

Request for City Council Action

Date: May 21, 2013

Agenda Section: Consent No. 4	Originating Department: Planning Services/Legal			
Item: An Ordinance approving technical corrections to the Carbondale Revised Code No. 4.8	Approved:			
<p>Background and Summary:</p> <p>On April 2, 2013 the City Council approved a new Title 15 of the Carbondale Revised Code. The adoption of this document caused several references to Title 15, located throughout other sections of the Code, to now be inaccurate. The proposed technical corrections will replace references to the old Title 15, with new accurate references to the newly adopted Title 15.</p> <p>A complete list of the technical corrections is attached to the Ordinance as Exhibit A</p> <p>Recommended Action:</p> <p>It is recommended that the Council “move to adopt the Ordinance approving technical corrections to the Carbondale Revised Code.”</p>				
Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
Council Action: Motion by _____ 2 nd by _____ to _____				

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2013-**

**AN ORDINANCE APPROVING TECHNICAL CORRECTIONS TO THE
CARBONDALE REVISED CODE**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 21st DAY OF MAY, 2013**

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 22nd day of May, 2013.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 22nd day of May, 2013.

Jennifer Sorrell, City Clerk

ORDINANCE NO. 2013-

**AN ORDINANCE APPROVING TECHNICAL CORRECTIONS TO THE
CARBONDALE REVISED CODE**

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Carbondale did adopt an ordinance amending Title 15; Planning, Zoning, and Subdivisions of the Carbondale Revised Code on a regularly scheduled meeting on April 2, 2013; and

WHEREAS, amendments were made to Title 15 that have made references to Title 15 found in other parts of the Carbondale Revised Code inaccurate; and

WHEREAS, it is necessary to amend references to Title 15 that are found in other parts of the Carbondale Revised Code in order to accurately reference the appropriate sections of the recently amended Title 15; and

WHEREAS, that the City Council of the City of Carbondale finds that it is in the best interest of the City of Carbondale, that the Carbondale Revised Code include accurate references to Title 15; and

WHEREAS, amending references to Title 15 found in the Carbondale Revised Code, is a technical change and in no way affects the language or meaning of the adopted Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

SECTION 1. The Revised Code of the City of Carbondale is hereby amended as provided in Exhibit “A” attached hereto and made a part hereof by reference.

SECTION 2. All of the remaining sections of the Carbondale Revised Code shall remain in full force and effect.

SECTION 3. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 4. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 5. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 6. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 7. That this Ordinance shall be known as Ordinance No. 2013- of the City of Carbondale, Illinois, and shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

EXHIBIT A

TECHNICAL CORRECTIONS TO THE CARBONDALE REVISED CODE

1-7-3: DIVISIONS; PURPOSE:

c. Serving as technical staff for the manager of the planning services division in his capacity as executive secretary of the planning commission as provided in section ~~15-1A-4~~ 15-5.1.4 of this code.

g. Administering the zoning regulations, subdivision regulations, and site plan regulations as indicated in ~~chapter 15~~ Title 15 of this code, in close coordination with appropriate divisions and departments of the city. A systematic record of all activities relating to zoning, subdivisions and site plans shall be kept by the planning services division. (1998 Code)

4-1-11: DEMOLITION PROCEDURES AND STANDARDS:

A. Permit Required: No person, firm, corporation or other entity shall demolish a building or structure or portion thereof without a permit therefor in accordance with the following procedures:

4. If, upon examination of the application and records of the city, the building and neighborhood services manager or his designee determines that the building or structure proposed to be demolished has been: a) designated by the city council as being in a landmark district, in a historic district, or in a neighborhood preservation district pursuant to ~~title 15, chapter 2, article D~~ Title 15, Article 2 of this code, or b) nominated for designation as such a district and subject to the provisions of subsection ~~15-2D-1D4~~ 15-2.5.2.D of this code, the building and neighborhood services manager or designee shall not issue the demolition permit until a certificate of appropriateness or certificate of economic hardship provided for at subsection ~~15-2D-1F~~ 15-2.5.4 of this code has been issued or the city council waives the requirement pursuant to subsection ~~15-2D-1D4~~ 15-2.5.2.D or ~~15-2D-1F1~~ 15-2.5.4 of this code.

5. If, upon examination of the application and records of the city the building and neighborhood services manager or designee determines that the building or structure has been: a) listed by the city council on an inventory of potential places to be considered for designation as a landmark district or part of a historic district, or b) nominated and under consideration to be a landmark district or part of a historic district pursuant to subsections ~~15-2D-1D1 through D3~~ 15-2.5.2.A through 2.C of this code, the building and neighborhood services manager or designee shall use the following procedure:

5-3-2: MOBILE HOME; CONFORMITY TO ZONING:

A mobile home whether temporarily or permanently placed, shall conform to the zoning requirements of ~~title 15, chapter 2~~ Title 15, Article 2 of this code and shall be the principal building located upon the lot, tract or parcel of land. (Ord. 98-41)

5-3-4: INITIAL APPLICATION; FEE:

C. Fee: For applications that are submitted for the first time for a mobile home license, a onetime, initial application fee of fifty dollars (\$50.00) shall be required, unless a fee has been paid pursuant to the site plan application fee in accordance with ~~title 15, chapter 1, article B~~ Section 15-6.10.5 of this code. The application fee, once paid to the city, shall not be refunded. (Ord. 2006-53)

5-8-8: REGULATIONS OF OPERATION:

B. Location Of Operation:

1. It shall be unlawful to operate any pushcart in any "agricultural", "residential", or "mobile home district" as defined in Title 15, ~~Chapter 2, Article D~~, Article 2 of this Code.

5-12-4: LIMITATIONS ON ADULT USES:

2. An adult use shall not be permitted or allowed within five hundred feet (500') from the nearest property line of the following zoning districts, as described in ~~Title 15, Chapter 2, Article D~~ Title 15, Article 2: AG, RR, R-1, R-2, R-3, PUD, and RMH MHS, and all variations of such districts, as hereinafter amended in Title 15 of this Code.

11-4-1: WEEDS AND OTHER MATTER:

B. Exemptions: The following are generally exempted from the provisions of this chapter:

1. Lands zoned forestry as designated in ~~title 15, chapter 2~~ Title 15, Article 2 of this code and shown on the official zoning map of the city; and

2. Lands zoned agriculture as designated in ~~title 15, chapter 2~~ Title 15, Article 2 of this code and shown on the official zoning map of the city unless used for nonagricultural purposes. For purposes of this subsection "agricultural use" shall be construed to mean vacant land or the production of products such as field crops, livestock, fowl and other conventional agricultural pursuits; and

3. Lands zoned industrial as designated in ~~title 15, chapter 2~~ Title 15, Article 2 of this code and shown on the official zoning map of the city which is being used for agricultural purposes.

13-1-5: STORAGE OF PERSONALTY AS NUISANCE:

1. Unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition for a period of thirty (30) days or more within the jurisdiction of the City unless storage is allowed and is in compliance with the Zoning Ordinances (~~Title 15, Chapter 2~~ Title 15, Article 2 of this Code) of the City;

16-1-2: DEFINITIONS:

SINGLE-FAMILY DWELLING: A structure designed for a family to reside. A "family" shall be defined as in Section ~~15-2A-3~~ 15-11.4 of this Code.

17-7-3: LIMITATIONS:

B. The procedure for the construction or reconstruction of streets as set forth in this Chapter does not apply to subdividers and developers, or those engaged in the subdivision or development of new housing units within or outside the corporate limits of the City. The construction or reconstruction of streets in newly subdivided areas shall be controlled by the Subdivision Ordinance (~~Title 15, Chapter 3~~ Title 15, Article 8 of this Code) of the City. (Ord. 73-9 § 3)