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City of St. Charles, Illinois

Ordinance No. 2016-Z-5

Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Section 17.14.020 "Permitted and Special Uses"; Ch. 17.20 "Use Standards", Section 17.20.030 "Standards for Specific Uses"; and Ch. 17.30 "Definitions", Section 17.30.020 "Use Definitions" (Alcohol or Tobacco Sales Establishment Use Category).

**Adopted by the
City Council
of the
City of St. Charles
April 18, 2016**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, April 23, 2016**



Nancy Garrison

City Clerk

(SEAL)

City of St. Charles, IL
Ordinance No. 2016-Z-5

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning”, Ch. 17.14 “Business and Mixed Use Districts”, Section
17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section
17.20.030 “Standards for Specific Uses”; and Ch. 17.30 “Definitions”, Section
17.30.020 “Use Definitions”
(Alcohol or Tobacco Sales Establishment Use Category)**

WHEREAS, on or about February 17, 2016, the City of St. Charles (“the Applicant”) filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles, to add an Alcohol or Tobacco Sales Establishment use category; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about February 19, 2016, 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 March 22, 2016 and April 5, 2016, 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 April 6, 2016; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about April 11, 2016; 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 One.

2. Chapter 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses” is hereby amended by adding “Alcohol or Tobacco Sales Establishment” as a use in Table 17.14-1 under Retail and Service Uses, as follows:

	BL	BC	BR	CBD-1	Downtown Overlay First Floor		CBD-2	Specific Use Standards
					CBD-1	CBD-2		
Alcohol or Tobacco Sales Establishment	P*	P	P	P	P	P*	P*	*Section 17.20.030

3. Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses” is hereby amended by adding the following as item C:

“Alcohol or Tobacco Sales Establishment:

1. In the BL Local Business District, this use is permitted only on properties with frontage on Main Street/Route 64, Randall Road, or Kirk Road.
2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.”

4. Ch. 17.30 “Definitions”, Section 17.30.020 “Use Definitions” is hereby amended by adding the following item:

“**Alcohol or Tobacco Sales Establishment.** An establishment where the primary purpose, based on floor area, is the sale of a) packaged alcoholic liquor directly to the consumer for consumption off the premises, or b) tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, titled “Tobacco”, directly to the consumer for consumption either on or off the premises. An establishment that has over 50% of the total retail floor area dedicated to the sale or consumption of these items shall be considered an Alcohol or Tobacco Sales Establishment. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G), Tavern/Bar, or Restaurant (G), as defined herein.”

5. Ch. 17.30 “Definitions”, Section 17.30.020 “Use Definitions” is hereby amended by adding the following underlined text to the definition of “Retail Sales (G)”:

“**Retail Sales (G).** An establishment where the primary purpose is the sale of physical goods, products or merchandise directly to the consumer. This use includes, but is not limited to, stores that sell groceries, hardware, clothing, auto parts, electronics, appliances, jewelry, antiques and shoes. This use also includes Carpet Stores, Electronics Superstores, and Furniture Stores. This use does not include Heavy Retail and Service, Home Improvement Center, Pawn Shops, Adult Uses, or Alcohol or Tobacco Sales Establishments, as defined herein.”

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.

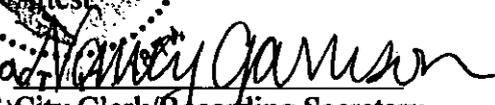
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of April, 2016.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of April, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of April, 2016.



Raymond P. Rogina, Mayor


Attest:

Nancy Garrison
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 9
Nays: 0
Absent: 1
Abstain: 0

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 April 18, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No. 2016-Z-5, entitled

"Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.14 "Business and Mixed Use Districts", Section 17.14.020 "Permitted and Special Uses"; Ch. 17.20 "Use Standards", Section 17.20.030 "Standards for Specific Uses"; and Ch. 17.30 "Definitions", Section 17.30.020 "Use Definitions" (Alcohol or Tobacco Sales Establishment Use Category)."

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

The pamphlet form of Ordinance No. 2016-Z-5, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 23, 2016, 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 18th day of April, 2016.



Nancy Garrison
Municipal Clerk