

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-01

**AN ORDINANCE GRANTING A CABLE FRANCHISE
FOR COMCAST**

WHEREAS, DeKalb County Ordinance 90-16 granted a cable television franchise to Warner Cable Communications for a term of 15 years from August 15, 1990, and DeKalb County Ordinance 97-25 approved an expansion of that franchise to cover: portions of unincorporated Sycamore, unincorporated Mayfield Township, a portion of unincorporated Cortland Township, and portions of unincorporated DeKalb Township; and

WHEREAS, on February 17, 1999, the County Board passed a Resolution approving the transfer of the franchise from Time Warner to TCI Communication, and by July of that year, TCI had taken the name of its parent company, AT&T, which did not constitute a transfer of the cable franchise and required no action by the County, and in June of 2002, AT&T merged with Comcast, and the cable provider took the latter name for business purposes, which change also did not require any action from the County Board; and

WHEREAS, the cable franchise for Comcast expired on June 21, 2004; and

WHEREAS, the Franchisee requested that DeKalb County commence renewal proceedings for the cable franchise in accordance with the requirements of the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protections and Competition Act of 1992, said request having been received in writing via letter dated June 22, 2004; and

WHEREAS, having finalized negotiations on a renewed franchise agreement, and following due and proper notice by publication in The Daily Chronicle prior thereto, the Planning and Zoning Committee of the DeKalb County Board conducted a public hearing on November 30, 2005, at which the Franchisee presented testimony in support of the requested renewed cable franchise, and no persons testified in opposition to the request and none in favor thereof; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board, in consideration of the testimony given at the public hearing, has forwarded to the DeKalb County Board a recommendation of approval of the request to renew the cable television franchise, in accordance with the Franchise Agreement attached hereto as Exhibit "A", for a term of 15 years; and

WHEREAS, the DeKalb County Board has considered the recommendation of the Planning and Zoning Committee, and has determined that approving the requested renewal of the cable television franchise is in the best interests of the citizens of DeKalb County;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: The County Board of DeKalb County hereby grants a cable television franchise to Comcast of California/Colorado/Illinois/Indiana/Texas, Inc. (the Franchisee) in accordance with the Franchise Agreement attached hereto as Exhibit "A," for the term set forth in said Franchise Agreement.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF DECEMBER, 2005, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk



Planning/Zoning/Building Department

STAFF REPORT

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
Planning Director

DATE: November 16, 2005

SUBJECT: Renewal of Cable Television Franchise for Comcast

Comcast currently provides cable television service via a franchise in unincorporated DeKalb County:

1. The original franchise covered only Forestview Subdivision, at Motel and Freed Roads, in unincorporated Sycamore Township. This franchise was granted to Warner Cable Communications on August 15, 1990, via Ordinance 90-16. The name of the franchisee was subsequently changed to Time Warner Cable. In the following years, the cable company expanded its service beyond Forestview Subdivision, and in October of 1997 applied for an amendment to its Franchise. On November 19, 1997, the County Board passed Ordinance 97-25, which substantially expanded the franchise to cover: portions of unincorporated Sycamore from Motel Road north to Story Road and east to include Lukens Road and from Somonauk Road south of Rte. 64 to Bethany Road and east to the County line, as well as unincorporated Mayfield Township from its east line at Aldrich Road to N. First Street and south to DeKalb Township; a portion of unincorporated Cortland Township on the north side of Pleasant St. at Loves Road; and portions of unincorporated DeKalb Township from Rte. 23 south of DeKalb west along Gurler Road for two miles and north to Malta Road;
2. On February 17, 1999, the County Board passed a Resolution approving the transfer of the franchise from Time Warner to TCI Communication. By July of that year, TCI had taken the name of its parent company, AT&T -- this was not a transfer of the cable franchise and required no action by the County. In June of 2002, AT&T merged with Comcast, and the cable provider took the latter name for business purposes. This change also did not require any action from the County Board;
3. The term of the original grant of the cable franchise was 15 years. The franchise expired on August 14, 2005. Comcast is now requesting that the franchise be renewed for another 15-year period. The franchise area remains unchanged.

The County has been corresponding with Comcast since March of this year regarding the need for renewal of the franchise. Section III of the original Ordinance granting the franchise allows that the franchise may be renewed for such term (period of years) as the County shall determine, following a public hearing in front of the Planning and Zoning Committee. Comcast has forwarded a draft of a new Franchise Agreement (attached), which has been reviewed and approved by the State's Attorney's office.

County authority to grant franchises for cable television service is set forth in the State Statutes (55 ILCS 5/5-1095) and federal law. A notice of public hearing regarding the requested renewal of the cable television franchise was published in The Daily Chronicle on November 13, 2005 for a hearing to be held at the meeting of the Planning and Zoning Committee on November 30, 2005.

Staff Comments: The draft agreement notes that the Franchise Area shall be as shown on the Franchise Area Map. This document has not yet been supplied for review. The applicant should be prepared to provide this map at the Planning and Zoning Committee meeting for review.

The Planning and Zoning Committee is requested to consider the requested cable television franchise renewal and make a recommendation to the full County Board. A representative for Comcast will be in attendance at the Committee meeting to answer any questions. Action on the cable television franchise can be taken by the County Board by ordinance.

cc: Christopher J. Nelson, Comcast
John Farrell, Chief Civil Assistant State's Attorney

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STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-02

**AN ORDINANCE AMENDING ARTICLE 5
OF THE DEKALB COUNTY ZONING ORDINANCE
REGARDING ACCESSORY BUILDINGS**

WHEREAS, Section 5.06 of the DeKalb County Zoning Ordinance contains regulations related to the placement of accessory buildings and structures; and

WHEREAS, the regulations restrict such accessory buildings and structures to the rear yard of zoning lots, which limits the potential use of lots that have a larger area behind the principle building than the minimum required rear yard; and

WHEREAS, under the direction of the Planning and Zoning Committee of the DeKalb County Board, the Planning, Zoning and Building Department has prepared and submitted an application for an Amendment to the text of Section 5.06 related to the placement of accessory buildings and structures in order to allow that they may be placed behind the principle building on a zoning lot, as set forth below; and

WHEREAS, following due notice published in The Daily Chronicle not less than 15 days in advance, a public hearing was conducted on November 3, 2005 by the DeKalb County Hearing Officer regarding the proposed Zoning Text Amendment, and no persons spoke in favor of the proposal and none in opposition thereto; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee of the DeKalb County Board his findings and recommendation that the proposed amendment to the Zoning Ordinance be approved, as set forth in the Findings of Fact and Recommendation, dated November 3, 2005, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Planning and Zoning Committee has considered the proposed Text Amendment and the recommendation of the Hearing Officer and has forwarded a recommendation to the full County Board that the proposed amendment be adopted; and

WHEREAS, the County Board of DeKalb County has determined that it is in the best interests of the citizens of the County to amend Article 5 of the DeKalb County Zoning Ordinance in accordance with the amended text;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings and recommendation of the DeKalb County Hearing Officer, Exhibit "A" attached hereto, are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The first paragraph of Section 5.06 of the DeKalb County Zoning Ordinance, Appendix A of the DeKalb County Code, is hereby replaced in its entirety with the following:

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings or structures shall be permitted on any portion of a lot that is behind the primary building and must conform to all provisions of this Ordinance. Detached garages, recreational vehicle pads and typical residential accessory structures may be placed on any other portion of the lot that is not closer to a street than the closest point of the primary building to the street at the Zoning Administrator's discretion.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 21ST DAY OF DECEMBER, 2005, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk



Planning/Zoning/Building Department

STAFF REPORT

TO: Ron Klein
DeKalb County Hearing Officer

FROM: Paul R. Miller, AICP
Planning Director

DATE: October 20, 2005

SUBJECT: Accessory Building Zoning Text Amendment
Petition DC-05-16

The Planning, Zoning and Building Department staff, on behalf of the Planning and Zoning Committee of the DeKalb County Board, has filed a petition for an Amendment to Section 5.06 of the DeKalb County Zoning Ordinance, in accordance with the requirements of Section 10.03 of said Ordinance. The petition seeks to amend that portion of the regulations related to the placement of accessory buildings on zoning lots.

Staff Evaluation --Specifically, the area of concern is Section 5.06 of the Ordinance, which is as follows:

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings or structures must be located in the rear yard of a lot and must conform to all provisions of this Ordinance. Except on a corner lot, detached garages, recreational vehicle pads and typical residential accessory structures may be placed in the side yard at the Zoning Administrator's discretion.

However, the definition of rear yard was changed as part of the comprehensive amendments to the Zoning Ordinance, adopted in April of 2005. Previously, a rear yard was established by the location of the principle building: rear yard was everything from the back wall of the building to the rear lot line. The current definition of a rear yard is the minimum rear building setback line, which varies from one district to another. The effect of the change in definition of rear yard is that any proposed accessory building must be located within the minimum rear building setback, and not simply behind the principle building. This is problematic for properties that have rear yards that are greater than the minimum required yard, as it means that accessory structures cannot be built in what are sometimes large areas of the yard behind the house.

In order to address this unforeseen conflict between the accessory building regulations and the definition of rear yard, staff is recommending an amendment to the Zoning Ordinance, as follows:

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings or structures ~~must be located in the rear yard~~ shall be permitted on any portion of a lot that is behind the primary building and must conform to all provisions of this Ordinance. ~~Except on a corner lot,~~ Detached garages, recreational vehicle pads and typical residential accessory structures may be placed ~~in the side yard~~ on any other portion of the lot that is not closer to a street than the closest point of the primary building to the street at the Zoning Administrator's discretion.

Staff believes this change will maintain the long-time intent of the regulations for accessory structures, to the effect that they may be allowed behind the house under all circumstances, or to the side of the house provided there is good reason for such placement. Staff notes that Section 5.06.D.1. of the Zoning Ordinance currently restricts the placement of an accessory building

between the principle building and a street, and establishes that the minimum setback of an accessory building shall be five feet from a side or rear property line. Staff also notes that these regulations do not apply to land used for agricultural purposes.

Staff respectfully requests that the Hearing Officer recommend approval of this Zoning Text Amendment by the County Board.

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November 4, 2005

DeKalb County Planning & Zoning Department
110 East Sycamore St.
Sycamore, IL 60178

RE: Zoning Text Amendment
File No. DC-05-16

Dear Sirs:

This is to advise you that on November 3, 2005 at 1:00 p.m. I held a public hearing at the DeKalb County Administrative Building pursuant to a notice which was published in the Daily Chronicle on October 16, 2005. The DeKalb County Zoning Ordinance includes regulations for where sheds, detached garages and other "accessory buildings" may be located. Changes in the way the Zoning Ordinance defines yards has created a conflict with the way the Ordinance regulates accessory buildings. In order to resolve the conflict, DeKalb County desires to revise the regulations for accessory buildings. This necessitated the need for this public hearing.

The proposed Zoning Text Amendment would amend Section 5.06 of the DeKalb County Zoning Ordinance as follows:

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings or structures ~~must be located in the rear yard~~ shall be permitted on any portion of a lot that is behind the primary building and must conform to all provisions of this Ordinance. ~~Except on a corner lot,~~ Detached garages, recreational vehicle pads and typical residential accessory structures may be placed ~~in the side yard on any other portion of the lot that is closer to a street than the closest point of the primary building to the street~~ at the Zoning Administrator's discretion.

Mr. Paul Miller, the DeKalb County Planning Director, of 110 East Sycamore Street, Sycamore, Illinois, presented a staff report which was made part of the record. He pointed out that in the past an accessory structure could be built behind a principal building in all districts, including the A-1 district, except in the Ag District. He stated that in April, 2005 there was a comprehensive amendment to the Zoning Ordinance and that changed the definition of rear yards. The current language in Section 5.06 relied on the old definition and was no longer appropriate in view of the new definition of rear yards. Previously a rear yard was established by the location of the principal building, that is, rear yard was everything from the back wall of the building to the rear lot line. The current definition of a rear yard is the minimum rear setback line which varies from one district to another. The effect of the change in definition of rear yard is that any proposed accessory building must be located within the minimum rear building setback and not simply behind the principal building. The new amendment proposed herein appears to resolve that conflict.

No one appeared at the hearing to speak for or against the proposal other than Mr. Miller.

The undersigned hereby recommends that the proposed amendment be adopted.

Respectfully submitted,
Ronald G. Klein
Hearing Officer

RGK/dla

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-03

**AN ORDINANCE AMENDING CHAPTER 14
OF THE DEKALB COUNTY CODE
REGARDING ADOPTED PLUMBING CODE**

WHEREAS, Chapter 14 of the DeKalb County Code adopts building and construction codes containing regulations and standards for construction of buildings and structures in DeKalb County, and Section 14-191 of Chapter 14 adopts the 1998 Illinois State Plumbing Code; and

WHEREAS, the State of Illinois occasionally updates and amends the Plumbing Code, and mandates that local governmental units that issue building permits adopt and enforce the latest State-adopted Plumbing Code;

WHEREAS, in order to meet the State mandate with respect to the Plumbing Code, the County Code must be amended to adopt the latest version, and an amendment to Section 14-191 has been drafted by the Planning, Zoning and Building Department staff to comply with this requirement; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has considered the proposed amendment to Section 14-191 of the County Code, and has recommended that the amendment be adopted by the County Board; and

WHEREAS, the County Board of DeKalb County has determined that it is in the best interest of the citizens of the County to amend the DeKalb County Code to adopt the recommended amendment related to the Plumbing Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The conclusions set forth above and the recommendation of the Planning and Zoning Committee are hereby adopted as the conclusions of the DeKalb County Board.

SECTION TWO: Section 14-191 of the DeKalb County Code is hereby replaced in its entirety with the following:

Sec. 14-191. Adopted.

The most recent Illinois State Plumbing Code, Plumbing License Law and Plumbers Licensing Code currently in force as mandated by the Illinois Department of Public Health, and subsequent amendments and updates thereto, are hereby adopted and incorporated by reference as if set forth verbatim in this article.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 21ST DAY OF DECEMBER, 2005, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

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Planning/Zoning/Building Department

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
Planning Director

DATE: November 21, 2005

SUBJECT: Plumbing Code Update

Chapter 14 of the DeKalb County Code contains building regulations. The majority of the regulations related to the construction and alteration of structures are contained in code books that are adopted by reference in the County Code. Section 14-191 adopts the 1998 Illinois State Plumbing Code. Toby Petrie, Chief Building Inspector for the County, has indicated that the State of Illinois has since updated the Plumbing Code, and notes that the County is required by law to adopt the latest version of the regulations. Rather than amend the County Code every time a new Plumbing Code is adopted by the State, Mr. Petrie recommends that Section 14-191 be amended as follows:

Sec. 14-191. Adopted.

The most recent Illinois State Plumbing Code, Plumbing License Law and Plumbers Licensing Code currently in force as mandated by the Illinois Department of Public Health, and subsequent amendments and updates thereto, are hereby adopted and incorporated by reference as if set forth verbatim in this article.

This amendment will bring the County Code into compliance with State law, and save administrative time and effort in dealing with future changes to the mandated Plumbing Code. Staff requests the Planning and Zoning Committee forward an ordinance to the full County Board to approve the amendment.

cc: Toby Petrie, Chief Building Inspector

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