

ORDINANCE NO. F-1133

AN ORDINANCE AMENDING THE TEXT OF THE WHEATON CITY CODE, CHAPTER 22, BUILDING & CODE REGULATIONS

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home-rule municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, on February 7, 2005, the City approved Ordinance No. F-0997 which created a procedure for builders and contractor to meet with adjacent homeowners prior to submittal of an application for demolition permit in the Northside Residential Overlay District; and

WHEREAS, Ordinance No. F-0997 was not placed in the correct section of the City Code; and

WHEREAS, the City desires to place the provisions of Ordinance No. F-0997 in the correct section of the City Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home-rule powers, as follows:

Section 1. The Wheaton City Code text is amended by deleting section (e) to Chapter 22, Article XII, Section 411 of the Wheaton City Code in its entirety and inserting the following section (e) to Chapter 22, Article XIV, Section 22-205, Procedures for permit approval, which would read as follows:

“(e) Meeting with neighbors – Northside Residential Overlay District

1. **Applicability:** A meeting with abutting neighbors is required by any property owner within the Northside Residential Overlay District who seeks a permit pursuant to Article 22 of this chapter authorizing demolition of an existing house (the "Applicant").
2. **Required Meeting:** At least 30 days prior to submitting an application for demolition or building permit, a meeting must be conducted by the applicant with the owner or adult resident of each property that immediately is adjacent to and across the street from the subject property (the "Abutting Owner").
3. The meeting must be made at a time and place when it is reasonable that the abutting owners will be present. Notice of the meeting date shall be given by letter delivered via the U.S. Postal System to the abutting owners not less than 7 days prior to the meeting date.
4. **Scope of Meeting:** During the meeting, the applicant must show the adjacent owners a copy of the proposed site plan and building elevation plan for the project. The applicant must explain to the abutting owners, in general terms, the scope of work, the timetable for the work, any special measures such as those being made to protect property, and other matters that may be relevant to the abutting owners. The applicant also must provide the abutting owners with a City prepared packet of information including, among any other things, a summary of construction regulations and procedures.

5. The purpose of the meeting is not to secure any form of approval from the abutting owners, but instead to assure that the abutting owners have had an opportunity to learn, in general terms, about the proposed project.
6. Record of Meeting: The applicant must file with the City, prior to the issuance of any permit for work on the subject property, a standard "Meeting Completion Form" that states that the applicant successfully completed the required abutting owners meeting.
7. Condition Precedent to Building Permit: The filing of the Meeting Completion Form is a condition precedent to issuance by the City of a permit for work on the subject property.
8. Demolition Notice Requirements Still Applicable: The meeting visit provisions of this section shall be in addition to, and not in lieu of, the demolition notice provisions of Article 22."

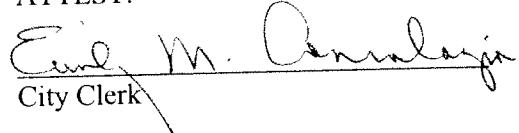
Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be effective from and after its passage, approval and publication in pamphlet form in a manner prescribed by law.



Mayor Carr

ATTEST:



Emily M. Annala
City Clerk

Ayes:

Roll Call Vote

Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine
Councilman Mouhelis

Nays:

Councilman Seuss

Absent:

None

Motion Carried

Passed: January 6, 2006
Published: January 7, 2006