

**City of St. Charles, Illinois**

**Ordinance No. 2013-Z-21**

**Ordinance Amending Title 17 of the City of St. Charles  
Municipal Code Entitled "Zoning," Section 17.24.010.A  
"Existing Facilities," Section 17.24.030.A "Permit  
Required," Section 17.26.020.C.3, Section 17.26.090.A.3  
"Required Landscaping Materials," and Table 17.14-2  
"Business and Mixed Use Districts Bulk Requirements"  
all pertaining to Landscaping Requirements for  
Existing Parking Lots and Public Street Frontage**

**Adopted by the  
City Council  
of the  
City of St. Charles  
November 18, 2013**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, November 22, 2013**

*Nancy Garrison*  
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City Clerk



DATE OF PUBLICATION 11/20/13  
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11/18/13  
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**City of St. Charles, IL**  
**Ordinance No. 2013-Z-21**

**An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning” Section 17.24.010.A “Existing Facilities”, Section 17.24.030.A “Permit Required”, Section 17.26.020.C.3, Section 17.26.090.A.3 “Required Landscaping Materials”, and Table 17.14-2 “Business and Mixed Use Districts Bulk Requirements” all Pertaining to Landscaping Requirements for Existing Parking Lots and Public Street Frontage**

WHEREAS, on or about October 17, 2013, The City of St. Charles (“the Applicant”) filed an application to amend the Zoning Ordinance of the City of St. Charles regarding landscape standards in existing parking lots and along public street frontages; and,

WHEREAS, Notice of Public Hearing on said application was published on or about October 18, 2013, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about November 5, 2013 on said application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the application on or about November 5, 2013; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the application on or about November 11, 2013; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section 1.

2. That Chapter 17.14 “Business and Mixed Use Districts” Table 17.14-2 “Business and Mixed Use District Bulk Regulations” is hereby amended by adding the following footnote to “Front Yard”:

“If an existing parking facility is resurfaced or reconstructed, and the parking facility does not meet the current parking setback requirement, the required set back may be reduced by fifty percent (50%). If the existing parking facility is set back at a distance greater than fifty percent (50%) of the required parking facility set back of the Zoning District, the existing parking facility setback shall not be reduced.”

3. That Chapter 17.24 “Off-Street Parking, Loading & Access” Section 17.24.010.A “Existing Facilities” is hereby deleted in its entirety and replaced by the following:

“Existing off-street parking and loading facilities shall not be reduced below the requirements of this Chapter with respect to the number of spaces provided or the design of such facilities. If an existing facility provides less than the required number of parking or loading spaces, no parking or loading spaces shall be removed. If an existing facility provides less than the dimensions, landscaping, or other characteristics regulated by this Chapter, no nonconforming dimension, landscaping or other characteristic regulated by this Chapter shall be further decreased. Existing off-street parking and loading facilities which do not conform to the requirements of this Title, but were lawfully existing when the parking or loading facilities were established or substantially modified, may be allowed to continue as legal nonconforming uses, subject to the limitations of the provisions of Chapter 17.08, “Nonconformities”. Notwithstanding the previous sentence, if an existing parking lot is resurfaced or reconstructed, and the parking lot does not meet the current parking setback requirement, the required set back may be reduced by fifty percent (50%). If the existing parking lot is set back at a distance greater than fifty percent (50%) of the required parking lot setback of the Zoning District, the existing parking lot setback shall not be reduced further than the distance the existing parking lot is setback from the property line.”

4. That Chapter 17.24 “Off-Street Parking, Loading & Access” Section 17.24.030.A “Permit Required” is hereby deleted in its entirety and replaced by the following:

“A Building Permit is required prior to any construction, alteration or addition of any parking facility providing five (5) or more parking spaces, and for any loading facility. For purposes of this Section, construction, alteration or addition shall include all paving of previously unpaved surfaces, placement or replacement of pavement, binder and/or surface courses, construction of curbing, installation of new parking lot landscaping, and similar activities. Construction, alteration or addition shall not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, isolated pavement repairs, sealing, re-striping, or other maintenance activities.”

5. That Chapter 17.26 “Landscaping and Screening” Section 17.26.020.C.3 is hereby deleted in its entirety. The following new Subsection 17.26.020.D shall be added and the existing Subsection 17.26.020.D shall be renumbered to Subsection 17.26.020.E:

“  
D. Resurfacing/Reconstruction of Existing Parking Facilities

1. When an existing parking facility or Drive-Through Facility is resurfaced or reconstructed such that: the amount of pavement to be resurfaced exceeds 50% of the parking facility, the pavement is located within a required parking setback and/or within ten feet (10’) of the required parking setback line, the resurfaced/reconstructed parking facility shall at a minimum conform to the following:
  - a. The setback of the parking facility shall conform to the standards established in Section 17.24.010.A Existing Facilities.
  - b. The required setback area shall be landscaped in accordance with the standards established in Section 17.26.090.A Public Street Frontage Landscaping and Section 17.26.090.B Screening of Parking Lots, Motor Vehicle Displays, and Drive-Through Facilities.
  - c. No existing landscaping shall be eliminated, unless it exceeds the minimum requirements of this chapter.”

6. That Chapter 17.26 “Landscaping and Screening is Section 17.26.090.A “Public Street Frontage Landscaping” Subsection 3 “Required Landscape Materials” is hereby deleted in its entirety and replaced by the following:

“

- a. One shade, ornamental, or evergreen tree is required per every 50 lineal feet of public street frontage.
- b. No less than 75% of the public street frontage as measured horizontally along the lot lines abutting the street shall be planted with a combination of ornamental shrubs, evergreen shrubs, and perennials. This requirement may be reduced to 40% if a minimum of 50% of the street frontage is supplemented with decorative walls, ornamental fencing, or sculptured berming, or the design includes permanent quasi-public usable open space or a visual focal feature abutting the right-of-way, such as water features, public art, public seating areas, or a similar improvement of visual interest, then the requirement for trees and shrubs shall be reduced to 40%, provided the landscaping is designed to enhance the aesthetics of the wall, fence, berm, or feature provided.”

7. 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.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of November 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of November 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of November 2013.



*Raymond P. Rogina*  
Raymond P. Rogina, Mayor

Attest:

*Nancy Garrison*  
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent:

Abstain:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on November 18, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 2013-Z-21, entitled

"Ordinance Amending Title 17 of the City of St. Charles Municipal Code Entitled "Zoning," Section 17.24.010.A "Existing Facilities," Section 17.24.030.A "Permit Required," Section 17.26.020.C.3, Section 17.26.090.A.3 "Required Landscaping Materials," and Table 17.14-2 "Business and Mixed Use Districts Bulk Requirements" all pertaining to Landscaping Requirements for Existing Parking Lots and Public Street Frontage,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2013-Z-21, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 22, 2013, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 18<sup>th</sup> day of November, 2013.



*Nancy Garrison*  
Municipal Clerk