

## 17.04 – Administration

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### 17.04.010 – City Council

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the City Council shall have the following powers and duties:

1. To make final decisions on applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses, Planned Unit Developments, and designations of Landmarks and Historic Districts.
2. To make final decisions on applications for Certificates of Appropriateness, where the Historic Preservation Commission has recommended denial, in accordance with Chapter 17.32 of this Title.
3. In addition, the committees of the City Council, as may be established from time to time, shall have the following powers and duties:
  - a. To review Concept Plans.
  - b. To review and make recommendations on all Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses, Planned Unit Developments, and designations of Landmarks and Historic Districts.
  - c. To make recommendations on applications for Certificates of Appropriateness, where the Historic Preservation Commission has recommended denial.

### 17.04.020 – Plan Commission

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Plan Commission shall have the following powers and duties:

1. To hear and make recommendations on applications for Zoning Map Amendments, Text Amendments except for Amendments to Chapter 17.32 hereof (Historic Preservation), Special Uses and Amendments to Special Uses, and Planned Unit Developments.
2. To sit as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended.
3. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review except for property in the CBD1 and CBD2 Districts.
4. To review Concept Plans.
5. In addition, the Plan Commission Chair may attend Pre-Application Meetings.

### 17.04.030 – Board of Zoning Appeals

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Board of Zoning Appeals shall have the following powers and duties:

1. To post or publish notices of public hearings, hold public hearings, review, and make final decisions regarding applications for Variations.
2. To review and make final decisions regarding Appeals of administrative decisions regarding building permits, occupancy permits, sign permits, and Zoning Interpretation.

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### 17.04.040 – Historic Preservation Commission

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Historic Preservation Commission shall have the following powers and duties:

1. To hold public hearings and to make recommendations to the City Council concerning the amendment of the provisions of Chapter 17.32 hereof.
2. To hold public hearings and to make recommendations to the City Council concerning the addition or deletion of property from a Historic District and the designation, or removal of designation, of property as a Landmark, according to the provisions of Chapter 17.32 hereof.
3. To make recommendations to the Plan Commission regarding applications for Concept Plan review, Map Amendment, Special Use, and Planned Unit Development for property within a historic district or which is a designated landmark. The Historic Preservation Commission's recommendation shall address the potential impact of the application on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
4. To make recommendations to the Board of Zoning Appeals on applications for Variations for property within a historic district or which is a designated landmark. The Historic Preservation Commission's recommendation shall address the potential impact of the variation on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
5. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review for property in the CBD1 and CBD2 Districts.
6. To conduct Residential Architectural Consultations.
7. To conduct an ongoing survey to identify historically and architecturally significant sites and structures within St. Charles.
8. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain St. Charles sites or structures having special historic, community, architectural or archaeological value as landmarks.
9. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain areas within St. Charles as having special historic, community, architectural or archeological value as historic districts.
10. To maintain a register of all property, sites and structures designated as historic districts and landmarks under this ordinance, including all information required for such designation.
11. To advise and assist owners of landmarks and sites or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places.
12. To nominate landmarks and historic districts to the National Register of Historic Places.
13. To inform and educate the citizens of St. Charles concerning the historic and architectural heritage of the City.
14. To review building permit applications for new construction within historic districts and for additions to, alterations, removal or demolition of designated landmarks and/or structures within historic districts, and to issue or recommend denial of certificates of appropriateness for such actions.
15. To consider applications for certificates of economic hardship, and provide recommendations thereon to the City Council.
16. To develop criteria for the alteration, construction or removal of landmarks and sites and structures within historic districts.
17. To testify before appropriate boards and commissions on any matters affecting historically or architecturally significant sites and structures.
18. To develop a preservation component for the Comprehensive Plan for the City of St. Charles and to recommend it to the Planning Commission.
19. To recommend certification of designated historic sites and districts to the Illinois Historic Preservation Agency.
20. To advise and assist owners of significant properties within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for state property tax or federal tax credit programs.
21. To undertake any other action or activity necessary and appropriate to the implementation of its powers and duties, or to implementation of the purpose of this ordinance.

### 17.04.050 – City Administrator

The City Administrator shall have the authority to re-assign the powers and duties of the various administrative officials listed herein.

### 17.04.060 – Director of Community Development

The Director of Community Development and his/her designee shall have the following powers and duties:

1. To review requests for building and site development permits to determine compliance with Design Review standards. (Ord. 2008-Z-32 § 5.)
2. To conduct Residential Architectural Consultations.
3. To receive, review and forward to the Plan Commission applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses and Planned Unit Developments, and to maintain all records thereof.
4. To schedule and conduct Pre-Application Meetings.
5. To review and make decisions on Zoning Interpretations and to maintain all records thereof.
6. To coordinate the review of all applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses and Planned Unit Developments by the various City departments.

(1981-Z-6 : § 1(part))

### 17.04.070 – Building and Code Enforcement Division Manager

The Building and Code Enforcement Division Manager and his/her designee shall have the following powers and duties:

1. To receive and review requests for and issue building permits, occupancy permits and sign permits, and to maintain all records thereof.
2. To receive and forward to the Board of Zoning Appeals applications for Variations and Appeals, and to maintain all records thereof.
3. To conduct inspections of buildings, structures and sites to determine compliance with the terms of this Title and other applicable ordinances, and to maintain all records thereof.
4. To enforce the provisions of this Title and to issue notices of violations, and to maintain all records thereof.

(2008-Z-32 : § 6; 1981-Z-6 : § 1 (part))

### 17.04.080 – Director of Public Works

The Director of Public Works and his/her designee shall have the following powers and duties:

1. To review requests for building permits and occupancy permits with respect to site improvements including but not limited to drainage, utilities, access and public and private streets and roads.
2. To conduct inspections of sites to determine compliance with the terms of this Title and other applicable ordinances.
3. To review applications for Special Uses and Amendments to Special Uses and Planned Unit Developments, with respect to site improvements including but not limited to drainage, utilities, access and public and private streets and roads.

(2008-Z-32 : § 7; 1981-Z-6 : § 1 (part))

## 17.04.100 – General procedures for applications

### A. Who is Authorized to Apply

An application for a Variation or Appeal may be filed by the owner or lessee of the subject property, or by an agent or contract purchaser with specific written authorization from the owner. An application for a Map Amendment, Special Use or Planned Unit Development may be filed by the owner of the subject property, by an agent, contract purchaser or lessee with specific written authorization from the owner, or by the City. If the City files the application, it need not have authorization from the property owner. An application for a Text Amendment or Zoning Interpretation may be filed by any property owner, resident, or business owner within the City, or by the City.

### B. Filing of Applications

Applications shall be submitted on forms provided by the City and shall be filed in such number as the instructions provide. Applications shall include the information and plans specified in Appendix A (Submittal Items). Additional information may be required by the Director of Community Development, Building and Code Enforcement Division Manager, Historic Preservation Commission, Plan Commission, Board of Zoning Appeals, or City Council to determine whether the application will conform to the applicable requirements. (Ord. 2008-Z-32 § 6.)

### C. Completeness

The Director of Community Development or Building and Code Enforcement Division Manager shall determine whether the application is complete and the required fees have been paid in accordance with Appendix B, and shall notify the applicant of any deficiencies. The City is under no obligation to notice for a public hearing, conduct a full application review, or to place the application on a public meeting agenda until all required submittal items, including filing fees, have been received. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies. (Ord. 2008-Z-32 § 6.)

### D. Withdrawal of Application

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City official, City Council, Commission or Board. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the City has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.

### E. Successive Applications

Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless there is substantial new evidence available, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration. The Director of Community Development shall make a determination as to whether the subsequent application is making essentially the same request. If the Director of Community Development finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

### F. Dismissal of Dormant Applications

The Director of Community Development may dismiss any application submitted under this Title if: the application is incomplete and the applicant has been notified of deficiencies and has not responded or provided a timeline for completing the application within six months from the time of notification, or the applicant has not responded in writing to a request for information or documentation within six months from the date of the request, including a request for a deposit for the reimbursement of costs and fees. The Director of Community Development shall notify the applicant in writing of the intent to dismiss the application at a date one month from the date of the written notice.

(2011-Z-1 : § 2)

## 17.04.120 – Pre-application meeting

The Pre-Application Meeting provides an opportunity for applicants to informally discuss the concept of the proposed development, and to obtain feedback regarding proposed zoning, possible Variations from zoning and subdivision requirements, utilities and drainage, traffic and parking, building and fire prevention code requirements, building aesthetics, landscaping, review procedures, and the information and studies that will be needed to evaluate the project. The Pre-Application Meeting does not require formal application, fee or filing of an application.

The purpose of the Pre-Application Meeting is to help applicants to determine:

1. Whether the proposed development appears in general to be in compliance with the provisions of this Title and other applicable ordinances.
2. Whether any Zoning Amendment, Variation, Special Use or other application may be required in connection with the proposed development.
3. Whether the proposed development will be in conformity with the Comprehensive Plan and other adopted goals and policies of the City for development.

A Pre-Application meeting is required prior to submittal of an application for a Planned Unit Development, and is optional but encouraged for other types of applications. See Table 17.04-1.

## 17.04.130 – Neighborhood meeting

### A. Purpose:

The purpose of the Neighborhood Meeting is to provide a forum for preliminary discussions between developers and nearby property owners who may be affected by a proposed development or change in use.

### B. Procedure:

Applicants are encouraged, but not required, to host a Neighborhood Meeting prior to submittal of an application for a Map Amendment, Special Use, or PUD that involves an increase in density or intensity of use, or a change of use, compared to that which is permitted by the existing zoning. The applicant is encouraged to invite all adjacent property owners that will be required to be notified for the public hearing, and to give them an opportunity to attend a meeting at a reasonable time and place. At the meeting, the applicant should provide information regarding the proposed development or change in use and invite questions and comments from those in attendance. If an applicant hosts a Neighborhood Meeting, he shall provide a written summary to the Director of Community Development indicating how many persons attended the meeting and a summary of the discussion.

## 17.04.140 – Concept plan review

### A. Purpose:

The purpose of the Concept Plan review is to enable the applicant to obtain informal input from the Historic Preservation Commission (where applicable), Plan Commission and Council Committee prior to spending considerable time and expense in the preparation of detailed plans and architectural drawings. It also serves as a forum for owners of neighboring property to ask questions and express their concerns and views regarding the potential development. A Concept Plan Review shall be required prior to submittal of applications for a new Planned Unit Development and certain applications for an amendment to an existing Planned Unit Development or a previously approved PUD Preliminary Plan, as specified in section 17.04.410, PUD Review Process. A Concept Plan Review is optional for all other applications. See Table 17.04-1. (Ord. 2009-Z-9 § 2.)

### B. Concept Plan Procedure:

#### 1. Application for Concept Plan Review

An application for a Concept Plan review shall be filed with the Director of Community Development and shall include the information, plans and data as specified in Appendix A (Submittal Items). The Director of Community Development shall forward the application to the Plan Commission and the City Council Planning and Development Committee, or other Council Committee, for review. If the property is within a Historic District or is a designated Landmark, or is within 250 feet of a Historic District or a designated Landmark, the Director shall forward the application to the Historic Preservation Commission prior to the review by the Plan Commission.

#### 2. Concept Plan Notice

Not less than 10 days prior to the Plan Commission meeting, the Director of Community Development shall mail a notice by first class mail to the owners of property within 250 feet of the proposed project site, excluding public rights of way. This notice shall include the date, time and place of the Plan Commission meeting where the Concept Plan is to be reviewed, and shall include a general description of the proposed development. The information shall also be mailed to the park and school districts in which the property is located, and to other persons or entities that may have jurisdiction over the project that the City desires to notify.

#### 3. Review of Concept Plan

For properties within a Historic District and for designated Landmarks, and for properties within 250 feet of a Historic District or designated Landmark, the Historic Preservation Commission shall review the Concept Plan and may comment regarding its potential impact on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected. The Plan Commission and the City Council Planning and Development Committee, or other City Council Committee, shall review the Concept Plan and may comment regarding its compatibility with the official Comprehensive Plan, this Title and other applicable ordinances. Affirmative comments by the Plan Commission, Historic Preservation Commission or City Council Committee do not necessarily indicate that a proposal will be approved during formal review, and do not obligate the City Council or any of its appointed officials, boards or commissions to approve later applications or plans. Negative comments do not prohibit the petitioner from submitting applications for formal public hearing and/or review by the Plan Commission and City Council. The applicant shall not be entitled to base any economic decisions regarding acquisition or development of the property on affirmative or negative comments made during review of a Concept Plan by any City elected or appointed official.

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### 17.04.150 – Public hearings

The procedure for all public hearings conducted under this Title shall conform to the following provisions and any additional procedures adopted by the body conducting the public hearing:

- A. All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.
- B. All testimony and evidence shall be given under oath, or by affirmation, to the body conducting the hearing, and shall be entered into the record. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. Any person may ask relevant questions of other witnesses, provided that the questions and responses are orderly and pertinent to the issues at hand, as determined by the Chair.
- C. The Chair, with consent of a two-thirds (2/3) majority of the body conducting the hearing, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.
- D. The body conducting the hearing is not bound by strict rules of evidence, but the Chair may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or evidence.
- E. Any public hearing for a Variation, Zoning Map Amendment, Special Use or Planned Unit Development application concerning property that is within a historic district or is a designated Landmark shall not be concluded until the Historic Preservation Commission provides its recommendation in accordance with Section 17.04.040.
- F. A public hearing may be concluded (see Paragraph 1 below) or continued (see Paragraph 2 below) by approval of a motion of the body conducting the hearing. If the body conducting the hearing determines that additional testimony or written evidence is expected to be submitted at a future date by the applicant or others with standing in relation to the application, the public hearing shall be continued.
  1. Concluded Hearing:

Once a public hearing is concluded, the body conducting the hearing shall not accept any additional testimony regarding the petition except:

    - a. A staff report analyzing the application based on the evidence presented at the public hearing, and adopted City plans, policies, codes and ordinances.
    - b. Any person presenting testimony or information in response to a specific question from the body that conducted the hearing.
    - c. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.
  2. Continuance:

The body conducting a public hearing may continue the hearing to a future date, time and place. When a hearing is continued, no new notice shall be required, provided that the date, time and place of the continued hearing is publicly announced at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, all notices must be given that are required for a new public hearing.

### 17.04.160 – Public notices

- A. Published Notices

For all applications that require a public hearing, the City shall cause a notice to be published as required by law. The notice shall include the date, time, place and purpose of the public hearing, the name of the applicant and the address or common location of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date.
- B. Mailed Notification
  1. For public hearings for Zoning Map Amendments, Variations, Special Uses and Amendments to Special Uses the applicant shall submit with the application a written certified list containing the names and mailing addresses of all owners of all property within two-hundred and fifty (250) feet of the property for which the application is requested, as they appear on the authentic tax records of the county in which the property is located. The two-hundred and fifty (250) feet shall be measured in all directions from the perimeter of the subject property, provided that the number of feet occupied by public roads, streets, alleys and other public ways, as well as railroad rights of way, shall be excluded in computing the two-hundred and fifty (250) foot distance.
  2. The Director of Community Development shall send by first class certified mail, not more than thirty (30) days nor less than fifteen (15) days before the hearing, written notice to the owners appearing on the list furnished by the applicant. The notice shall include the date, time, and place of the public hearing, the name of the applicant and the address or common location of the subject property, and a brief statement of the nature of the applications to be considered at the public hearing.
- C. Posted Sign Notices

For public hearings for Zoning Map Amendments, Variations, Special Uses and Amendments to Special Uses, the Director of Community Development shall direct the erection of at least one (1) sign upon the lot constituting the subject property. Where possible, signs shall be located in a conspicuous place nearest any right-of-way, street, roadway or public thoroughfare abutting the property. Signs shall be erected not less than ten (10) days before the date set for the public hearing.

Such sign or signs shall indicate the phone number of the Community Development Department where additional information can be obtained. The erection of such signs and/or their continued maintenance shall not be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed Map Amendment or Special Use, or to any other official action concerning any such amendment or Special Use.  
(Ord. 2008-Z-32 § 8.)
- D. Public Examination and Copying of Applications and Other Documents

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related public documents. The Building and Code Enforcement Division Manager and Director of Community Development shall make copies of such materials available for a fee as specified by the City.

(2008-Z-32 : § 6)

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### 17.04.170 – Fees

#### A. Payment of Fees Required

Any person, firm, corporation or agent who files an application pursuant to this Title shall pay all fees, costs, and expenses for review of the application, plans and documents reviewed by or on behalf of the City, and for meetings and site visits necessary to evaluate the application, in accordance with the schedule established by the City and included in Appendix B (Fee Schedule). Payment generally will include an application fee and reimbursement of City costs as well as the cost of experts retained by the City. Fees and reimbursements shall be paid regardless of whether the application is approved, denied or withdrawn.

(Ord. 2002-Z-17 § 1; Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-6 § 1 (part).)

In the case of Appeals, Variations, and Design Review, reimbursement for all costs incurred in connection with the review of the application shall be paid prior to issuance of any permit in connection with the requested action.

In the case of Text and Map Amendments, Special Uses, Amendments to Special Uses, Planned Unit Developments, amendments to Planned Unit Developments, and Annexations, reimbursement of all costs incurred in connection with the review of the application shall be paid prior to final action by the City Council, such as passage of an ordinance approving the application or a resolution disapproving it.

Notwithstanding anything to the contrary in this Section 17.04.170, any unit of federal, state, or local government that files an application pursuant to this Title shall only be responsible for reimbursing the City for outside consultant services and miscellaneous expenses, as described in Paragraphs 17.04.140 E and F, and shall not be responsible for filing fees or reimbursement for the cost of City staff review time.

#### B. Filing Fees

Filing fees are intended to cover the cost of providing information to the public about an application, preparing notices, distributing plans to City departments and other agencies, preparing agenda packets and minutes for the Board of Zoning Appeals, Plan Commission, Historic Preservation Commission, City Council, and other applicable review bodies, and other administrative tasks.

The petitioner/applicant shall pay the full filing fee for each category of petition or plan submitted as set forth in Appendix B (Fee Schedule). However, a single category of application may include multiple requests, and a separate fee shall not be required for each request. The fees set forth in Appendix B shall be in addition to those payable under any other provision of the St. Charles Municipal Code, as amended. Filing fees are payable upon filing of the application or petition.

(Ord. 2002-Z-17 § 1; Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-12 § 1; Ord. 1981-Z-6 § 1 (part).)

#### C. Reimbursement of Costs and Fees; Deposit Required

In addition to the filing fees provided for in this Section and Appendix B, each petitioner/ applicant shall enter into a reimbursement of fees agreement with the City. The reimbursement of fees agreement shall encompass all applications or petitions pending with the City. The reimbursement of fees agreement shall be in the form specified in Appendix B.

At the time the Petitioner/Applicant submits an application to the City, he/she shall deposit the amounts specified in Appendix B with the City to collateralize his/her obligation for reimbursement of costs for City staff review, outside consultant services, and miscellaneous expenses, as described herein.

A petitioner/applicant who withdraws his/her petition or application may apply in writing to the Director of Community Development for a refund of his/her initial deposit. The City Administrator may, in his/her discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

(Ord. 2008-Z-32 § 9.)

#### D. Reimbursement for City Staff Review of Applications

The applicant shall reimburse the City for the cost per productive work hour for the time spent by each City staff member to participate in meetings, visit the site, review plans, prepare reports, conduct inspections and participate in any other activity pertaining to review of the application.

#### E. Reimbursement for Outside Consultant Services

The applicant shall reimburse the City for the direct cost of the following:

- a. Fees for landscape architect's review and consultation in connection with review of the petition or application, and inspection of construction, including meetings and associated tasks.
- b. Fees for traffic study and analysis performed by a member of the Institute of Transportation Engineers and approved by the City Engineer, when such traffic study and analysis is requested by the City.
- c. Fees for City Attorney's review and negotiations in connection with the petition or application.
- d. Fees for professional engineering consultant's review of plans and documents, including meetings and associated tasks.
- e. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
- f. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.

#### F. Reimbursement for Miscellaneous Expenses

The applicant shall reimburse the City for miscellaneous costs incurred relative to any application or petition including, but not limited to:

- a. Publication of legal notices.
- b. Court reporter and transcript fees.
- c. Mailing (postage) costs.
- d. Recording fees.

#### G. Reimbursement for Engineering Inspection of Construction

The applicant shall reimburse the City for the cost per productive work hour of the City Engineer and each Public Works Department staff member involved in inspections, plan review, meetings and associated tasks relative to inspection of construction.

(2002-Z-17 : § 1)

### 17.04.180 – Enforcement

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Title, shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than seven hundred fifty dollars (\$750) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(1993-Z-20 : § 1 (part); 1981-Z-6 : § 1 (part))

# 17.04 Administration

## 17.04.190 – Zoning procedures table

Table 17.04-1, "Zoning Procedures and Administration" summarizes the procedures described in this Chapter and the duties of the administrative bodies and officials.

TABLE 17.04-1 Zoning Procedures and Administration											
Application Type ►	Building and Sign Permits (17.04.200, 220)	Administrative Design Review (Not Historic, not a PUD) (17.04.230)	Certificate of Appropriateness (Historic District) (17.04.040, 17.32.080)	Text Amendment (17.04.320)	Zoning Map Amendment (17.04.320)	Special Use or Amendment to Special Use (not a PUD) (17.04.330)	Special Use for PUD (17.04.400-430)	PUD Preliminary Plan (17.04.410.F)	Variation (17.04.310)	Appeal (17.04.300)	Zoning Interpre (17.04.:
Procedure or Step ▼											
	Optional	Optional	Optional	N/A	Recommended	Recommended	Required	Recommended	Optional	N/A	N/A
Pre-Application Meeting	City Staff	City Staff	City Staff	N/A	City Staff	City Staff	City Staff	City Staff	City Staff	N/A	N/A
	N/A	N/A	N/A	N/A	Recommended	Recommended	Recommended	Optional	N/A	N/A	N/A
Neighborhood Meeting	N/A	N/A	N/A	N/A	Developer and Neighbors	Developer and Neighbors	Developer and Neighbors	Developer and Neighbors	N/A	N/A	N/A
	N/A	N/A	N/A	Optional	Optional	Optional	Required	Optional	N/A	N/A	N/A
Concept Plan Review	N/A	N/A	N/A	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	N/A	N/A	N/A
	N/A	N/A	N/A	Required	Required	Required	Required	N/A	Required	Required	N/A
Public Hearing											
(Section 17.04.090)	N/A	N/A	N/A	Plan Commission	Plan Commission	Plan Commission	Plan Commission	N/A	Board of Zoning Appeals	Board of Zoning Appeals	N/A
	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required
Review or Recommendation	Building and Code Enforcement Division Manager	Director of Community Development	Historic Preservation Commission	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Board of Zoning Appeals	Board of Zoning Appeals	Director of Community Development
Decision	Building and Code Enforcement Division Manager	Director of Community Development	Historic Preservation Commission	City Council	City Council	City Council	City Council	City Council	Board of Zoning Appeals	Board of Zoning Appeals	Director of Community Development
Appeal	Board of Zoning Appeals	Plan Commission (Historic Preservation Commission if Historic Property)	City Council	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Board of Zoning Appeals

(2008-Z-32 : § 10; 2008-Z-32 : § 6)

## 17.04.200 – Building permits

### A. Compliance With Zoning Requirements

The Building and Code Enforcement Division Manager shall not issue a building permit for construction, alteration, expansion or repair of a building, structure, sign, parking lot or other improvement unless the provisions of this Title are adhered to and all other approvals required by this Title are obtained.

### B. Final Plat or Easements Required Prior to Building Permit

If the Building and Code Enforcement Division Manager or the Director of Public Works determines that a final plat and/or easements are required to accommodate water, sanitary sewer, electric or other utilities, stormwater management facilities, streets, and/or access for emergency and maintenance vehicles, the Building and Code Enforcement Division Manager shall not issue a building permit until the required final plat has been recorded or the required easements have been granted in a form and substance acceptable to the City.

(2008-Z-32 : § 6)

## 17.04 â Administration

### 17.04.210 – Certificate of occupancy

#### A. Certificate of Occupancy

The Building and Code Enforcement Division Manager shall not issue a Certificate of Occupancy unless the property for which it is requested conforms to the applicable provisions of this Title.

(Ord. 2008-Z-32 § 6.)

#### B. Continuation of Occupancy of Existing Buildings

Nothing in this Section shall prevent the continuance of an occupancy or use lawfully existing on the effective date of this Title, subject to the provisions of Chapter 17.08, Nonconformities.

(2008-Z-32 : § 11; 1981-Z-6 : § 1 (part))

### 17.04.220 – Sign permits

#### A. Permit Required

No sign, except those identified as exempt in Chapter 17.28, Signs, shall be erected, constructed, altered or relocated without first obtaining a permit. The Building and Code Enforcement Division Manager shall only issue a permit to erect, construct, alter or relocate a sign if he finds that the proposed sign complies with the requirements of this Title and all other ordinances of the City. The Building and Code Enforcement Division Manager may revoke any sign permit where there has been a violation of the provisions of this Title or a misrepresentation of fact on the sign permit application.

#### B. Inspection

The Building and Code Enforcement Division Manager shall inspect the erection, construction, alteration and relocation of signs regulated by this Title for which a permit has been issued, to determine conformance with the approved building permit.

The Building and Code Enforcement Division Manager shall, within 12 months of the effective date of this Title, inventory all existing permanent signs and compile a record of all signs subject to the amortization provisions of Section 17.28.120. The Building and Code Enforcement Division Manager also shall periodically inspect existing signs to determine whether they are unsafe, in need of repair, or otherwise in violation of the provisions of this Title.

(2008-Z-32 : § 6)

### 17.04.230 – Design review

#### A. Purpose

Design Review is an administrative, staff-level review process, the purpose of which is to ensure that development and redevelopment occur in a manner that promotes the general welfare of the City, is harmonious with surrounding properties, and is consistent with the City's ordinances and Comprehensive Plan. Design Review requires conformance with standards and guidelines governing physical layout and site design as well as architectural design, to achieve the following purposes:

1. To ensure the compatibility of buildings, structures, and site improvements with surrounding property.
2. To protect and enhance the character and quality of the built environment in St. Charles.
3. To ensure the efficient use of land and the adequacy of public and private services and utilities.
4. To minimize traffic and safety hazards and to ensure convenient and safe vehicular and pedestrian circulation on the site and in relation to adjacent property and public streets.
5. To protect natural, environmental, historic and archaeological resources on the site and surrounding areas.
6. To create opportunities for people to meet, interact, and enjoy their community.

#### B. When Required

Administrative Design Review approval shall be required prior to issuance of Building Permits and Site Development Permits for new buildings, building additions, exterior alterations, signs, and site improvements such as paving, parking lots, lighting and grading, except in the following instances:

1. Design Review is not required for one and two family dwellings on individual lots in any RS Suburban Residential or RE Estate Residential zoning district.
2. Design Review is not required when the proposed construction includes no improvements, or only de minimus improvements, that are regulated by the Design Review Standards and Guidelines (Chapter 17.06).
3. Planned Unit Developments: Conformance with the Design Review Standards and Guidelines (Chapter 17.06) is required as part of the review process for Planned Unit Developments. Therefore, administrative Design Review approval is not required prior to issuance of a building permit for properties within a Planned Unit Development.
4. Historic Properties: Administrative Design Review with respect to building design is not required where the Historic Preservation Commission has the authority to issue or deny a Certificate of Appropriateness (COA). In conducting its review for a COA, the Historic Preservation Commission shall apply any applicable Design Review standards of Chapter 17.06, according to the corresponding zoning district in which the property is located, in addition to the applicable standards of Chapter 17.32, Historic Preservation. If the Historic Preservation Commission determines that there is a conflict between the standards for Design Review and the standards for issuance of a COA, the provisions relating to issuance of a COA shall govern. All other aspects of administrative Design Review, such as review of a Landscape Plan, shall be required.

#### C. Application and Approval

No separate application is required for an administrative Design Review. The Building and Code Enforcement Division Manager shall forward applications for Building Permits and Site Development Permits requiring administrative Design Review to the Director of Community Development for review. The Director of Community Development shall grant Design Review approval if the permit application complies with the Standards and Guidelines of Chapter 17.06, "Design Review Standards and Guidelines". If the Director of Community Development determines that it does not conform, he/she shall inform the applicant in writing as to which standards were not met, and may offer recommendations as to how to gain compliance.

For projects requiring administrative Design Review, permit applicants are encouraged to schedule a Pre-Application meeting or an informal consultation with the Director of Community Development or his/her designee prior to filing a permit application.

#### D. Appeal of Administrative Decision

An Appeal may be taken from the decision of the Director of Community Development regarding Design Review, as provided in Section 17.04.300.

(2015-Z-25 : § 3)

### 17.04.250 – Residential architectural consultation

17.04.250 Residential Architectural Consultation

Deleted in its entirety

**Ordinances:** Ordinance No. 2015-Z-25

(2008-Z-32 : § 13)

## 17.04 â Administration

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### 17.04.260 – Zoning interpretations

#### A. Purpose

The interpretation authority established by this Section is intended to recognize that the provisions of this Title, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of the Title in light of the general and specific purposes for which those provisions have been enacted. The interpretation authority established herein is not intended to add or change the essential content of the Title, but is intended to only allow authoritative application of that content to specific cases.

#### B. Application

Any person having an interest in a property relating to a provision of this Title for which an interpretation is sought may file a request with the Director of Community Development. In addition, the City Council, Building and Code Enforcement Division Manager, or other City official may request that the Director of Community Development render an interpretation. Appeals of interpretations by the Director of Community Development shall be filed with the Board of Zoning Appeals, and the decision of the Board of Zoning Appeals shall be final. (Ord. 2008-Z-32 § 6.)

#### C. Procedure

A written request for an interpretation shall be submitted to the Director of Community Development, which shall include a description of the specific situation and the section of this Title for which an interpretation is sought. The Director of Community Development shall render the interpretation within 15 days of receipt of all information necessary to render a decision.

### 17.04.300 – Appeals

#### A. Purpose

The Appeal process provides an opportunity for persons affected by administrative decisions by the Director of Community Development and the Building and Code Enforcement Division Manager to appeal those decisions.

#### B. Application

An Appeal may be taken to the appropriate review body by any person aggrieved by a written decision, order or determination under this Title by the Director of Community Development or the Building and Code Enforcement Division Manager, if initiated within forty-five (45) days of the action complained of. The applicant shall file a written application with the Director of Community Development or the Building and Code Enforcement Division Manager. The Director of Community Development and the Building and Code Enforcement Division Manager shall transmit to the review body copies of all documents in their possession relating to the administrative decision being appealed. The Appeal shall be referred to one of the following review bodies, based on the type of decision being appealed:

- o Appeal of administrative Design Review Decisions (All Districts except CBD1 and CBD2): Plan Commission
- o Appeal of Design Review Decisions (CBD1 and CBD2 Districts only): Historic Preservation Commission
- o All other decisions under this Title: Board of Zoning Appeals

#### C. Procedure

1. The review body shall establish a time and place for hearing the Appeal and give written notice thereof to all necessary parties not less than 15 days prior to the hearing. The hearing shall be scheduled at a reasonable time, but not later than the review body's second regular meeting following receipt of the Appeal, unless otherwise agreed by the applicant. Any party may appear in person, or by agent or attorney, at the hearing. The review body shall thereafter reach its decision not later than its next regularly scheduled meeting, or within 45 days after the hearing, whichever is greater.
2. Filing of an Appeal shall stay all proceedings in furtherance of the decision appealed unless, in the reasonable opinion of the Director of Community Development or the Building and Code Enforcement Division Manager, a stay would significantly impair protection of the public health, safety and welfare. In such case the proceedings shall not be stayed other than by a court order.
3. The review body may affirm or reverse, in whole or in part, or may modify, the order, requirement, decision or determination and to that end, has all the powers of the officer from whom the Appeal is taken. Its decision shall be based on the documents pertaining to the administrative decision transmitted by the Director of Community Development and Building and Code Enforcement Division Manager, as well as any additional testimony presented at the hearing.

(2008-Z-32 : § 6; 1981-Z-6 : § 1 (part))



### 17.04.310 – Variations

#### A. Purpose

The Variation process provides a method to grant relief from conformance with the strict letter of the provisions of this Title, where conformance would cause a particular hardship or practical difficulty to a specific property and where the relief granted is consistent with the purposes and intent of this Title.

#### B. Hearing and Decision

The Board of Zoning Appeals shall hold a public hearing in accordance with Section 17.04.150 (Public Hearing), at which evidence in support of the Variation must be presented by, or on behalf of, the applicant, and any evidence presented by interested parties shall be heard. Notification of the public hearing shall be provided in accordance with Section 17.04.160. The public hearing shall be held not more than 90 days after filing of an application, and a decision shall be made not more than 30 days after the conclusion of testimony at the public hearing or the Board's next regular meeting after the conclusion of testimony, whichever is later.

#### C. Approval Criteria

The Board of Zoning Appeals may approve a Variation only when it makes written findings with respect to each requested Variation, based upon the evidence presented at the public hearing, that strict compliance with the regulations and standards of this Title would create practical difficulties or particular hardships for the subject property, and the requested Variation is consistent with the stated purposes and intent of this Title.

In making its determination of whether practical difficulties or particular hardships exist, the Board of Zoning Appeals must take into consideration the extent to which evidence has been submitted substantiating the following:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
3. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
4. The alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property;
5. The Variation, if granted, will not alter the essential character of the neighborhood.
6. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
7. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

#### D. Authorized Variations

The Board of Zoning Appeals may grant Variations from the regulations of this Title only in the following instances and in no others:

1. To permit a yard, setback or landscape buffer of a lesser dimension than required by the applicable regulations.
2. To allow a fence in excess of the height limitations required by the applicable regulations.
3. To permit the use of a lot for a use prohibited solely because of insufficient area or width, but the area or width of the lot shall in no event be varied to an extent that reduces the requirement to less than ninety percent (90%) of the required lot area or width.
4. To increase the permitted maximum building or lot coverage, but the maximum building or lot coverage shall in no event be varied to an extent that increases the maximum by more than twenty percent (20%).

#### E. Conditions

The Board of Zoning Appeals may require such conditions and restrictions concerning use, construction, character, location, landscaping, screening and other matters in granting a Variation, upon a finding that such conditions and restrictions are necessary to prevent or minimize adverse effects upon other property and improvements, that would reasonably be expected to occur if the Variation were granted without such conditions and restrictions. All such conditions and restrictions shall be expressly set forth in the written record of the Board's approval of the Variation. Failure to comply with such conditions and restrictions as may have been imposed shall constitute grounds for revocation of the Variation.

#### F. Limitations

1. A Variation shall automatically lapse twelve (12) months after the date it is granted, unless the construction (pursuant to a building permit) authorized by the Variation commences within that twelve (12) month period. However, the Board of Zoning Appeals may extend this period, upon written request from the applicant showing good cause.
2. A Variation is granted to a specific property and authorizes the conduct of the Variation only on the property identified in the application and is not transferable to other properties.
3. The approval of a Variation authorizes the relief from strict conformance with specific provisions of this Title, but does not authorize the establishment or extension of any use, development, construction, reconstruction, alteration or moving of any building or structure prior to obtaining all other required approvals, including building permits and occupancy permits.

#### G. Variation Less than Requested

When consistent with the notice of Public Hearing, the Board of Zoning Appeals may grant a Variation less than, or different from, that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.

(1985-Z-11 : § 1 (part); 1981-Z-6 : § 1 (part))

### 17.04.320 – Zoning text and map amendments

#### A. Amendments Authorized

The regulations imposed and the zoning districts and overlay districts created by this Title may be amended from time to time by ordinance adopted by the City Council, pursuant to the procedures set forth in this Section.

#### B. Procedure

No application for a Zoning Text Amendment or Zoning Map Amendment shall be acted upon by the City Council until after a public hearing has been held and the findings of the hearing body have been reported to the City Council. The Plan Commission shall hold the required public hearing and make findings and recommendations for all Zoning Text Amendments and Map Amendments including changes to District and Overlay boundaries, except that in the case of Zoning Text Amendments to Chapter 17.32, Historic Preservation, and changes to the boundaries of the Historic District Overlay, the Historic Preservation Commission shall hold the required public hearings and make findings and recommendations, which shall also be in conformance with Chapter 17.32, Historic Preservation.

The Plan Commission or Historic Preservation Commission, as the case may be, shall provide the City Council a recommendation and any required findings of fact within 45 days following the close of the public hearing on a proposed amendment. The failure of the Plan Commission or Historic Preservation Commission to provide a recommendation within such 45 day period, or within such further time as the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed amendment. However, when the Plan Commission is sitting as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended, its recommendation shall be made within 30 days of the close of the public hearing.

#### C. Recommendations – Text Amendments Heard by Plan Commission

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City's Comprehensive Plan.
2. The consistency of the proposed amendment with the intent and general regulations of this Title.
3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.
4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.
5. The extent to which the proposed amendment creates nonconformities.
6. The implications of the proposed amendment on all similarly zoned property in the City.

#### D. Recommendations – Map Amendments Heard by Plan Commission

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property.
2. The extent to which property values are diminished by the existing zoning restrictions.
3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.
4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.
5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.
6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.
7. The consistency of the proposed amendment with the City's Comprehensive Plan.
8. Whether the proposed amendment corrects an error or omission in the Zoning Map.
9. The extent to which the proposed amendment creates nonconformities.
10. The trend of development, if any, in the general area of the property in question.

The Plan Commission shall record its findings regarding these matters in relation to the proposed amendment, and shall transmit those findings to the City Council with its recommendation. The Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

(Ord. 2008-Z-32 § 14.)

#### E. Recommendations – Amendments Heard by Historic Preservation Commission

In making its recommendations to grant or deny an application for an amendment to the Historic District Overlay or a Zoning Text Amendment to Chapter 17.32, Historic Preservation, the Historic Preservation Commission shall consider the purposes, standards and requirements of Chapter 17.32.

#### F. Written Protest

In case of a written protest against a proposed Map Amendment, signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage proposed to be altered, filed with the City Administrator, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of City Council then holding office.

(1981-Z-6 : § 1 (part))

## 17.04.330 – Special uses and amendments to special uses

### A. Purpose

Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.

### B. Authority

Special Uses and Amendments to Special Uses shall be authorized or denied by the City Council in accordance with the statutes of Illinois and this Title. No application for a Special Use or amendment to Special Use shall be acted upon by the City Council until after a public hearing has been held by the Plan Commission, after due notice has been made, as provided herein and by the applicable statutes, and after the findings and recommendations of the Plan Commission have been reported to the City Council.

### C. Procedure

#### 1. Public Hearing

The Plan Commission shall hold a public hearing in accordance with Section 17.04.150, at which evidence in support of the proposed Special Use or Amendment to Special Use must be presented by, or on behalf of, the petitioner, and any evidence presented by interested parties shall be heard.

#### 2. Findings of Fact and Recommendations

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

- a. Public Convenience: The Special Use will serve the public convenience at the proposed location;
- b. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;
- c. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;
- d. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- e. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- f. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

#### 3. Action by the City Council

- a. The City Council shall not act upon a proposed Special Use or an amendment to a Special Use until it has received a written report and recommendation from the Plan Commission on the proposed Special Use or the amendment to the Special Use. The City Council shall not approve a Special Use or amendment to Special Use unless it finds that the proposed Special Use or amendment to Special Use will conform to each of the standards in the preceding Paragraph 2.
- b. An application for a proposed Special Use or an amendment to a Special Use shall be acted upon finally by the City Council within ninety (90) days of the receipt by the City Council of the recommendations from the Plan Commission unless it is mutually agreed upon by the City Council and the petitioner that more time is required.

### D. Conditions

The City Council may require conditions that it reasonably deems necessary to protect the public interest and to meet the standards set forth in this Title. Conditions may pertain to the establishment, location, construction, maintenance and operation of the Special Use or amendment to a Special Use. When a Special Use or amendment to Special Use is granted with conditions, the City Council may require the applicant to provide evidence and/or financial guarantees to ensure that the conditions will be complied with. Failure to comply with the conditions imposed shall constitute a violation of this Title.

(Ord. 1981-Z-6 § 1 (part).)

### E. No Presumption of Approval

The listing of a use as a Special Use within a zoning district does not constitute an assurance or presumption that such Special Use will be approved. Rather, each proposed Special Use shall be evaluated on an individual basis in relation to the standards of this Section and conformance with the other applicable provisions of this Title.

### F. Limitations on Special Uses

1. A Special Use shall lapse twelve (12) months after the date it is granted, unless the Special Use or authorized construction for that Special Use (pursuant to a building permit) is commenced within that twelve (12) month period. However, the City Council may extend this period, upon written request from the applicant showing good cause. The provisions of this paragraph shall not apply to any Special Use for a Planned Unit Development.
2. Special Use approval is granted to a specific property and authorizes the conduct of the Special Use only on the property represented on the application and is not transferable to other properties.
3. The approval of a Special Use authorizes the use on the property in the manner proposed, but does not in itself authorize the establishment of such use without first obtaining all other required approvals, including building permits, sign permits and occupancy permits.
4. Any modification or intensification of a Special Use that alters the essential character or operation of the use in a way not approved at the time the Special Use was granted, as evidenced by the ordinance granting the Special Use, other record or by the provisions of this Title, shall require new Special Use approval in accordance with this Section.
5. If a Special Use ceases operation for a continuous period of twenty-four (24) months, the Special Use shall be deemed abandoned and the Special Use approval shall lapse. The Director of Community Development shall determine if a Special Use has ceased operation and shall notify in writing the record owner of the property. The notice shall be provided twenty-four (24) months prior to the date upon which the Special Use will be deemed abandoned. However, prior to the end of the twenty-four (24) month period the Director, at his/her discretion and for good cause, may extend, for up to twelve (12) months at a time, the period for abandonment.

If the Special Use is not reestablished within the aforementioned time period or extension thereof, the Special Use approval shall lapse, and a new Special Use approval shall be required to establish the use in accordance with this Section. This provision shall also apply to any existing use deemed a lawful Special Use in accordance with Section 17.02.040. The provisions of this paragraph shall not apply to any Special Use for a Planned Unit Development, which is subject to time limitations contained in Section 17.04.420.

(2019-Z-20 : § 2; 2008-Z-23 : § 16)

## 17.04.400 – Planned Unit Developments – Purpose and requirements

Planned Unit Developments (PUDs) are intended to accommodate projects that incorporate a single use or mix of uses, which are planned and developed, or redeveloped, as a unit. PUD review encompasses zoning regulations for development of private facilities as well as subdivision and other land development regulations for development of public facilities. Therefore, the standards to be considered in reviewing PUD's have a wider scope than for other types of applications in this Title. PUD's should provide amenities not otherwise required, and the PUD process should not be employed solely as a means of intensifying the use of the land. The proposed Planned Unit Development shall be under single ownership or unified control at the time of filing an application for approval of a PUD, or the applicant shall provide written evidence of his/her ability to gain ownership or unified control of the property if the PUD is approved.

### 1. Purpose

The purposes of the PUD Process are:

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies, and the community.

### 2. Conformance with Codes

Unless otherwise approved in accordance with this Chapter, development within a PUD shall conform to the requirements applicable to the underlying zoning district or districts in which the PUD is located, and all Land Improvements shall be designed and constructed in accordance with the provisions of Title 16, Subdivisions and Land Improvement, of the St. Charles Municipal Code. PUD's, however, may allow for relief from the minimum requirements applicable to the underlying zoning district and subdivision ordinance in situations where the City Council finds that:

- a) Conforming to the requirements would inhibit creative design that serves community goals, or
- b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors to be considered in this determination shall include, but are not limited to the following:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

(2013-Z-3 : § 2; 2016-Z-4 : §2; 2008-Z-32 : § 17)

## 17.04.410 – PUD review process

### A. Pre-Application Meeting

Prior to the filing of any application for a PUD, the applicant shall attend a Pre-Application Meeting to present initial ideas for the development of the proposed PUD.

### B. Neighborhood Meeting

Prior to the filing of any application for a PUD, the applicant is encouraged to host a Neighborhood Meeting.

### C. Concept Plan Review

A Concept Plan Review for the proposed PUD is required prior to submittal of applications for a Special Use for a PUD and a Preliminary Plan for a PUD. In the case of an amendment to an existing PUD, a Concept Plan Review shall be required prior to any PUD application that includes any one of the following:

1. Increase or decrease of the land area within an existing PUD of 10% or more.
2. Major Change to an approved PUD Preliminary Plan requiring a Concept Plan Review as specified in Section 17.04.430.A, Major Changes.  
(Ord. 2009-Z-9 § 3.)

### D. Special Use and PUD Preliminary Plan Procedure

The Special Use and PUD Preliminary Plan procedure provides for formal review and approval of the proposed PUD. Once the Special Use for a PUD and the PUD Preliminary Plan are approved, the applicant is entitled to approval of PUD Final Plans and a PUD Final Plat if they fully conform with the approved PUD Preliminary Plan and the ordinance granting the Special Use for the PUD, as well as all other applicable ordinances. Approval of the PUD Preliminary Plan shall not constitute authority to proceed with construction of any improvements, but rather constitutes approval of the designs for buildings and site improvements as a basis for preparing the PUD Final Plans. Preliminary Plan approval shall not obligate the City Council or any of its appointed officials, boards or commissions to approve later phases or plans which do not conform to the approved PUD Preliminary Plan, the ordinance granting the Special Use for the PUD, and this Title.

#### 1. Application for Special Use and PUD Preliminary Plan

Applications for approval of a Special Use for a PUD and a PUD Preliminary Plan shall be filed simultaneously with the Director of Community Development. However, for multiphase projects, the City Council may consider, at the request of the applicant, the filing of a Special Use application for a PUD with a PUD Preliminary Plan for the first phase comprising not less than one third of the property, and a Sketch Plan with Site Data for the remainder of the property to be developed in a later phase or phases. All applications shall include the information, plans and data as specified in Appendix A. Review of a preliminary plan of subdivision submitted as part of a PUD Preliminary Plan application shall be in accordance with the provisions of Titles 16 and 18 of the St. Charles Municipal Code.  
(Ord. 2006-Z-12 § 2; Ord. 1981-M-32 § 3; Ord. 1981-Z-6 § (part).)

#### 2. Plan Commission Public Hearing on the Special Use and PUD Preliminary Plan Request

The Plan Commission shall hold a public hearing to consider the application for Special Use for a PUD. The application for PUD Preliminary Plan approval shall be presented in support of the Special Use application, and revised PUD Preliminary Plans may also be presented at a meeting or meetings following the public hearing.

#### 3. Recommendation and Approval of Special Use for PUD and PUD Preliminary Plan

Following the Plan Commission public hearing, the Plan Commission shall make a recommendation to the City Council regarding approval or denial of the applications for Special Use for PUD and PUD Preliminary Plan. The Plan Commission may recommend such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the Planned Unit Development as deemed necessary to secure compliance with the standards specified in this Title. The Plan Commission may recommend exceptions and deviations from the requirements of this Title and of Title 16 of the St. Charles Municipal Code requested by the applicant, to the extent that it finds such exceptions and deviations are supportive of the standards and purposes for PUD's.

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

- i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated Section 17.04.400.A.
  - ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:
    - a. Conforming to the requirements would inhibit creative design that serves community goals, or
    - b. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.  
Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements.
  - iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2).
  - iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.
  - v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.
4. City Council Decision on Special Use and PUD Preliminary Plan Request  
The City Council, after receipt of the aforesaid findings and recommendations from the Plan Commission, shall approve or deny the Special Use and PUD Preliminary Plan or Amendment applications with such requirements, conditions, exceptions and deviations as it may deem necessary to ensure that the proposed development satisfies the standards of this Title applicable to Special Uses and Planned Unit Developments. The City Council may require such evidence and guarantees it deems necessary to ensure that the conditions stipulated in connection with the approval of the Planned Unit Development are being, and will be, complied with.  
(Ord. 2008-Z-32 § 18.)

### E. PUD Final Plans and Final Engineering Procedure

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The purpose of this stage of the PUD review process is to evaluate plans prepared for construction of the PUD for consistency with the approved PUD Preliminary Plans and other applicable requirements. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

### 1. Review and Approval

#### a. PUD Final Plans and Final Engineering

PUD Final Plans and Final Engineering, and any accompanying documents, shall be submitted to the Director of Community Development, and shall include the information, plans and data as specified in Appendix A (Submittal Items). The PUD Final Plans and Final Engineering may be submitted with the applications for Special Use for a PUD and PUD Preliminary Plan, but this is discouraged for most projects because the plans may change during the PUD Preliminary Plan review process.

The PUD Final Plans and Final Engineering shall conform to the PUD Preliminary Plan with respect to all items specifically shown on the PUD Preliminary Plan, unless a change is approved in conformance with Section 17.04.430, and further shall conform to all applicable requirements of the St. Charles Municipal Code.

In accordance with Title 16 of the St. Charles Municipal Code, Final Engineering Plans for PUD's are not subject to the review and approval of the Plan Commission and City Council, provided they conform to the approved PUD Preliminary Plan. The Director of Community Development is authorized to approve PUD Final Plans, and the Director of Public Works is authorized to approve Final Engineering Plans, based upon their review for conformance with all applicable requirements.

#### b. PUD Final Plat

A PUD Final Plat may be submitted for the entire PUD or, if it is to have multiple phases, for a portion of the PUD. The PUD Final Plat or plats shall encompass the same geographic area as the Final PUD Plans and Final Engineering Plans, with the exception of necessary off-site improvements and easements.

#### c. Plan Commission Recommendation on PUD Final Plat

The application for approval of a PUD Final Plat and supporting data shall be filed at least fourteen (14) days prior to the Plan Commission meeting. The Plan Commission shall not be obligated to make a recommendation regarding the PUD Final Plat until it has received notice of approval of the PUD Final Plans and Final Engineering Plans by the City staff. The Plan Commission shall review the PUD Final Plat for conformance with the approved PUD Preliminary Plan, and shall make its recommendations to the City Council.

#### d. City Council Decision on PUD Final Plat

The City Council, after receipt of the aforesaid recommendations from the Plan Commission, shall approve or deny the PUD Final Plat.

### 2. Recording; Approval of Final Plans and Engineering Plans

The PUD Final Plat shall be filed with the County Recorder of Deeds and the applicant shall pay all recording costs. No PUD Final Plat shall be recorded until the PUD Final Plans and Final Engineering have been approved by the Director of Community Development and the Director of Public Works, and the required Land Improvements have been completed or the required collateral for the Land Improvements has been posted by the developer as provided in Title 16, Subdivisions and Land Improvements, of the St. Charles Municipal Code. No permit for construction of a building or any other improvement shall be issued until the PUD Final Plat is recorded for the phase of the PUD in which the building or other improvement is located.

## F. PUD Preliminary Plan process for lots within an existing PUD

This abbreviated review process provides for formal review and approval of PUD Preliminary Plans for the development of lots that were previously platted pursuant to an ordinance approving a Special Use for PUD. This process shall not apply if the proposed development constitutes a Major Change to an ordinance granting a Special Use for PUD as defined in Section 17.04.430.

### 1. Pre-Application Meeting

A Pre-Application meeting prior to the filing of an application for PUD Preliminary Plan is optional but recommended to provide an opportunity to present initial ideas for the development.

### 2. Concept Plan Review

A Concept Plan Review for the proposed PUD Preliminary Plan is optional but may be recommended if the proposed development differs significantly from the previously approved Preliminary Plan or Sketch Plan for the site.

### 3. PUD Preliminary Plan Procedure

Application for approval of PUD Preliminary Plans shall be filed with the Director of Community Development. The application shall include the information, plans and data as specified in Appendix A.

#### a. Plan Commission Review and Recommendation

The Plan Commission will review the application against the standards contained in the ordinance approving the Special Use for PUD and this Title. The Plan Commission shall make a recommendation to the City Council regarding approval or denial of the application for PUD Preliminary Plan approval. The Plan Commission may recommend such conditions and restrictions upon the design, layout, aesthetics, and other elements of the PUD Preliminary Plan as deemed necessary to secure compliance with the standards contained in the ordinance approving the Special Use for PUD and this Title.

#### b. City Council Review and Recommendation

The City Council, after receipt of the recommendation from the Plan Commission, shall approve or deny the PUD Preliminary Plan application with such requirements or conditions as it may deem necessary to ensure that the proposed development satisfies the standards of the Special Use for PUD and this Title.

### 4. PUD Final Plan Procedure

No separate application for PUD Final Plan approval is necessary. Following approval of the PUD Preliminary Plan, the applicant is authorized to apply for a building and/or site development permit. The Director of Community Development shall issue PUD Final Plan approval based upon the plans submitted with the building or site development permit if the plans fully conform to the approved PUD Preliminary Plan and the ordinance granting the Special Use for PUD, as well as all other applicable ordinances. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

(2008-Z-32 : § 19)

## 17.04.420 – PUD timing and revocation

### A. Recording of PUD Final Plat following Special Use for PUD approval

A PUD Final Plat for, at a minimum, the first phase of the development, shall be recorded in the County Recorder's Office no later than two (2) years from the date of approval of the Special Use for PUD. However, prior to the end of the two (2) year period the City Council, at its discretion and for good cause, may extend, for up to one (1) year at a time, the period for recording of the PUD Final Plat.

If the PUD Final Plat is not recorded within the aforementioned time period or extension thereof, the approval of the PUD Preliminary Plan shall lapse, and resubmittal of an application for PUD Preliminary Plan approval shall be required prior to approval of a PUD Final Plat. If a PUD Final Plat is approved and recorded for at least the first phase of the development, the PUD Preliminary Plan as to the balance of the development shall remain valid for a period of five (5) years from the date of its initial approval.

If an approved PUD Final Plat for, at a minimum, the first phase of the development, is not recorded within three (3) years following the approval of the Special Use for the PUD, then the approval of the Special Use for PUD, the PUD Preliminary Plan, and the PUD Final Plat shall lapse, and the property shall be subject to the requirements for the Zoning District or Districts in which it is located.

### B. Construction following PUD Final Plat recording or PUD Preliminary Plan approval

Construction for each phase of the PUD, as authorized by the issuance of a building permit, shall begin within two (2) years of the date of PUD Preliminary Plan approval for each lot within the phase, or within two (2) years of the recording of the PUD Final Plat for that phase, whichever came later. However, prior to the end of the two (2) year period of the City Council, at its discretion and for good cause, may extend, for up to one (1) year at a time, the period for construction. If the applicant fails to file for building permit within the aforementioned time period or extension thereof, the approval of the PUD Preliminary Plan shall lapse, and resubmittal of an application for PUD Preliminary Plan approval shall be required prior to construction.

(2008-Z-32 : § 20)

# 17.04 â Administration

## 17.04.430 – Changes in Planned Unit Developments

The Planned Unit Development shall be developed only in conformance with the ordinance granting a Special Use for a PUD and the PUD Preliminary Plans as approved by the City Council. PUD Final Engineering Plans, PUD Final Plans, and PUD Final Plats contain additional detail to facilitate construction of the development. Recognizing that there may be a need for changes during review or following approval of these final plans, changes to any approved PUD plans shall be handled as follows:

### A. Major Changes

1. Changes which would require an amendment to the ordinance granting a Special Use for the PUD may only be approved after submittal of an application to amend the Special Use for the PUD, together with applications to amend any previously approved plans.
2. Changes determined by the City Council to invalidate or contradict any of the Findings of Fact for Special Use for PUD or elements of the Preliminary Plans which were used as a factor in establishing said Findings of Fact shall only be approved after submittal of an application to amend the Special Use for the PUD, together with applications to amend any previously approved plans.  
(Ord. 2008-Z-32 § 21.)
3. Changes to the approved PUD Preliminary Plan determined to be major by the City Council may be approved only by submission and reconsideration of a new PUD Preliminary Plan, and, if necessary, an application to amend the Special Use ordinance. Depending on the scope of the Major Change, a new Concept Plan Review may be required prior to submittal of the application for PUD Preliminary Plan. Factors listed in Table 17.04-2 shall be considered in determining whether a proposed change from the approved PUD Preliminary Plan constitutes a Major Change, and whether a new Concept Plan Review will be required.  
(Ord. 2009-Z-9 § 4; Ord. 2008-Z-32 § 22.)

Exhibit "A"

<b>Table 17.04-2 Major Changes requiring Concept Plan Review and/or revised PUD Preliminary Plan</b>		
	<b>Major Change, requires new PUD Preliminary Plan</b>	<b>Major Change, requires Concept Plan review, followed by new PUD Preliminary Plan</b>
<b>Non-Residential Components of a Planned Unit Development</b>		
Increase in total gross floor area of non-residential buildings in the PUD	5 to 20%	20% or more
Increase in the total number of acres used for non-residential purposes	5 to 20%	20% or more
Changes to functional class of roadway	Yes	Yes
Reduction in the acreage of open space or common open space	1 to 10%	10% or more
<b>Residential Components of a Planned Unit Development</b>		
Increase in the total number of dwelling units within the PUD	0 to 5%	5% or more
Change in the size of dwelling units	10% or more	-
Change in the types of dwelling units (i.e., from attached single family to multi-family)	Yes	Yes
Reduction in the acreage of open space	0 to 5%	5% or more

(Ord. 2009-Z-9 § 5.)

### B. Minor Changes

The City Council may, without review and recommendation of the Plan Commission, approve minor changes in the PUD plans that do not change the concept or intent of the PUD. Minor changes are defined as any change not defined as a major change (see Paragraph A above) or an authorized administrative change (see Paragraph C below).

### C. Authorized Administrative Changes

The Director of Community Development and the Director of Public Works may approve PUD Final Engineering and PUD Final Plans and changes or revisions to such plans which do not alter the design or intent of the approved PUD Preliminary Plans, in order to accommodate field conditions and detailed design considerations that occur during PUD Final Engineering or PUD Final Plan design. Administrative changes will typically involve minor relocations of features such as utility boxes, light poles, trees and landscape plantings, drainage inlets, and walkways, or changes of two (2) feet or less in the locations of buildings, streets and parking lots; changes to the location, size, and design of wall signs; and changes to the tenant/business identification area of free standings signs. Administrative changes must meet the applicable standards of the Zoning Ordinance or Special Use for a Planned Unit Development Ordinance.

(2012-Z-5 : § 2)