

ORDINANCE 1967-14

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF ST. CHARLES, ADOPTED MAY 23, 1960,
KNOWN AS ORDINANCE NO. 1960-16.

WHEREAS, a resolution was duly adopted by the City Council of the City of St. Charles, Illinois, directing the Plan Commission and Zoning Board to hold the appropriate hearings relative to the amendment of the Zoning Ordinance regarding Planned Unit Developments, and

WHEREAS, said resolution was referred to the Plan Commission and to the Zoning Board of Appeals for a public hearing thereon in accordance with the Statutes of the State of Illinois, and

WHEREAS, said hearing was held by the Plan Commission and they have submitted their report in connection therewith recommending the same be allowed, and

WHEREAS, the Zoning Board of Appeals did give public notice for a hearing to be held upon said resolution and did hold such hearing, all in accordance with the Statutes and ordinances in such cases made and provided, and

WHEREAS, the Zoning Board of Appeals has recommended the amendment of such ordinance, and

WHEREAS, it is to the best interest of the City of St. Charles, Illinois, that the Zoning Ordinance adopted on May 23, 1960, and known as No. 1960-16 be amended as hereinafter set forth:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, ILLINOIS, that the Zoning Ordinance of the City of St. Charles, Illinois, adopted on May 23, 1960, and known as No. 1960-16, shall be amended in the following respects:

Section III, Rules and Definitions, Page 11, "Planned Development", is hereby amended to read:

PLANNED UNIT DEVELOPMENT. A special use of a parcel of land as a unified development planned as an integral unit consisting of one or more structures and uses.

Section III, Rules and Definitions, Page 13, "Use, Permitted", is hereby amended to read:

USE, PERMITTED. Any building, structure, and use which, complies with the applicable regulations governing permitted uses of the zoning district in which such building, structure, and use are located.

Section III, Rules and Definitions, Page 13, "Use, Special", is hereby amended to read:

USE, SPECIAL. Any building, structure, or use which, complies with the applicable regulations governing special uses of the zoning district in which such building, structure, or use are located.

Section VII, Residence Districts, Paragraph B, "R-1 Single Family Residence District", Page 30, sub-paragraph Z-k under "Special Uses", is hereby amended to read:

k. Planned Unit Developments.

Section VIII, Business Districts, Paragraph B-3, "Special Uses", sub-paragraph c, Page 39, is hereby amended to read:

c. Planned Unit Developments.

Section VIII, Business Districts, Paragraph C, B-2 Community Business District, Sub-paragraph 3, "Special Uses", Page 44, is hereby amended to read:

- a. Special uses allowed in the B-1 District.
- b. Art Galleries and museums.
- c. Automobile accessory stores.
- d. Schools, commercial or trade-including those teaching music, dance, business, commercial, or technical subjects when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences.
- e. Churches, convents, monasteries, theological schools, rectories, and parish houses.
- f. Health centers.
- g. Libraries - public.
- h. Parking lots and storage garages - for motor vehicles under one and one-half tons capacity.
- i. Public utility and public service uses including:
 - (1) Electric substations and distribution centers.
 - (2) Fire Stations.
 - (3) Police Stations.

- (4) Railroad rights-of-way.
 - (5) Telephone exchanges, micro-wave relay towers, and telephone transmission equipment buildings.
 - (6) Transit and transportation facilities, including shelters, terminals, parking areas, and service buildings.
 - (7) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - municipal.
 - (8) Other similar uses.
- j. Radio and television towers.
 - k. Recreational buildings and community centers.

Section IX, Manufacturing Districts, Paragraph B, M-1 Limited Manufacturing District, Paragraph 2, "Special Uses", Sub-paragraph a, Page 58, is amended to read:

- a. Planned Unit Developments.

Section XI, Administration, Paragraph 5 "Decisions", Sub-paragraph a, Page 76, is amended to read:

- a. Is so designated, located, and proposed to be operated that the public health, safety, and welfare will be protected; and
- b. would not cause substantial injury to the value of other property in the neighborhood in which it is located.

Section XI, Administration, Paragraph H6, "Conditions", Page 77, is amended to read:

CONDITIONS. The Plan Commission may recommend, and the City Council may provide, such conditions and restrictions upon the construction, location, and operation of a special use, including, but not limited to, provisions for off-street parking and loading as may be deemed necessary to promote the general objectives of this ordinance and to minimize the injury to the value of the property in the neighborhood.

Section XI, Administration, Paragraphs I, J, K, L are amended and Paragraph M is added, as follows:

I. PLANNED UNIT DEVELOPMENTS.

- 1. Authority. Planned Unit Developments are of such substantially different character from other Special Uses that specific and additional standards and exceptions are hereby set out to govern the action of the City Council.
- 2. Intent. The City Council recognizes that the traditional rigid development controls as set forth in the Zoning Ordinance may restrict responsible imaginative development because of their rigidity. Consequently, the intent of this Planned Unit Development procedure is to permit review of proposals on their

own merits rather than on strict compliance with the rigid zoning district regulations, while still maintaining the basic protection of all land normally afforded by the zoning and subdivision ordinances. The use of these special procedures shall not be deemed a means to circumvent the presently established Zoning and Subdivision Ordinances and thereby allow a development of lower standard than presently permitted. Rather it is intended by the City Council that only Planned Unit Developments which are uniquely different should be encouraged, and further that only a Planned Unit Development which would, in the judgment of the Plan Commission and City Council, be a desirable asset to Saint Charles, be allowed.

Planned Unit Development projects may depart from conformance with the standard dimension, area, bulk and density regulations of the basic zoning District. The demonstration of excellence shall determine the degree of departure from standard design, density and use that the Plan Commission and City Council shall consider. Specifically, the elements by which environmental excellence shall be recognized may include (but not be limited to) outstanding treatment of landscaping including street location, open spaces, plazas, use of natural landscape features, pedestrian ways, hiding of functional elements (such as power lines, garbage containers, parking and storage areas) and design of recreational areas, outstanding treatment of design features including architectural amenity, location of buildings, efficiency and safety of the street system, and satisfactory servicability by all utilities and all public services

3. Policy Statements. The Plan Commission and City Council shall continuously develop and adopt policy statements and detailed area plans as elements of the continuously evolving comprehensive City plan to establish further basis to guide Planned Unit Development approval. These statements will be available to all prospective developers and designers of Planned Unit Developments, through the City Clerk's Office.
4. Initiation. An application for a "Special Use as a Planned Unit Development" may be made by any person, firm or corporation interested in a Planned Unit Development.
5. Processing. An application for a "Special Use as a Planned Unit Development" shall be filed with the City Clerk and thereafter processed in the manner prescribed heretofore for amendments, and also in accordance with the "Planned Unit Development Ordinance of St. Charles, Illinois".

The major processing steps and their chronological routing are as follows:

A. Pre-Preliminary Plan.

Submission to and consideration by the following Boards in the following order:

1. City Clerk
2. Plan Commission
3. City Council

Note: This steps is highly recommended but is not mandatory and may be bypassed at the option of the petitioner.

B. Special Use Petition and Preliminary Plan.

1. City Clerk
2. Plan Commission
3. Zoning Board
4. City Council

C. Engineering Plan.

1. City Clerk
2. Plan Commission
3. City Council

D. Final Plat.

1. City Clerk
2. Plan Commission
3. City Council

6. Decisions. The City Council, upon report of the Zoning Board of Appeals and the Plan Commission and without further hearing may authorize or deny an application for a special use in accordance with the Statutes of the State of Illinois, applicable to amendments or may refer it back to the Zoning Board of Appeals and the Plan Commission for further consideration.

It is the intent of this section that both the Special Use Petition and the Preliminary Plan be either approved or denied simultaneously.

J. VARIATIONS, OTHER - NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

The regulations imposed under this ordinance for non-conforming buildings, structures, and uses as set forth in Section V herein, may be varied in specific instances when the Zoning Board of Appeals shall find after public hearing and the City Council shall decide that there are practical difficulties or a particular hardship in the way of carrying out the regulations set forth in Section V of this ordinance.

An application for such variation shall be made by the owner or owners of his or their agents of land and improvements declared non-conforming by this ordinance and such application shall be processed and thereafter decided in accordance with regulations governing processing and decisions set forth in this Section XI for Amendments.

K. FEES.

A fee of \$50.00 accompanying an application for an amendment or special use, a fee of \$25.00 accompanying an application for a variation, or a fee of \$25.00 accompanying an application for an appeal, shall be filed with the City Clerk by or on behalf of the owner or owners of the property affected.

L. VIOLATION, PENALTY, 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 ordinance, shall, upon conviction,

be fined not less than \$25.00, nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building Commissioner is hereby designated and authorized to enforce this ordinance.

M.

WHEN EFFECTIVE

This amendment of such ordinance shall be in full force and effect from and after its final passage, approval and publication as prescribed by law.

Presented to the City Council of the City of St. Charles, Illinois, this first day of May, A. D. 1967.

Passed by the City Council of the City of St. Charles, Illinois, this first day of May, A. D. 1967.

Approved by me as Mayor of the City of St. Charles, Illinois, this first day of May, A. D. 1967.

George Neumark
MAYOR

ATTEST: Janice B. Griffin
CITY CLERK