of members.

The downtown design review board, shall consist of seven members appointed by the mayor with the approval of the city council.

Sec. 2-393 Powers and duties.

The downtown design review board shall have the powers and responsibilities conferred upon such board by law, this Code, the city zoning ordinance, or as may be assigned to it by the council.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote
Councilman Eckhoff
Councilman Gresk
Councilman Johnson

Mayor Carr
Councilwoman Johnson
Councilman Mork
Councilman Mouhelis

Motion Carried Unanimously

Passed: October 7, 2002
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