



# City of Aurora

44 East Downer Place  
Aurora, Illinois 60505  
www.aurora-il.org

## Legistar History Report

File Number: 17-00119

File ID: 17-00119

Type: Ordinance

Status: ATS Review

Version: 2

General  
Ledger #:

In Control: Planning &  
Development  
Committee

File Created: 02/09/2017

File Name: Text Amendment to Chapter 37

Final Action:

**Title:** An Ordinance Approving a Text Amendment to Chapter 37, Entitled "Preservation" to modify certain portions being Sec. 37-22 "Organization; rules; meetings; removals; conflicts," Sec. 37-24 "Director," Sec. 37-42 "Application for a historic district designation," and Sec. 37-63 "Certificate of appropriateness of a designated site."

Notes:

Agenda Date: 03/02/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit A Text Amendment.pdf

Enactment Number:

Planning Case #: KDWK-17.015-TXT/HP

Hearing Date:

Drafter: JMorgan@aurora-il.org

Effective Date:

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Historic Preservation Commission	02/16/2017	Forwarded	Planning & Development Committee	03/02/2017		Pass
<b>Action Text:</b> A motion was made by Mr. Truax, seconded by Mrs. Furneaux, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 3/2/2017. The motion carried by voice vote.							
<b>Notes:</b> Mrs. Morgan said this is an actual modification to the Ordinance itself, Chapter 37 – Preservation, in the Aurora Municipal Code. The proposed amendments kind of try to clarify how we've been interpreting the Ordinance itself, including the public hearing portion, as well as clarifying some ambiguous language. Specifically one of the changes is changing the Commissioner's attendance. The bylaws kind of said one thing. The Ordinance didn't really reflect that. Also changing the type of citations to specifically say we can issue stop work orders, so when there is work being done, current work, we can actually issue stop work orders. We have been doing that and I think we are able to. We're just making sure that is just stated directly in the Ordinance. The other one is changing some of the verbiage for a historic district designation. I thought it was a little confusing, so just clarifying that. Then changing the public hearings stating that when the applicant comes before the Commission and the Commission doesn't agree to issue the Certificate of Appropriateness as is, that the applicant can go on to a public hearing and if so, that the Commission would notify them of the date and time and location. The applicant would be responsible for sending out the notices to the surrounding properties,							

which is how it is done in Zoning, so the applicant sends out those notices. One thing, the 250 feet comes from Zoning, so we've changed that thinking that seems a little bit much for the homeowner, especially since it does require certified mail, so we are changing that to only 75 feet, which would not just get the adjacent property owners, but a few of the surrounding ones as well, but not be too onerous. Then on top of that, staff will for any public hearing, obviously the Commission will know about it, but also make sure we reach out to the committee group for that district and making sure they are aware of a public hearing for a Certificate of Appropriateness.

Mr. Vaughan said technically under the Director section, 37-24, the Director can serve stop work orders. Is that Stephane, or by title who technically is the Director?

Mrs. Morgan said if there is a Preservation Director appointed, it is that person. If not, it would be Planning and Zoning, but the Director does have the ability to pass on those responsibilities to other staff.

Mr. Vaughan said so technically who is that person?

Mrs. Morgan said currently how it works it is our Zoning Inspectors. They issue all zoning violations, as well as Preservation. About a year ago, they updated the Zoning Ordinance to make Preservation part of the Zoning Ordinance. That way the way that we handle zoning violations would be the same way we handle preservation violations. It's been in the Planning Department and from what we can see planned in the future will be in the Planning Department, so having it all under Planning.

Mr. Vaughan said did Zoning not have the ability to issue a stop work orders until this point?

Mrs. Morgan said we believe we do. We think legally that we do. I just thought since we're clarifying it and in case there is ever in the future where we split the two again, that this would cover that.

Mr. Truax said this one we have a chance to approve it and then it goes to the Council for approval, right?

Mrs. Morgan said yes. This one would actually go all the way to City Council for approval.

Mr. Miller said could you comment on when we would be using this Section 2 where it refers to holding a public hearing? The Commission may grant the Certificate of Appropriateness immediately or call a public hearing. Has this clause ever been used, or under what circumstances would we do this?

Mrs. Morgan said in the past almost anytime the Commission denied a COA, they would automatically do a public hearing. I guess I felt like they sometimes did and sometimes haven't, so this is kind of allowing it to, since it will not always go straight to a public hearing, allowing that to be an option.

Mr. Miller said it is an option for the Petitioner that they would just want a public hearing or what is the purpose?

Mrs. Morgan said yes, or if the Commission wanted a public hearing too. I felt like there were circumstances where the Commission gave their recommendations and the applicant was like obviously I'm not going to be approved, I'll just go and do it the way the Commission wants or I'm just not going to make those changes. This way that can stand without having to go through the onerous of a public hearing. If the applicant thinks that they might alter the decision through a public hearing, they have that option.

MOTION OF APPROVAL WAS MADE BY: Don Truax

MOTION SECONDED BY: Marissa Fumeaux

AYES: Fernando Castrejon, Marissa Fumeaux, Mike Lord, Dan Miller, Don Truax, Rob Vaughan, Mike Walker

NAYS: None

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