


**AGENDA
CITY OF ST. CHARLES
PLANNING & DEVELOPMENT COMMITTEE
ALD. DAN STELLATO – CHAIRMAN
MONDAY, DECEMBER 9, 2013 - 7:00 PM
CITY COUNCIL CHAMBERS
2 E. MAIN STREET**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CITY ADMINISTRATION**
 - a. Recommendation to approve an Ordinance Amending Title 2 Administration and Personnel, Chapter 2.10 “Appointive Officers” of the City Municipal Code.
- 4. COMMUNITY DEVELOPMENT**
 - a. Recommendation to approve an Amendment to Title 15 of the City code for Building Permit Fees.
 - b. Recommendation to approve an Ordinance Amending Title 8, “Health and Safety” Section 8.30.50 “Tree conservation Areas” of the St. Charles Municipal Code.
 - c. Update on First Street Phase 3-Information only.
- 5. ADDITIONAL BUSINESS**
- 6. EXECUTIVE SESSION**
 - Personnel
 - Pending Litigation
 - Probable or Imminent Litigation
 - Property Acquisition
 - Collective Bargaining
- 7. ADJOURNMENT**

	AGENDA ITEM EXECUTIVE SUMMARY						
	Title:	Recommendation to Approve an Ordinance Amending Title 2 Administration and Personnel, Chapter 2.10 “Appointive Officers” of the City Municipal Code					
	Presenter:	Mark Koenen					
Please check appropriate box:							
	Government Operations				Government Services		
X	Planning & Development (12/9/13)				City Council		
	Public Hearing						
Estimated Cost:	\$ NA			Budgeted:	YES	X	NO
If NO, please explain how item will be funded:							
Executive Summary:							
<p>The retirement and resignation of the Economic Development Director and Coordinator, during mid-summer offered the City the opportunity to review the needs and direction for Economic Development (ED). The identified needs and direction for ED are as follows: 1- business retention, 2- negotiate incentive requests and 3- marketing. Additionally, staff has reviewed the models common to local government and the lessons we have learned here in our community.</p> <p>The proposal for ED leadership is to expand the role of the Community Development Department to include ED. (See the attached proposed organizational structure.) Rita Tungare would be named the Director of the Community and Economic Development Department. Please note the combined Community and Economic Development Department organizational chart includes a new position, “Economic Development Division Manager”. For your information, the past ED Department included three staff members. With two of the three positions vacant we will be moving the Sr. Administrative Assistant to the Community and Economic Development Department in the position of Marketing Representative/Administrative Assistant.</p> <p>There is an ordinance included in the packet for your consideration to recommend restructuring of the City’s Economic Development Leadership. The ordinance would provide for a Director of Community and Economic Development and delete sections of the code addressing the Director of Economic Development and Director of Community Development.</p>							
Attachments: (please list)							
1. Organizational structure for the proposed Community and Economic Development Department 2. Proposed Ordinance							
Recommendation / Suggested Action (briefly explain):							
Recommendation to approve an Ordinance Amending Title 2 “Administration and Personnel”, Chapter 2.10 “Appointive Officers” of the City Municipal Code.							
For office use only:		Agenda Item Number: 3a					



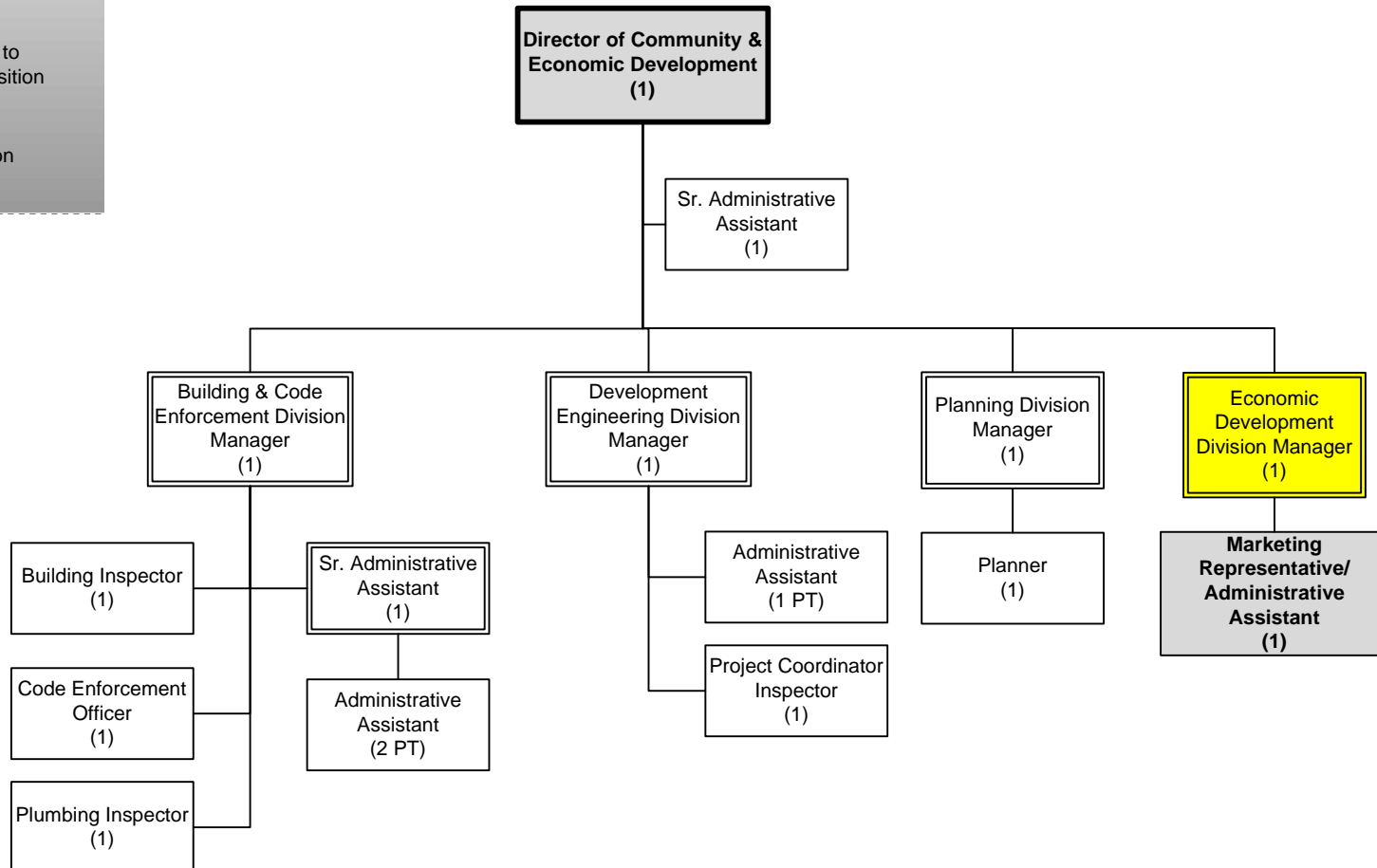
City of St. Charles, IL

Community & Economic
Development Dept.

12/2/2013

Key

- - - Elected Officials
- Department Directors
- == Supervisors
- Staff
- Adjustment to Existing Position
- New Position



City of St. Charles, IL
Ordinance No. 2013-M-_____

**An Ordinance Amending Title 2 of the St. Charles Municipal Code
Entitled “Administration and Personnel” Chapter 2.10 “Appointive Officers”**

BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

1. That Title 2, Chapter 2.10 Section 2.10.70, entitled “Staff Officers- Positions designated” of the St. Charles Municipal Code is hereby amended by deleting subsection “F. Director of Community Development” and inserting the following new subsection *“F. Director of Community and Economic Development”*.
2. That Title 2, Chapter 2.10, Section 2.10.220 entitled “Director of Community Development – Responsibilities” and Section 2.10.225 entitled “Director of Economic Development- Responsibilities” are hereby deleted in their entirety and substituted by the following:

“Section 2.10.220 Director of Community and Economic Development – Responsibilities.

The Director of Community and Economic Development shall conduct research and propose plans, policies and ordinances relative to the city’s growth, development, and housing supply; administer the zoning and subdivision ordinances, building codes, and property maintenance codes in cooperation with other city departments, promote business retention, growth and expansion, and maintain data pertaining to economic development, population demographics, and projected growth. The Director of Community and Economic Development shall also assist the Director of Public Works in planning for transportation, utilities, and other infrastructure.”

3. 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.
4. This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this _____day of December 2013.

Ordinance No. 2013-M-_____

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PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,
Illinois this _____day of December 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this _____day of December 2013.

Raymond P. Rogina, Mayor

Attest:

City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve an amendment to Title 15 of the City Code for Building Permit Fees
Presenter:	Bob Vann Rita Tungare

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (12/09/13)		City Council
	Public Hearing		

Estimated Cost:	\$0	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

The City's Building and Code Enforcement Division offsets its operating cost through construction permit fees. Approximately every three to four years, staff reviews the City's current fee structure and services that the Division provides to determine if any adjustments are necessary to offset costs incurred and to continue to provide a high level of service. The last increase to the permit fee schedule in Title 15 of the City code took place in January of 2009.

The majority of permit fees are based on movements, or the number of inspections a particular project has and the time it takes to conduct these inspections. The Building and Code Enforcement Office provides various courtesy services such as, Special Event Coordination's, Code Enforcement, and Chapter 34 Reviews at no cost to the customer, along with other non-construction services. Our practice has historically been to try and cover 60 to 70 percent of the building inspection services; based on construction activity.

The City's current permit fee structure is based upon, a specific project, square footage, or cost. Building permit fees for commercial projects include Fire Department inspection services. This type of fee structure provides the customer with a simple comprehensive fee structure for budgeting.

Based on a recent 12-month operating time frame from September 1, 2012 to August 31, 2013, the collected revenue permit fee covered approximately 47-percent of operating costs related to Building permitting activity. With a modest increase in permit fees and proposed construction activity, we are expecting to close this percentage shortfall.

Attachments: *(please list)*

Exhibit A: Draft copy of proposed permit fee increase versus the current fees.
Exhibit B: Surveyed communities.

Recommendation / Suggested Action *(briefly explain):*

City staff is requesting the Planning & Development review the proposed building permit fee increases and should the Committee find the fees appropriate, staff requests a recommendation to approve the fees as presented. The new fees will become effective for all permit applications received on or after January 1, 2014.

For office use only:	Agenda Item Number: 4a
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Exhibit "A"

Draft Copy of **Proposed Increase** – October 28, 2013

Permit and Inspection Fees 15.101.150

A. Payment of Fees. All base fees shall be paid at the time of submittal of the permit application and plans. Other fees calculated from square footage, estimated cost, and other unit measures shall be paid prior to issuance of a permit. Additional fees and reimbursements that are incurred after issuance of a permit shall be paid prior to issuance of a certificate of occupancy. All permit fees are non-refundable.

B. Building Permit Fees. Permit fees for construction, alteration, demolition, installation, and other work as listed herein are established as follows:

1. New residential buildings:
 - a. Single family detached dwellings.
 - i. Base fee: one hundred twenty five (\$125.00) dollars.
(Due at the time of submittal)
 - ii. ~~\$0.27~~ **\$0.28** cents per square foot of each level of buildings - including - basement, garage, crawl space.
 - b. Single family attached dwellings – townhouse/duplex.
 - i. Base fee: one hundred twenty five (\$125.00) dollars.
(Due at the time of submittal)
 - ii. ~~\$0.27~~ **\$0.28** cents per square foot of each level of building - including basement, garage, and crawl space.
 - c. Multi-family buildings-apartments/condominiums/
mix use.
 - i. Base fee: three hundred seventy (\$370.00) dollars for the entire building.
(Due at the time of submittal)
 - ii. ~~\$0.42~~ **\$0.44** cents per square foot for the first 10,000 square feet.
 - iii. From 10,001 square foot and above \$0.16 cents per square foot.
2. New industrial, business, commercial or other non-residential buildings:
 - a. Base fee: three hundred seventy (\$370.00) dollars for the entire building.
(Due at the time of submittal)
 - b. ~~\$0.42~~ **\$0.44** cents per square foot for the first 10,000 square feet.
 - c. From 10,001 square foot and above \$0.15 cents per square foot.
3. Additions to existing buildings:
 - a. Residential:
 - i. Base fee: one hundred twenty five (\$125.00) dollars
(Due at the time of submittal)
 - ii. ~~\$0.27~~ **\$0.28** cents per square foot of each level of building - including basement, garage, and crawl space.
 - b. Industrial, business, commercial, or other non-residential buildings:
 - i. Base fee of three hundred seventy (\$370.00) dollars.
(Due at the time of submittal)
 - ii. ~~\$0.42~~ **\$0.44** cents per square foot for the first 10,000 square feet.

- iii. From 10,001 square feet and above \$0.16 cents per square foot.
- 4. Alterations to existing buildings:
 - a. Residential:
 - i. Base fee: one hundred twenty five (\$125.00) dollars.
(Due at the time of submittal)
 - ii. For estimated cost of up to four thousand dollars, no additional fee.
 - iii. For estimated cost from four thousand dollars to twenty-four thousand dollars, ~~six dollars and sixty cents (\$6.60)~~ **six dollars and seventy-five cents (\$6.75)** for each one thousand dollars or fraction thereof.
 - iv. For estimated cost in excess of twenty-four thousand dollars, ~~three dollars (\$3.00)~~ **three dollars and ten cents (\$3.10)** for each thousand dollars or fraction thereof.
 - b. Industrial, business, commercial, or other non-residential buildings.
 - i. Base fee: three hundred seventy (\$370.00) dollars.
(Due at the time of submittal)
 - ii. For estimated cost up to four thousand dollars, no additional fees.
 - iii. From four thousand and one dollars to twenty-four thousand dollars of estimated cost, ~~six dollars and sixty cents (\$6.60)~~ **six dollars and seventy-five cents (\$6.75)** for each one thousand dollars or fraction thereof.
 - iv. For estimated cost in excess of twenty-four thousand dollars, ~~three dollars (\$3.00)~~ **three dollars and ten cents (\$3.10)** for each one thousand dollars or fraction thereof.
 - v. Fire Prevention Inspections – eighty (\$80.00) dollars per inspection, if required.
- 5. Miscellaneous permits:
 - a. ~~New and replacement central air conditional units, furnaces, roof top units (HVAC), water heaters, water softeners, and similar equipment.~~
Base fee: ~~thirty (\$30.00) dollars.~~
(~~Due at the time of submittal~~)
 - a. **Appliance Permits:**
 - i. **Small Appliance Permits:**
Residential water heaters, water softeners, furnaces, central air conditioners, and outside air conditioner units:
Base fee: thirty-five (\$35.00) dollars
(Due at the time of submittal)
 - ii. **Large Appliance Permits:**
All generators, commercial air handlers, rooftop units, and machinery:
Base fee: one hundred seventy five (\$175.00) dollars
(Due at the time of submittal)

- b. **As-Built Permits. A request to the Building Official to inspect a completed project:
Double to building permit fee.
(Due at the time of submittal)**
- c. Decks, gazebos, or pergola (Outdoors):
Base fee: seventy (\$70.00) dollars.
(Due at the time of submittal)
- d. Demolition or wrecking of any building or other structure:
 - i. Residential.
Base fee: three hundred (\$300.00) dollars.
(Due at the time of submittal)
 - ii. Industrial, business, commercial, or other non-residential buildings
Base fee: four hundred and twenty-five (\$425.00) dollars.
(Due at the time of submittal)
 - iii. All partial demolitions that do not include disconnect of any utility service disconnect of any utility service
Base fee: fifty (\$50.00) dollars.
(Due at the time of submittal)
- e. Donation Boxes:
 - i. Base fee: fifty (\$50.00) dollars
(Due at the time of submittal)
 - ii. Charitable and/or Non-Profit Organization fee (Must have verified 501(c)(3) exempt status): zero (\$0.00) dollars.
- f. Elevators or lifts:
 - i. Base fee: ~~ninety (\$90.00)~~ **ninety-five (\$95.00)** dollars.
(Due at the time of submittal)
 - ii. Reimbursement of direct costs of review fees from Elevator Inspection Service.
- g. Fences:
 - i. Base fee: fifty-five (\$55.00) dollars.
(Due at the time of submittal)
 - ii. Partial Fence Installation – Repair and requires no recording fee - twenty-five (\$25.00) dollars.
(Due at the time of submittal)
- h. Garages:
 - i. Detached.
Base fee: ~~ninety (\$90.00)~~ **ninety-five (\$95.00)** dollars.
(Due at the time of the submittal)
 - ii. Attached.
Base fee: ~~one hundred fifty-five (\$155.00)~~ **one hundred sixty (\$160.00)** dollars.
(Due at the time of the submittal)
- i. Kiosk, commercial:
Base fee: fifty-five (\$55.00) dollars.
(Due at the time of submittal)

- j. Landscape review:
Reimburse City for direct cost for review of landscape plans and tree preservation plans by a landscape architect.
- k. Lawn sprinklers:
Base fee: ~~one hundred five (\$105.00)~~ **one hundred ten (\$110.00)** dollars.
(Due at the time of submittal)
- l. Low voltage installations (Lighting, fountains, light poles, etc.):
Base fee: ~~ninety (\$90.00)~~ **ninety-five (\$95.00)** dollars.
(Due at the time of submittal)
- m. Outdoor sales – temporary tents, trailers, (where permitted):
Base fee: ~~sixty (\$60.00)~~ **sixty five (\$65.00)** dollars.
(Due at the time of submittal)
- ~~n. Parking lots.
Base fee: ~~ninety (\$90.00)~~ dollars.
(Due at the time of submittal)~~
- n. Parking lots:**
 - i. Grind and overlay existing pavement
Base fee: **ninety-five (\$95.00)** dollars
(Due at the time of submittal)
 - ii. Replace with new or rebuild existing
Base fee: **one hundred seventy five (\$175.00)** dollars
(Due at the time of submittal)
- o. Re-roofs:
 - i. Residential.
Base fee: ~~thirty-five (\$35.00)~~ **forty (\$40.00)** dollars.
(Due at the time of submittal)
 - ii. Commercial, industrial, or other non- residential buildings.
Base fee: ~~sixty (\$60.00)~~ **seventy (\$70.00)** dollars.
(Due at the time of submittal)
- p. Right-of-way and/or private driveways:
Base fee: **fifty-five (\$55.00)** dollars
(Due at the time of submittal)
Street Cut:
Base fee: **seventy (\$70.00)** dollars
(Due at the time of submittal)
- q. Sewer or water repair or replacement; sewer cleanouts (utility repair):
 - i. Base fee: ~~fifty (\$50.00)~~ **fifty-five (\$55.00)** dollars.
(Due at the time of submittal)
 - ii. Inspections conducted at off hours will be invoiced at double the inspectors prevailing hourly wage.
- r. Sheds (24 square feet or more):
Base fee: ~~fifty (\$50.00) dollars~~ **fifty-five (\$55.00)** dollars.
(Due at the time of submittal)
- s. Siding, soffit, and fascia (replace, repair, or new):
Base fee: ~~fifty (\$50.00)~~ **fifty-five (\$55.00)** dollars.
(Due at the time of submittal)

- t. Signs (canopy, marquees, temporary signs and banners):
 - i. Permanent freestanding signs.
 - a. Base fee: ~~ninety (\$90.00)~~ **ninety-five (\$95.00)** dollars.
(Due at the time of submittal)
 - b. Plus ~~\$2.15~~ **two dollars and twenty-five cents (\$2.25)** per square foot of sign area.
 - ii. Permanent signs other than freestanding signs.
 - a. Base fee: ~~ninety (\$90.00)~~ **ninety-five (\$95.00)** dollars.
(Due at the time of submittal)
 - c. For each additional sign after the one permanent sign five (\$5.00) dollars for each additional sign.
 - iii. Temporary:
 - Base fee: ~~thirty-five (\$35.00)~~ **forty (\$40.00)** dollars.
(Due at the time of submittal)
 - u. Swimming pool:
 - i. In-ground.
 - Base fee: ~~one hundred eighty-five (\$185.00)~~ **one hundred ninety-five (\$195.00)** dollars.
(Due at the time of submittal)
 - ii. Above ground designed for water depth over 24-inches.
 - Base fee ~~fifty-five (\$55.00)~~ **sixty-five (\$65.00)** dollars.
(Due at the time of submittal)
 - v. Window(s) and door(s) replacement:
 - Base fee: forty-five (\$45.00) dollars.
(Due at the time of submittal)
 - w. All permit types not listed will be charged ~~thirty-five (\$35.00)~~ **forty (\$40.00)** dollars per inspection.
6. Additional Fire Department Fees
- a. Review of fire system plans:
 - Base fee: eighty (\$80.00) dollars.
 - b. Review of sprinkler system plans:
 - Base fee: eighty (\$80.00) dollars.
 - c. Review of standpipe systems:
 - Base fee: eighty (\$80.00) dollars.
 - d. Review of other fire extinguisher systems (kitchen suppression):
 - Base fee: eighty (\$80.00) dollars.
 - e. Review of above-ground and underground storage tank plans:
 - Base fee: eighty (\$80.00) dollars.
 - f. Special inspections: kitchen hood and duct, kitchen suppression; sprinkler dry system; FM200 system, roof integrity:
 - Eighty (\$80.00) dollars per inspection.
 - g. Smoke evacuation test:
 - Eighty (\$80.00) dollars.
 - h. Fire flow test:
 - Base fee: one hundred sixty (\$160.00) dollars.
 - a. Any other special inspections:

- Eighty (\$80.00) dollars per man-hour plus material, if required.
7. a. Initial Architectural Plan Review and Examination fees: No additional charge (included in base fee)
- o. Outside Plan Review – Applicant shall pay direct cost for plan review by a consultant hired by the City.
- p. Review of revised plans and specifications: one-half of base fees.
- q. Revisions to approved construction plans submitted after issuance of a building permit, when initiated by the permit holder, owner, contractor or architect: One-half of base fees.
- r. Re-inspection fees (due prior to the issuance of a certificate of occupancy):
- a. Sixty-five (\$65.00) dollars per Building Division. Re-inspection for all re-inspection for all types of inspections during construction (excluding finals).
- b. Eighty (\$80.00) dollars per Fire Department re-inspection for all types of inspections during construction (excluding finals).
- c. Eighty-five (\$85.00) dollars per re-inspection for all residential final inspections.
- d. One hundred seventy (\$170.00) dollars per re-inspection for all industrial, commercial, business, and other non-residential final inspections.
- s. Temporary certificates of occupancy (due prior to issuance of the temporary certificate of occupancy):
- a. Residential: Eighty-five (\$85.00) dollars.
- b. Industrial, commercial, business, or other non-residential building: One hundred seventy (\$170.00) dollars.
- t. Reimbursement for Fire Protection services: The applicant shall reimburse the City for the actual cost of services billed to the City by a fire protection company relation to review of plans and specifications, meetings, inspections, and associated tasks relative to any application for permit.
- u. Waiving of building permit fees may be granted by the City Council for the construction of one and two family residential dwelling units, additions and alterations by a non-profit organization for an owner occupancy and/or family member with special needs.
- v. Any unit of Federal, State, or local government agency shall be exempt from filing fees and permit fees. The applicant shall be responsible for outside consultant services and miscellaneous fees, (i.e. re-inspection fees, temporary occupancy fees, etc....)
- w. Consultation for Permitted Projects. After two (2) field consultations, a charge of seventy (\$70.00) dollars, per on-site consultation.

Exhibit "B" Comparison of Building Permit Fees - 2013 (Draft 09.13.13)


Type of Fee	Batavia www.cityofbatavia.net 630.454.2700	Elburn www.elburn.il.us 630.365.5061	Geneva www.geneva.il.us 630.262.0280	Naperville www.naperville.il.us 630.420.6070	North Aurora vil.north-aurora.il.us 630.897.1457 x222	St. Charles www.stcharlesil.gov 630.377.4406	Sugar Grove www.sugar-grove.il.us 630.466.8954	Wheaton www.wheaton.il.us 630.260.2050
New 1-2 Family Residential	\$100 Submittal fee (nonrefundable); \$21./100 sq ft; \$300 for plumbing inspections. Minimum fee \$400.	\$28./100 sq ft - does not include plumbing inspection charge	\$50. Plan Review Fee; \$0.28 per sq ft	Based on square footage (including garage & basement sq ft) - see worksheet for example.	\$31./100 sq ft; \$124. minimum fee.	\$125.00 submittal fee + \$0.27 per sq ft.	\$27. per 100 sq ft, or portion thereof, overall area of each floor, including basement area and crawl space with a minimum fee of \$250.	\$4,000.00
Residential Addition	\$21./100 sq ft; \$300 for plumbing inspections. Minimum fee \$100.	Less than \$1,000. = \$50.; \$1,001 + \$21./\$1,000 or portion thereafter.	Over 400 sq ft \$50. Plan Review fee and \$0.28 per sq ft.	Upfront: \$22 per page + \$16 clerical fee +\$45 per inspection as needed	\$31./100 sq ft; \$124. minimum fee.	\$125.00 submittal fee + \$0.27 per sq ft.	\$27./100 sq ft, or portion thereof of each floor and basement crawl space. Minimum fee \$60.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Residential Alteration	\$32./first \$1,000 est cost; \$11./each \$1,000 after.	Less than \$1,000. = \$50.; \$1,001 + \$21./\$1,000 or portion thereafter.	\$75-first 1,000 of cost \$10 per \$1,000 thereof -1st \$100,000 cost \$8 per \$1,000 or therof 2nd \$100,000 \$6 per \$1,000 or therfore over \$200,000	Upfront: \$22 per page + \$16 clerical fee +\$45 per inspection as needed	To \$1,000 = \$49. \$1,001 or portion thereafter = \$16./\$1,000.	\$125.00 submittal fee + \$6.60/1,000 from 4,001 to 24,000 - \$3.00/1,000 after 24,001.	\$100./with no plumbing work; \$210./with plumbing work included.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
New Commercial or Industrial	\$300. Submittal fee (non-refundable); First 10,000 sq ft = \$19. per 100; Second 10,000 sq ft = \$15. per 100; Remainder = \$12. per 100.	\$28./100 sq ft- does not include plumbing inspection charge.	\$50. Plan Review Fee; \$0.38 per sq ft for the first 10,000 sq ft; \$0.15 per sq ft thereafter.	\$44./page + \$16. clerical fee.	\$31./100 sq ft; \$124. minimum fee.	\$370. submittal fee + \$0.42 sq ft first 10,000 sq ft; \$0.16 sq ft after 10,001 sq ft.	\$27./100 sq ft, or portion thereof of overall each floor, including basement and crawl. Minimum of \$250. + a life safety fee of \$100./per unit - or, if not residential, \$25. per parking space.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Commercial and Industrial Addition	\$300. Submittal Fee (non-refundable); First 10,000 sq ft = \$19. per 100; Second 10,000 sq ft = \$15. per 100; Remainder = \$12. per 100.	Less than \$1,000. = \$50.; \$1,001 + \$21./\$1,000 or portion thereafter.	Over 400 sq ft \$50. Plan Review Fee and \$0.38 per sq ft.	\$44./page + \$16. clerical fee.	To \$1,000 = \$49. \$1,001 or portion thereafter = \$16./\$1,000.	\$370. submittal fee + \$0.42 sq ft first 10,000 sq ft; \$0.16 sq ft after 10,001 sq ft.	\$27./100 sq ft or portion thereof of each floor & basement - crawl space. Minimum of \$60.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.

Exhibit "B" Comparison of Building Permit Fees - 2013 (Draft 09.13.13)

Type of Fee	Batavia	Elburn	Geneva	Naperville	North Aurora	St. Charles	Sugar Grove	Wheaton
Commercial and Industrial Alteration	\$32./first \$1,000 est cost; \$11./each \$1,000 after.	Less than \$1,000. = \$50.; \$1,001 + 21./\$1,000 or portion thereafter.	\$75-first 1,000 of cost \$10 per \$1,000 thereof -1st \$100,000 cost \$8 per \$1,000 or thereof 2nd \$100,000 \$6 per \$1,000 or therefore over \$200,000	\$44./page + \$16. clerical fee.	To \$1,000 = \$49. \$1,001 or portion thereafter = \$16./\$1,000.	\$370. submittal fee + \$0.42 sq ft first 10,000 sq ft; \$0.16 sq ft after 10,001 sq ft.	Less than \$500/est cost = \$60.; \$500.-\$2,000 = \$75. \$10./\$1,000 or portion thereof.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Garage & Accessory Buildings	\$21./per 100 sq ft. Minimum of \$75.	\$60.00	\$50. Plan Review Fee; \$0.28 per sq ft.	Upfront: \$22 per page + \$16 clerical fee +\$45 per inspection as needed.	\$30./100 sq ft	Detached-\$90.00 Attached-\$155.00	\$60	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Sheds	\$85.00	\$60.00	\$75.00	Less than 150-sq ft=\$0; Over 150 sq ft=\$22/page + \$16. clerical fee + \$45.00 per inspection.	\$49.00	24 sq ft or more = \$55.	200 sq ft or less = \$60.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Decks	\$110 - for both decks & porches	\$125.00	\$150; Patios \$100.	Decks & Patios: \$40. submittal fee + \$40. when issued (\$80. total).	\$69.00	\$70.00	\$27. per 100 sq ft + 10-percent of the cost for plan review.	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over - \$1,620. Plus, for each \$1,000. a fee of \$5.
Fence	\$75.00	\$50.00	\$75.00	\$80. Includes a Plan Review and an inspection.	\$36.00	\$55.00	\$60	\$50.00
Swimming Pools	Above ground pool - \$100.00 Inground Pool \$150.00	Inground: \$150. Above Ground: \$65.	\$150.00	Inground: \$120. Above ground: \$80.	Inground: \$28./100 sq ft. Minimum \$112. Above ground: \$52	Inground: \$185. Above ground: \$55.	Inground Pool: \$300. Above ground: \$60.	Inground: \$200. Above ground: \$125.
Signs	Temporary sign - \$55.00 Wall sign - \$75.00 Monument sign - \$125.00	\$50.00	\$1.50 per sq ft.; minimum fee \$60.	Temporary: \$38. each; Permanent: Application fee of \$38. + \$45 per inspection. Additional \$45. If an electric inspection is required.	\$4. per sq ft.; minimum \$35. Temporary signs \$35.	Temporary \$35. Permanent/freestanding \$90. + \$2.15 Per sq ft of sign area; Permanent/other than freestanding \$90. \$5. For each additional permanent sign after initial \$90 charge.	Face change only: \$55.; 32 sq ft or less w/out elec \$65; over 32 sq ft w/out elec \$100; \$40 for each inspection. Temporary Signs \$40.	Temporary sign \$60. Permanent sign \$100. per sign

Exhibit "B" Comparison of Building Permit Fees - 2013 (Draft 09.13.13)

Type of Fee	Batavia	Elburn	Geneva	Naperville	North Aurora	St. Charles	Sugar Grove	Wheaton
Roofs	\$40.00	\$75 Residential; \$200 Commercial	\$75.00	Not required as long as no structural changes are made to dwelling.	To \$1,000 = \$49. \$1,001 or portion thereafter = \$16./\$1,000.	\$35 - Residential; \$60 Commercial	\$60	First \$0-5K - \$100.00. fee; range goes up to \$100,001. and over \$1,620. fee. Plus, for each \$1,000. a fee of \$5.
Siding	\$30.00	\$75.00	\$75.00	Not required as long as no structural changes are made to dwelling.	To \$1,000 = \$49. \$1,001 or portion thereafter = \$16./\$1,000.	\$50.00	\$60	Not required
Re-inspections	Homeowner - no charge Contractor - \$75/re-inspection	\$50. General re-inspections; \$75. Final re-inspections	\$75 for Residential; \$100 for Commercial - 1st occurrence; goes up by \$25 for each occurrence thereafter.	\$61.00	\$95.00	\$65.; Final Re-inspections \$85. or \$170. if Fire Prevention needs to return.	\$80	\$75.00
Temporary Certificate of Occupancies	Residential \$80.00 Commercial \$160.00 - Bond required (Nov-April)	\$150 (non-refundable administration fee	No Charge	No charge	None	Residential: \$85. Non-Residential: \$170.	None	\$75.00
Certificate of Occupancies	No charge; only issued for brand new construction.	\$30. for full certificate. Escrow for items not done - returned when completed	Occupancies for new residential, new commercial/industrial and additions to residential and commercial/industrial - \$50.	No charge	None	No charge - included in permit fee.	\$100	None

		AGENDA ITEM EXECUTIVE SUMMARY					
		Title:		Recommendation to Approve an Ordinance Amending Title 8, “Health and Safety” Section 8.30.050 “Tree Conservation Areas” of the St. Charles Municipal Code			
		Presenter:		Christopher Tiedt			
Please check appropriate box:							
	Government Operations				Government Services		
X	Planning & Development (12/9/13)				City Council		
Estimated Cost:		N/A		Budgeted:	YES		NO
If NO, please explain how item will be funded:							
Executive Summary:							
<p>The purpose of Chapter 8.30 “Tree Preservation on Private Property” is to maintain existing trees within the City to the greatest extent possible, while allowing for reasonable development of private property. Section 8.30.050 of this Chapter specifically addresses Tree Conservation Areas, which are located throughout the City and are considered unique community assets.</p> <p>Section 8.30.050 identifies specific procedures that property owners must follow when proposing to encroach into a Tree Conservation Area, but it does not identify what procedures must be followed when unauthorized encroachments have already been made within a Tree Conservation Area.</p> <p>The proposed amendment to Section 8.30.050 requires that any unauthorized encroachment be removed, but also gives the property owner the option to formally request that the encroachment be allowed to remain. The proposed amendment identifies certain criteria to be considered for each request and allows for administrative approval of the request.</p>							
Attachments: (please list)							
<ul style="list-style-type: none"> • Chapter 8.30- “Tree Preservation on Private Property” • Proposed Amendments for Section 8.30.050 “Tree Conservation Areas” 							
Recommendation / Suggested Action (briefly explain):							
Staff recommends approval of the Ordinance amending Title 8, “Health and Safety” Section 8.30.050 “Tree Conservation Areas” of the St. Charles Municipal Code							
For office use only:		Agenda Item Number: 4b					

TREE PRESERVATION ON PRIVATE PROPERTY

Chapter 8.30

TREE PRESERVATION ON PRIVATE PROPERTY

Sections:

8.30.010	Purpose
8.30.020	Definitions
8.30.030	Tree Preservation Requirements for Land Development
8.30.040	Tree Preservation Requirements for Building Lots
8.30.050	Tree Conservation Areas
8.30.060	Emergency Removal
8.30.070	Requirements for Tree Preservation Plans
8.30.080	Practices During Construction
8.30.090	Penalties

8.30.010 Purpose

The purpose of this Chapter is to maintain existing trees within the City to the greatest extent possible, while allowing for reasonable development of private property. Trees are assets to the community in many ways, including contributing to its character and scenic beauty, clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. The health and general welfare of the community, as well as its tax base, are enhanced when trees are preserved.
(Ord. 2001-M-73 § 1.)

8.30.020 Definitions

1. **Approved Trees:** Approved trees are those species described in Chapter 12.20 of this Code as being suitable street trees in the City of St. Charles, and shall not include restricted species listed in Chapter 12.20.
2. **Building Lot:** A lot for which application has been made for a building permit to construct a new building or structure, or to demolish or move an existing building or structure.
3. **Construction Zone:** The area of a site where construction of buildings and other site improvements may occur.
4. **DBH (diameter at breast height):** The diameter of a tree measured at a height of four and a half feet above the ground.
5. **Land Development:** The process of developing a parcel of land, starting with the submittal of a preliminary plan of subdivision or Planned Unit Development and concluding with the completion and acceptance of site improvements. Land development may involve unimproved vacant land, or land improved with buildings and/or site improvements that is proposed to be redeveloped, but does not include review and issuance of a building permit.
6. **Lot:** A parcel of land which is designated by its owner at the time of application for a building permit as a tract all of which is to be developed and used as one parcel under single ownership. A lot may consist of (a) a single lot of record or (b) a combination of contiguous lots of record.
7. **Remove or removal:** The actual physical removal of a tree, or the effective removal through damaging, cutting, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
8. **Tree Preservation Plan:** A plan identifying existing trees, designating areas where trees will be preserved and removed, and detailing the location and type of tree protection measures to be undertaken during and/or after construction. An easement for tree and/or natural area preservation established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not

TREE PRESERVATION ON PRIVATE PROPERTY

limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, shall constitute an approved Tree Preservation Plan where the Tree Preservation Zone is the area within the easement, and the Construction Zone is all areas outside the easement.

9. Tree Preservation Zone: The area of a site that is not necessary for construction of buildings and other site improvements and within which trees shall be preserved.
(Ord. 2001-M-73 § 1.)

8.30.030 Tree Preservation Requirements for Land Development

1. No live tree(s) with a trunk size of six inches (6") or more DBH shall be removed from any parcel undergoing Land Development except as permitted by an approved Tree Preservation Plan.
2. In addition to the other requirements of this Chapter, where a Site Development Permit is required by Title 18 of the St. Charles Municipal Code no trees shall be removed from a site undergoing Land Development unless a Site Development Permit has been issued and remains valid.
3. Where trees six inches (6") or more DBH exist on the property to be developed or redeveloped, a Tree Preservation Plan shall be submitted with the preliminary plan of subdivision or planned unit development. If the preliminary plan stage is omitted or is combined with final engineering plans, the Tree Preservation Plan shall be submitted with the final engineering plans, and shall be subject to approval of the City Council at the time of approval of the Final Plat.
4. The removal of trees six inches (6") or more DBH proposed as part of a Tree Preservation Plan shall be permitted only to the extent necessary to accommodate the construction of public and private site improvements, buildings and structures in conformance with the standards of 8.30.070 § 2 hereof. Submittal of a separate Tree Preservation Plan for each Building Lot shall not be required for Building Lots within a subdivision or Planned Unit Development if all areas where trees are to be removed are identified in the approved Tree Preservation Plan.
5. Where an easement for tree and/or natural area preservation has been established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, no additional Tree Preservation Plan approval shall be required to remove existing trees located outside of the established easement areas.

(Ord. 2001-M-73 § 1.)

8.30.040 Tree Preservation Requirements for Building Lots

1. No live tree(s) of six inches (6") or more DBH shall be removed from any Building Lot except as permitted by an approved Tree Preservation Plan.
2. A proposed Tree Preservation Plan shall be submitted with the application for a building permit where trees six inches (6") or more DBH exist on the Building Lot if (a) no Tree Preservation Plan has been approved for the property or (b) the applicant proposes to alter the approved Tree Preservation Plan.
3. Where a Site Development Permit is required (refer to Section 18.36.040 of this Code), a Tree Preservation Plan for a Building Lot shall be approved only if a Site Development Permit has been issued and remains valid.
4. The City Administrator or his designee shall approve a Tree Preservation Plan (or amendment thereto) for a Building Lot if the application complies with the provisions of this Chapter and in particular the standards of Section 8.30.070 § 1.
5. Appeals: A property owner may appeal the denial of a Tree Preservation Plan to the City Council by submitting a written request. If the City Council finds that the standards of Section 8.30.070 § 2 have been met, it may approve the Tree Preservation Plan and may include conditions it deems necessary to ensure compliance with this Chapter.

(Ord. 2001-M-73 § 1.)

TREE PRESERVATION ON PRIVATE PROPERTY

8.30.050 Tree Conservation Areas

1. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit "A" hereto (the "TCA Guidelines").

Tree Conservation Areas:

Red Gate Units 4, 5 and 7: Tree Preservation Area

Red Gate Units 2 and 8: Natural Area Easement

Tradition of St. Charles: Tree Conservation Easement

Woods of Crane Road: Natural Area Easement

Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement

Majestic Oaks: Tree Conservation Easement

Willowgate: Drainage and Conservation Easement

Woods of Delnor: Conservation Area

Woods of Fox Glen Units 1 and 2: Natural Area Easement

The Royal Fox: Natural Area Easement

2. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
3. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following the proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.

(Ord. 2001-M-73 § 1.)

8.30.060 Emergency Removal

Notwithstanding other provisions of this Chapter, a Tree Preservation Plan or other approval is not required when removal of a tree is necessary due to an emergency situation posing an immediate danger to a person, property or the community, and where such emergency renders compliance with the permit process unreasonable. The individual who proposes to remove the tree(s) shall contact the City Administrator or his designee to receive permission for emergency removal of the tree(s). If the contact is not during business hours, the individual shall leave a voicemail message indicating name, time, tree location, and phone number, and may then proceed with emergency removal.

(Ord. 2001-M-73 § 1.)

8.30.070 Requirements for Tree Preservation Plans

1. A proposed Tree Preservation Plan shall include the following written and graphic information:
 - 1.1 A survey of existing trees six inches (6") or more DBH within the entire site or lot, identifying their locations, size and species, and a plan overlaid on the survey or at the same scale showing proposed Construction Zones and Tree Preservation Zones.

TREE PRESERVATION ON PRIVATE PROPERTY

- 1.2 The proposed Tree Preservation Zone shall encompass all of the property having six inch (6") DBH or larger trees that will not be disturbed by construction activities. All buildings, structures, parking areas, driveways, stormwater management facilities, utilities, and other site improvements shall be located to minimize tree damage and removal; preference shall be given to tree preservation when reasonable alternatives are available for the location of buildings and other site improvements.
- 1.3 The proposed Construction Zone shall include only the areas to be directly affected by buildings, site improvements and grading activities related to the approved construction. The Construction Zone shall be as small as possible, considering factors such as the depth of excavation, necessary spoil areas, and space required for access to construction activity.
- 1.4 The location and description of protective fencing, root pruning, canopy pruning and other protective and conservation measures necessary to protect the trees within the Tree Conservation Zone shall be indicated.
2. Standards: Removal of trees shall be authorized by Tree Preservation Plans only when one or more of the following conditions exist, as determined by the City:
 - 2.1 The tree is diseased, dead or dying.
 - 2.2 The tree is damaged or injured to the extent that it is likely to die or become diseased, or such that it becomes a hazard.
 - 2.3 Removal of the tree is consistent with good forestry practices, that is, consideration is given to the species of the tree, location, conditions, age, safety, and the historic and aesthetic value of the tree to be removed.
 - 2.4 Removal of the tree will enhance the health of remaining trees within the immediate vicinity.
 - 2.5 Removal of the tree is required to repair a sewer line or water main, or excavation for such repair will damage the tree to the extent that it is likely to die or become diseased.
 - 2.6 All reasonable efforts have been undertaken in the land planning, architectural and engineering design of the proposed building, building addition, development or site improvement to minimize tree damage and/or removal, and the tree or trees must be removed to provide adequate space for the permitted construction.

(Ord. 2001-M-73 § 1.)

8.30.080 Practices During Construction

1. All Tree Preservation Zones shall be maintained free of all construction activity, construction equipment, material or spoils storage, compaction, fill, and debris.
2. Crushed limestone, hydrocarbons, or other materials detrimental to trees shall not be dumped within the root zone of any tree to be preserved nor at any higher elevation where drainage toward the tree could affect its health.
3. No attachments, signs, fences, or wires, other than those approved for bracing, guying or wrapping trees, shall be attached to trees during the construction period.
4. Unless otherwise authorized by an approved Tree Preservation Plan, no soil shall be removed or added within the root zone of any tree to be preserved.
5. The boundary between the Construction Zone and the Tree Preservation Zone shall be fenced during the course of construction in a manner that clearly identifies where construction activity is prohibited. The Building and Zoning Commissioner and City Engineer shall have the authority to issue a stop work order until adequate fencing is provided or repaired.

(Ord. 2001-M-73 § 1.)

8.30.090 Penalties

1. Any violation of this Chapter shall be punishable by a fine of not more than \$500.00 for each violation.

TREE PRESERVATION ON PRIVATE PROPERTY

2. Replacement Trees. In addition to any fine that may be assessed, each tree of six inches or more DBH which is removed in violation of this Chapter shall be replaced with trees of at least a three inch (3") caliper selected from the list of Approved Trees according to the following schedule. The diameter of removed trees shall be determined by the average stump diameter where cut at six inches (6") from surrounding ground level.

Existing Tree's Stump Diameter	Number of replacement trees
36 inches or more	One for each inch of stump diameter
More than 30 but less than 36 inches	11
More than 24 but less than 30 inches	9
More than 18 but less than 24 inches	7
More than 12 but less than 18 inches	5
At least 6 but less than 12 inches	3

3. Location of replacement trees. The location of replacement trees shall be as determined by the City Administrator or his designee. If it is determined that an insufficient onsite area exists to support some or all of the replacement trees, then prior to issuance of any building permit, site development permit or approval of a plat of subdivision or planned unit development the property owner shall pay the cost of the replacement trees that cannot be accommodated onsite to the City. The funds collected from such payments shall be used for the sole purpose of planting trees at other locations determined by the City.
4. Financial Guarantee for onsite replacement trees. Prior to issuance of a building permit, site development permit, or approval of a plat of subdivision or planned unit development the property owner shall submit a financial guarantee subject to the approval of the City Administrator or his designee in the amount of 115% of the estimated cost to install the required onsite replacement trees. If replacement trees are not installed within the next planting season (spring or fall) after the prohibited tree removal, the City may use the proceeds of the financial guarantee to plant the replacement trees. If the property owner does not permit planting of the replacement trees onsite, the City may plant trees at other locations as determined by the City.
5. Suspension of Permits: The Building and Zoning Commissioner may suspend any and all building permits issued by the City and issue stop work orders with respect to any parcel of land where he determines that the provisions of this ordinance are not being complied with.
6. Removal of undesirable trees: If a tree is removed prior to approval of a Tree Preservation Plan or other approval, and the City Administrator or his designee determines the removed tree was of a species or condition that would have justified approval of a Tree Preservation Plan or other approval to remove it if application had been made, the penalties hereof shall not apply.

(Ord. 2001-M-73 § 1.)

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Exhibit A Tree Conservation Area Guidelines

Intent

The intent of these Guidelines is to protect and enhance the diversity, health and vigor of the tree, shrub, herbaceous plant, forb and grass species within the designated Tree Conservation Areas in order to protect wildlife habitat as well as enhance the aesthetic qualities and value of the properties adjacent to them.

The conservation of existing plant material is to be achieved primarily through restricting access to and limiting activities within the Tree Conservation Areas. However, intervention to perform maintenance and corrective measures is appropriate in the following circumstances:

1. The presence of invasive plant species including noxious weed or alien plant species that may threaten the health of indigenous plants in the Tree Conservation Areas.
2. The presence of damaged, diseased or dead trees which may constitute a hazard to persons or property.
3. Where the City has approved a plan to re-establish trees, shrubs, and other plants that are indigenous to the Tree Conservation Zone.

Definitions

1. Alien : a plant native to one region but brought to another as a result of human activity.
2. Forb: a non-grassy herbaceous plant, primarily referring to broad-leaved plants of prairies and savannas.
3. Herbaceous: pertaining to or characteristic of a plant that has a fleshy stem, as distinguished from a woody plant.
4. Indigenous: occurring or living naturally in an area, not introduced; native.
5. Noxious weed: a weed specified by law as being especially undesirable, troublesome, and difficult to control.
6. Other plants: all vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.
7. Overstory trees: deciduous trees that generally grow to a height in excess of 30 feet.
8. Shrub: a woody perennial smaller than a tree, usually having permanent stems branching from or near the ground.
9. Savanna: a transitional zone between grasslands and forests, on which there are scattered individual trees and/or clumps of trees and shrubs.
10. Transitional Border: a strip of land within a Tree Conservation Area along its edge which has been disturbed and which may provide a visual and functional transition between the Tree Conservation Area and the remainder of the lot.

Guidelines

- A. Removal of vegetation: The following activities are permitted within the Tree Conservation Zone, but only with the specific approval of the City.
 1. No healthy woody vegetation shall be removed except for the restricted species listed in Chapter 12.20 of the City Code.
 2. Where permission has been granted to remove woody vegetation, it shall be sawed or cut down to existing grade. No removal or disturbance shall occur below grade.
 3. If the City has approved a plan to re-establish the growth of indigenous plants, noxious weeds and alien herbaceous vegetation may be removed by: (a) applying a three (3) inch layer of organic hardwood mulch, or (b) herbicide application by a licensed professional.

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4. Dead or fallen trees and limbs shall remain, except where a standing dead tree is located so that it could fall upon a building or structure.
- B. Planting: The following plantings are permitted within the Tree Conservation Zone, but only with the specific approval of the City. Appendix I lists some native, non-native and weedy plants as a reference. Additional lists and guides to native plants are found in references such as Swink and Wilhelm's *Plants of the Chicago Region*, and Dick Young's *Kane County Wild Plants and Natural Areas, 2nd Edition*.
1. Indigenous grasses, flowers and other herbaceous plants may be planted by hand installation of plugs or by seeding. Prairie forbs and grasses shall be restricted to those areas/lots with limited scattered trees. Commercial prairie mixes may contain non-native and non-hardy species, so consulting a native plant supplier or prairie restoration specialist is recommended.
 2. Planting common turf grass such as Kentucky bluegrass, ryegrass, and fescue is not permitted except in transitional borders. The soil preparation typically required damages the root system of trees, and the nutrient and pH requirements for mowed turf grasses are not optimally compatible with those of most woody plants.
 3. Non-native plant material is not permitted. Some non-native plants reseed aggressively and become invasive, crowding out indigenous species.
 4. Indigenous container perennials, woody shrubs, and trees are permitted if planted in compliance with the following guidelines:
 - a. All digging and planting shall be performed by hand. No vehicles, augurs or rototillers are permitted.
 - b. Only minimal digging shall be allowed within the tree's critical root zone, i.e., the area equivalent to one foot of radius per inch of the tree's trunk caliper, measured out from the center of the tree. Plant type and size should be limited within this area to minimize damage to tree roots.
 - c. No overstory tree shall be planted directly under the dripline of an existing tree.
 - d. Areas disturbed by planting must be thoroughly watered immediately after planting and periodically for one month following planting to reduce stress to existing trees. Do not overwater.
 - e. A three (3) inch layer of organic hardwood mulch in a dish or saucer pattern may be used around the base of newly planted trees and shrubs during the first growing season to conserve moisture in the soil.
 - f. If proper installation methods are used, additional plant material can reduce or control access into Tree Conservation Areas and will provide wildlife food and habitat.
- C. Transitional Border:
1. A transitional border may be delineated at the common boundary of the Tree Conservation Area and the remainder of the lot. The transitional border may extend into the Tree Conservation Area a maximum of three (3) feet, or within one (1) foot of existing trees within the Tree Conservation Area, whichever dimension is less. (See Appendix II)
 2. Due to disturbances caused by utility installation, restoration of the transitional border may include turf grasses and non-indigenous plant materials. However, restoration with indigenous plant materials is strongly encouraged.
 3. Yard accessories are permitted in the transitional border area as described below in D-1.
 4. Organic hardwood mulch is permitted to minimize the encroachment of indigenous plants into an adjoining managed plant material area such as turf or perennials.

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5. In order to preserve the health and vigor of the Tree Conservation Area, invasive plants or vegetation that is difficult to control shall not be permitted in the transitional border. (Refer to Appendix I for a list of invasive and difficult to control plants.)
- D. Installation of Yard Accessories:
1. Small yard accessories such as benches, bird baths, bat houses, butterfly houses, and bird feeders are permitted within the transitional border, only. Yard accessories shall be limited to not more than one (1) per fifty (50) square feet of transitional border. No yard accessories are permitted in the balance of the Tree Conservation Area.
 2. Permanent or temporary structures, play equipment, paths, paving, structures attached to trees such as tree houses, and any items requiring footings are prohibited.
- E. Prohibited Activities: The following activities and uses are specifically prohibited within Tree Conservation Areas:
1. Composting or dumping of lawn waste, Christmas trees, potted plants, or similar organic waste.
 2. Stacking or firewood.
 3. Dumping of any materials.
 4. Mowing.
 5. Fire pits and barbecues.
 6. Tree swings.
 7. Dog waste.
 8. Vegetable or flower gardens.
 9. Lawn irrigation systems.
 10. Yard accessories.
 11. Fences.
 12. Any other similar uses determined by the City to be detrimental to the protection of the Tree Conservation Area.
- F. Miscellaneous: The following activities are not permitted unless approved by the City in conjunction with a plan to remove and/or restore plant material in accordance with these guidelines:
1. The use of motorized vehicles such as garden tractors and mowers.
 2. The use of fertilizers, herbicides and pesticides.
 3. Alteration of existing grade elevation.

TREE PRESERVATION ON PRIVATE PROPERTY

Appendix I Representative Species of Plant Material

Indigenous (native) plants:

Overstory Trees

<i>Acer nigrum</i>	Black maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya cordiformis</i>	Bitternut hickory
<i>Carya ovata</i>	Shagbark hickory
<i>Fraxinus americana</i>	White ash
<i>Juglans cinerea</i>	Butternut
<i>Juglans nigra</i>	Black walnut
<i>Quercus alba</i>	White oak
<i>Quercus macrocarpa</i>	Bur oak
<i>Quercus muhlenbergii</i>	Chinquapin oak
<i>Quercus rubra</i>	Northern red oak
<i>Tilia americana</i>	American linden

Understory Trees

<i>Amelanchier arborea</i>	Serviceberry; shadbush
<i>Amelanchier laevis</i>	Allegheny shadblow serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus alternifolia</i>	Alternate-leaved dogwood
<i>Cornus florida</i>	Flowering dogwood
<i>Corylus americana</i>	Hazelnut
<i>Dirca palustris</i>	Leatherwood
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ostrya virginiana</i>	Hop hornbeam
<i>Prunus americana</i>	American plum
<i>Prunus virginiana</i>	Chokecherry

Shrubs

<i>Euonymus atropurpureus</i>	Eastern wahoo
<i>Lindera benzoin</i>	Spicebush
<i>Ribes cynosbati</i>	Prickly wild gooseberry
<i>Ribes missouriense</i>	Wild gooseberry
<i>Sambucus canadensis</i>	Elderberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum lentago</i>	Nannyberry viburnum
<i>Viburnum prunifolium</i>	Blackhaw viburnum
<i>Viburnum rafinesquianum</i>	Downy arrowwood viburnum

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Ground Layer

Common Plants

Allium tricoccum	Wild leek
Anemonella thalictroides	Rue anemone
Arisaema triphyllum	Jack-in-the-pulpit
Carex plantaginea	Plaintain-leaved sedge
Carex rosea	Sedge
Caulophyllum thalictroides	Blue cohosh
Claytonia virginica	Spring beauty
Dentaria laciniata	Cut-leaved toothwort
Desmodium glutinosum	Tick trefoil
Dryopteris spinulosa	Spinulose wood fern
Erythronium albidum	White trout lily
Galium aparine	Shining bedstraw
Geranium maculatum	Wild geranium
Osmorhiza claytoni	Hairy sweet cicely
Parthenocissus quinquefolia	Virginia creeper
Podophyllum peltatum	Mayapple
Prenanthes alba	Lion's foot
Sanicula gregaria	Clustered black snakeroot
Smilacina racemosa	False Solomon's seal
Uvularia grandiflora	Large-flowered bellwort
Viola eriocarpa	Smooth yellow violet

Others

Actaea pachypoda	White baneberry
Adiantum pedatum	Maidenhair fern
Allium tricoccum	Wild leek
Anemone cylindrica	Thimbleweed
Anemone quinquefolia	Wood anemone
Apocynum androsaemifolium	Spreading dogbane
Aralia racemosa	Spikenard
Arisaema draconitum	Green dragon
Asarum canadense	Wild ginger
Aster sagittifolius	Arrowleaf aster
Aster shortii	Short's aster
Athyrium filix-femina	Lady fern
Blephilia hirsuta	Wood mint
Botrychium virginianum	Rattlesnake fern
Cardamine douglassii	Purple cress
Carex hirtifolia	Hairy sedge
Carex pensylvanica	Pennsylvania sedge
Celastrus scandens	Bittersweet
Dicentra cucullaria	Dutchman's breeches
Eupatorium rugosum	White snakeroot
Eupatorium purpureum	Purple Joe-Pye weed
Euphorbia corollata	Flowering spurge
Fragaria virginiana	Wild strawberry

TREE PRESERVATION ON PRIVATE PROPERTY

<i>Galium circaezans</i>	Wild licorice
<i>Geum canadense</i>	Wood avens
<i>Helianthus strumosus</i>	Pale-leaved sunflower
<i>Hepatica acutiloba</i>	Hepatica
<i>Hydrophyllum appendiculatum</i>	Great waterleaf
<i>Hydrophyllum virginianum</i>	Virginia waterleaf
<i>Hystrix patula</i>	Bottlebrush grass
<i>Impatiens pallida</i>	Pale touch-me-not
<i>Isopyrum biternatum</i>	False rue anemone
<i>Jeffersonia diphylla</i>	Twinleaf
<i>Lactuca biennis</i>	Tall blue lettuce
<i>Lonicera prolifera</i>	Yellow honeysuckle
<i>Menispermum canadense</i>	Moonseed
<i>Mitella diphylla</i>	Bishop's cap
<i>Monarda fistulosa</i>	Bergamot
<i>Osmorhiza longistylis</i>	Sweet cicely
<i>Panicum latifolium</i>	Broad-leaved panic grass
<i>Phlox divaricata</i>	Woodland phlox
<i>Phryma leptostachya</i>	Lopseed
<i>Pilea pumila</i>	Clearweed
<i>Polygonatum canaliculatum</i>	Large Solomon's seal
<i>Potentilla simplex</i>	Common cinquefoil
<i>Prenanthes altissima</i>	Tall white lettuce
<i>Rosa</i> spp.	Rose
<i>Sanguinaria canadensis</i>	Bloodroot
<i>Smilacina stellata</i>	Starry Solomon's plume
<i>Smilax ecirrhata</i>	Upright carrion flower
<i>Smilax taminioides</i>	Bristly greenbrier
<i>Solidago flexicaulis</i>	Broad-leaved goldenrod
<i>Solidago ulmifolia</i>	Elm-leaved goldenrod
<i>Thalictrum dioicum</i>	Early meadow rue
<i>Trillium grandiflorum</i>	Large-flowered trillium
<i>Trillium recurvatum</i>	Prairie trillium
<i>Trillium sessile</i>	Toad trillium
<i>Veronicastrum virginicum</i>	Culver's root

TREE PRESERVATION ON PRIVATE PROPERTY

Aggressive non-native species that should be removed such as:

Alliaria officinalis	Garlic mustard
Berberis vulgaris	European barberry
Celastrus orbiculatus	Oriental bittersweet
Elaeagnus umbellata	Olive bush
Lonicera maackii	Amur honeysuckle
Lonicera tatarica	Tatarian honeysuckle
Morus alba	White mulberry
Populus alba	White poplar
Rhamnus cathartica	Common buckthorn
Rhamnus frangula	Glossy buckthorn
Solanum dulcamara	Nightshade bittersweet
Viburnum opulus	European cranberrybush viburnum

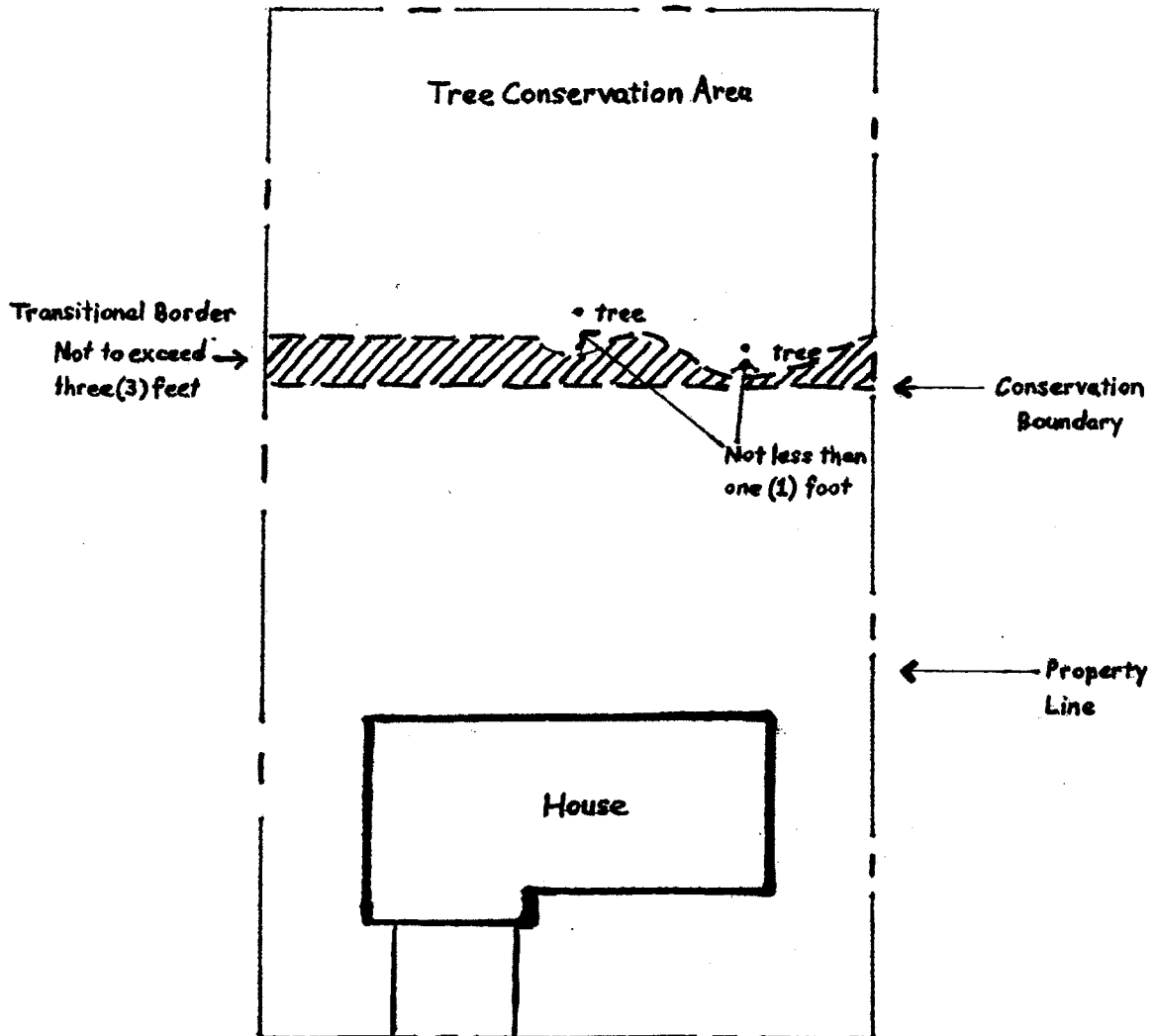
Native weedy species that should be controlled such as:

Acer negundo	Boxelder
Parthenocissus quinquefolia	Virginia creeper
Rhus radicans	Poison ivy
Robinia pseudo-acacia	Black locust
Rubus occidentalis	Black raspberry
Vitis riparia	Riverbank grape

TREE PRESERVATION ON PRIVATE PROPERTY

Appendix I

LOCATION OF TRANSITIONAL BORDER



(Ord. 2001-M-73 § 1.)

8.30.050 Tree Conservation Areas

1. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit "A" hereto (the "TCA Guidelines").

Tree Conservation Areas:

Red Gate Units 4, 5 and 7: Tree Preservation Area

Red Gate Units 2 and 8: Natural Area Easement

Tradition of St. Charles: Tree Conservation Easement

Woods of Crane Road: Natural Area Easement

Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement

Majestic Oaks: Tree Conservation Easement

Willowgate: Drainage and Conservation Easement

Woods of Delnor: Conservation Area

Woods of Fox Glen Units 1 and 2: Natural Area Easement


The Royal Fox: Natural Area Easement

2. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
3. **Any encroachment in the Tree Conservation Area that has not been previously authorized by City Administrator or their designee, must be removed immediately by the property owner and at their expense. The property owner may however submit a written request to the City Administrator or their designee requesting that the encroachment be allowed to remain. Each request will be reviewed individually by the City Administrator or their designee, and on a case-by-case basis taking the TCA Guidelines and the following criteria into consideration:**
 - a. The length of the time the encroachment has been installed and whether it was installed by a previous owner.
 - b. The quality/condition of the vegetation in the area prior to the installation of the encroachment.
 - c. Whether the encroachment can be easily relocated outside of the easement.
 - d. Potential for further damage to vegetation caused by removal of the encroachment.

The final determination shall be made by the City Administrator or their designee and shall be final.

If any encroachment in the Tree Conservation Area is authorized to remain, it shall not be expanded, enlarged, or enhanced during its usable lifespan. At such a point that the encroachment is no longer usable or functional for its original purpose, it shall be completely removed at the property owner's expense. Removal shall include all above and below grade improvements, including, but not limited to, foundations, footings, utilities. The encroachment area shall be restored to its original condition. If the original condition is unknown, than the encroachment area shall be restored to match the conditions of the surrounding area.

4. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following the proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.

		AGENDA ITEM EXECUTIVE SUMMARY					
		Title:		Update on First Street Phase 3 – Information only.			
		Presenter(s):		Russell Colby Rita Tungare			
Please check appropriate box:							
	Government Operations				Government Services		
X	Planning & Development (12/9/13)				City Council		
Estimated Cost:		N/A		Budgeted:	YES		NO
If NO, please explain how item will be funded:							
Executive Summary:							
<p>On 11/18/13, the City Council granted the following extensions relative to the First Street PUD Phase 3 project:</p> <ol style="list-style-type: none"> 1. Extension of the date to commence construction to 4/18/14. (Based on this extension, the 2008 PUD Preliminary Plans for Phase 3 remain valid through 4/18/14.) 2. Extension of the purchase agreement with SMN Development for Lot #2 for the One West Main building to 4/18/14. <p>In connection with these extensions, the City Council also requested the developers, First Street LLC and SMN Development, to demonstrate progress on the project by meeting certain benchmarks before the 4/18/14 deadline.</p> <p>Staff has prepared a table to track the progress in meeting these benchmarks and will provide this information as a monthly update to the Committee. Starting in January 2014, the developers will be requested to be present to provide the Committee with an update.</p>							
Attachments: (please list)							
First Street Phase 3 Progress Table.							
Recommendation / Suggested Action (briefly explain):							
Update on First Street Phase 3 - Information only.							
For office use only:		Agenda Item Number: 4c					

First Street Phase 3 Progress Table

December 9, 2013 P&D Committee Update

Action Item	Developer Status	City Status
ZONING APPLICATIONS First Street LLC to file an application for Concept Plan on or before 12/2/13, complete the Concept Plan review process, and subsequently file a complete application for a revised PUD Preliminary Plan for Phase 3, with the goal of providing the City Council with the opportunity to consider a revised PUD Preliminary Plan on or before 4/7/14.	The Concept Plan application was submitted on 12/3/13 (missing the 12/2/13 deadline by one day). (Although the schedule is slightly delayed, the Concept Plan will still be before the P&D Committee in January.)	The application and plans are under review by City staff. Review of the application is scheduled as follows: Historic Preservation Commission – 12/18/13 Plan Commission – 1/7/14 P&D Committee – 1/13/14
TRANSFER OF HARRIS BANK PARCEL TO CITY First Street LLC to transfer the former Harris Bank property to the City by 3/25/14.		
REDEVELOPMENT AGREEMENT AMENDMENT First Street LLC to engage in discussions with staff and reach agreement on terms for amending the Redevelopment Agreement (RDA) to: -Amend the conditions and requirements for Phase 3 to conform to the new First St. LLC Concept Plan -Allow for Phases 4 & 5 of the project to be separated from the RDA, with First Street LLC having a right of first refusal.		
SMN DEVELOPMENT SMN Development to provide an assessment of the financial viability and marketability of the proposed One West Main building. SMN would also provide a schedule for project implementation, including marketing, leasing and commencement of construction.		