

4/2/81

ORDINANCE NO. 1981-Z-6

AN ORDINANCE AMENDING TITLE 17
ENTITLED "ZONING", CHAPTER 17.42
ENTITLED "ADMINISTRATION" OF THE
ST. CHARLES MUNICIPAL CODE

DATE OF PUBLICATION In
NEWSPAPER pamphlet form

REFER TO:
MINUTES 4/20/81
PAGE _____

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

1. That Title 17, entitled "Zoning", Chapter 17.42, entitled
"Administration", of the St. Charles Municipal Code be and is hereby
deleted and the following substituted therefor:

CHAPTER 17.42

ADMINISTRATION

17.42.010 ORGANIZATION

The administration of this Title is hereby vested in the following:

City Planner
Building Commissioner
Director of Public Works

This Chapter prescribes the procedure and substantive standards with respect to the following administrative functions:

- A. zoning certificates
- B. occupancy permits
- C. variations
- D. appeals
- E. amendments
- F. special uses
- G. planned unit developments
- H. fees
- I. penalties

17.42.020 ZONING CERTIFICATEA. Definition

A zoning certificate is a written statement certified by the Building Commissioner indicating that an intended structure, building or alteration and use comply with all the provisions of this Title.

B. Application

Application for a zoning certificate shall be made prior to or at the time of application for a building permit. Every application for a zoning certificate shall be accompanied by:

1. A plat of survey of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and monumenting, as certified by an Illinois registered land surveyor, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land;

2. A plat drawn to a scale in such form as may, from time to time, be prescribed by the Building Commissioner showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the Building Commissioner for the proper enforcement of this Title.
3. In those cases where the Building Commissioner deems information is not necessary because of existing evidence in city records, waive all or portions of the requirements of paragraph 1 and 2 above.
4. Applicant shall provide a statement under oath in a form acceptable to the Building Commissioner that said applicant has no notice and is aware of no building code or zoning violations affecting the property including the intended structure, building or alteration, and use which are the subject of the application. In the event applicant is aware of any such violations, the applicant will disclose the same in writing.

C. Issuance

The Building Commissioner shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate, provided all relevant provisions of this Title are complied with. The Building Commissioner may, as a result of examination of the plans or on the basis of other evidence, determine that the proposed activity will not in fact comply with all of the provisions of this Title so advise the applicant in writing.

17.42.030 OCCUPANCY PERMITS

No building or addition thereto, constructed, completed or first occupied after the effective date of St. Charles Zoning Ordinance entitled "The St. Charles Zoning Ordinance" with effective date of May 16, 1960, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of said Zoning Ordinance, shall be used for any purpose until a permit of occupancy has been issued by the Building Commissioner. Every occupancy permit shall state that the use or occupancy complies with the provisions of this Title. Nothing in the Section shall prevent the continuance of the occupancy or use existing on May 16, 1960, of any building, as it existed on May 16, 1960, except as may be necessary for the safety of life or property, or as provided for in Chapter 17.40 of this Title.

A. Application for Occupancy Permit

A certificate for occupancy and compliance shall be applied for coincident with the application for a building permit,

and shall be issued after the erection or alteration of such building has been completed, provided the building is conforming with all applicable ordinances of the City of St. Charles and provided the Building Commissioner has been notified in writing of the opportunity to inspect. A record of all certificates shall be kept on file in the Office of the Building Commissioner, and copies shall be furnished, on request, to any person having a proprietary interest in the building affected.

B. Issuance of Occupancy Permit

No occupancy permit for a building, or portion thereof, or addition thereto, constructed or completed after the effective date of this Title amendment where a building permit has been issued after said date, shall be issued and no addition to a previously existing building shall be occupied until construction has been completed and the premises inspected and certified by the Building Commissioner to be in conformity with the plans and specifications upon which the building permit was based and in compliance with all the applicable requirements of this Title. Where a portion of a building may be safely occupied pending completion of the building and compliance with all City ordinances, an occupancy permit may be issued for that portion of the building. The occupancy permit shall be issued or a written notice shall be given to the applicant stating the reasons why a permit cannot be issued after the Building Commissioner is notified in writing that the building or premises are ready for occupancy.

17.42.040 VARIATIONS

A. Definition

A variation is an administrative decision of the Board of Zoning Appeals that, if approved, permits an applicant to depart from the precise regulations of this Title. A variation may be granted only in the specific instances authorized herein and only in accordance with the standards recited herein.

B. Decisions

The Board of Zoning Appeals may vary the regulations of this Title in harmony with the general purpose and intent of this Title in the specific instances hereinafter set forth, where the Board makes findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Title. All final administrative decisions of the Board of Zoning Appeals shall be subject to judicial review.

C. Validity

A variation shall lapse after twelve (12) months from the date of grant thereof unless construction authorized is commenced on

a building permit for the use specified by the variation within twelve (12) months, or the use is commenced within such period.

D. Authorized Variations

Variations from the regulations of this Title shall be granted by the Board of Zoning Appeals only in accordance with the standards established in Section 17.42.040 E below and may be granted only in the following instances and in no others:

1. To permit any yard or setback of less depth than a yard or a setback required by the applicable regulations;
2. To allow a fence or wall in excess of the height limitations specified in Chapter 17.02;
3. To permit the use of a lot for a use prohibited solely because of insufficient area, but in no event shall the area of the lot be less than ninety percent (90%) of the required lot area;
4. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that use of such facility by each user does not take place at the same hours of the same days of the week;
5. To increase by not more than twenty percent (20%) the maximum gross floor area ratio of any use so limited by the applicable provisions of the zoning district.

E. Standards for Variations

The Board of Zoning Appeals shall permit a variation of the provisions of this Title, as authorized in this Section, only if the evidence, in the judgment of the Board of Zoning Appeals, sustains each of the following three (3) conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
2. The plight of the owner is due to unique circumstances; and
3. The variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the Board of Zoning Appeals, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
5. That 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; or
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Zoning Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section, to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of the Title.

F. Application

An application for a variation may be made by any person, firm

or corporation, or by any office, department, board, bureau or commission of the City of St. Charles.

An application for a variation is filed with the Building Commissioner. An application for a variation shall be on a form provided by the Building Commissioner and shall contain all information required on such form including the following:

1. Legal description of property for which a variation is requested;
2. The requested variation identified as authorized by a paragraph or paragraphs of Section 17.42.040 D above;
3. The reasons which applicant relies upon as justifying the requested variation;
4. An 8½" X 11" sketch of the property showing all lot lines, existing and proposed structures and adjoining streets or uses and the distances between said structures and the lot lines.

G. Notice of Hearing

No variation shall be made by the Board of Zoning Appeals except after a public hearing before the Board of Zoning Appeals, of which there shall be a notice of the time and place of the hearing published at least once, no more than 30 days nor less than 15 days before the hearing, in one or more newspapers published in the City of St. Charles, Illinois.

The applicant shall file with the Building Commissioner a written certified list containing the registered owners and their mailing addresses, as appears from the authentic tax records of the county in which the property is located, and as recorded in the office of the recorder of deeds of such county, of all property within 250 feet in each direction of the location for which the variation is requested, provided the number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the 250 feet requirement.

The Board of Zoning Appeals shall, not more than 30 days nor less than 15 days, before the hearing at which the application for variation is to be considered, send written notice to the persons appearing on the list furnished by the applicant, which notice shall contain the time and place of the hearing, the address of the location for which the variation is requested and the name and address of the applicant for variation and a brief statement of the nature of the variation requested.

The Board of Zoning Appeals shall hear no application for variation unless the applicant for variation has furnished the certified list herein required and the Board of Zoning Appeals has sent out the notices as herein required.

H. Hearing

The Board of Zoning Appeals shall hold a 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.

On the basis of evidence presented, the Board of Zoning Appeals shall record their findings of fact, their decision, the vote of the members and the reasons for granting or denying the variation.

17.42.050 APPEALS

A. Initiation

An appeal may be taken to the Board of Zoning Appeals by any person, aggrieved, or by any officer, department, board, or bureau of the City of St. Charles, aggrieved by a written decision, order, or determination under this Title by the Building

Commissioner of the City of St. Charles. Such an appeal shall be taken within 45 days of the action complained of by filing with the Building Commissioner and with the Board of Appeals a notice of appeal, specifying the grounds thereof, and by paying a fee of such amount as may be established from time to time by the City Council. The Building Commissioner shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

B. Findings on Appeals

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a Circuit Court on application and on notice to the Building Commissioner and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time and place for hearing of the appeal and give due notice thereof to the parties. The Board shall thereafter reach its decision within a reasonable time from filing of the appeal. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Zoning Appeals may affirm or may reverse, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end, has all the powers of the officer from whom the appeal is taken. The Building

Commissioner shall maintain records of all actions of the Board of Zoning Appeals relative to appeals.

17.42.060 AMENDMENTS

A. Authority

The City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Title (general amendment) or amend district boundary lines (map amendment).

B. Application for Amendment

General amendments may be proposed by the City Council, by the Plan Commission, by City staff or by any resident of or owner of property in the City of St. Charles. Map amendments may be proposed by the City Council, by the Plan Commission or by the owner of the property.

C. Notice of Hearing

1. No recommendation on an application for amendment shall be made by the Plan Commission except after a public hearing, of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one or more newspapers published in the City of St. Charles.
2. In addition to the publication of notice, the following shall apply to map amendments:
 - a. At least thirty-five (35) days prior to the date of hearing on an amendment, the applicant shall file with the City Planner, a written certified list containing the registered owners and their mailing addresses, as appears from the authentic tax records of the county in which the property is located, and as recorded in the office of the recorder of deeds of such county, of all property within 250 feet in

each direction of the location for which the amendment is requested, provided all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Failure to file within thirty-five (35) days shall not invalidate a public hearing if all notices are given. The Plan Commission shall not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for amendment is to be considered, send written notice to the persons appearing on the list furnished by the applicant for amendment and a brief statement of the nature of the amendment requested.

- b. The City Planner shall direct the erection of at least one (1) sign upon each property proposed to be rezoned. Where possible, such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare abutting such property. Such sign or signs shall be so erected not less than ten (10) days before the date set for the Plan Commission hearing. Any such sign or signs shall be removed subsequent to the occurrence of either of the following: final action by the City Council or withdrawal of the application for amendment. Such sign or signs shall indicate that a map amendment is proposed and shall further set forth that additional information can be acquired by telephoning the number indicated thereon. Such erection and/or the continued maintenance of any such sign or signs 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 to any other official action concerning any such amendment.

D. Hearing

The Plan Commission shall hold a public hearing at which evidence in support of the proposed amendment must be presented by or on behalf of the petitioner and any evidence presented by interested parties shall be heard.

On the basis of evidence presented, the Plan Commission shall record their findings of fact, their recommendation, the vote of the members and the reasons for recommending approval or denial of the petition for amendment.

E. Findings of Fact and Recommendations of the Plan Commission

The Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council after the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall consider the following matters among others:

1. Existing uses of property within the general area of the property in question;
2. The zoning classification of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification;
4. The trend of development, if any, in the general area of the property in question;
5. Projected use of the property, as indicated in the Comprehensive Plan.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

F. Action by the City Council

1. The City Council shall not act upon a proposed amendment to this Title until it has received a written report and recommendation from the Plan Commission on the proposed amendment.
2. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds of the aldermen then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

17.42.070 SPECIAL USES

A. Purpose

The development and execution of this Title is based upon the

division of the City into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land, and of the public need for the particular use of the particular location. Such uses may include but are not limited to public and quasi-public interest, uses which may have a unique, special or unusual impact upon the use or the enjoyment of neighboring property and planned unit developments.

B. Authority

Special uses shall be authorized or denied by the City Council in accordance with the Statutes of the State of Illinois. No application for a 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 by publication has been made as provided herein and by the applicable statutes of the State of Illinois and after the findings and recommendations of the Plan Commission have been reported to the City Council.

C. Application for a Special Use

An application for a special use may be made by the City Council, by the Plan Commission or by the owner of the property.

An application for a special use shall be filed with the City Planner. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission, and shall include a statement in writing by the applicant along with evidence showing that the proposed special use will conform to the standards set forth in this Section. Such application shall be forwarded from the City Planner to the Plan Commission with a request to hold a public hearing on said application and submit written recommendations thereon to the City Council. Due notice of receipt of an application for special use shall be forwarded to the members of the City Council.

D. Notice of Hearing

1. No recommendation on an application for special use shall be made by the Plan Commission except after a public hearing of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one or more newspapers published in the City of St. Charles.
2. In addition to the publication of notice the following shall apply to special use petitions:

- a. At least thirty-five (35) days prior to the date of hearing on a petition for special use, the applicant shall file with the City Planner, a written certified list containing the registered owners and their mailing addresses, as appears from the authentic tax records of the county in which the property is located, and as recorded in the office of the recorder of deeds of such county, of all property within 250 feet in each direction of the location for which the special use is requested, provided all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Failure to file within thirty-five (35) days shall not invalidate a public hearing if all notices are given.

The Plan Commission shall not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for special use is to be considered, send written notice to the persons appearing on the list furnished by the applicant for special use and a brief statement of the nature of the special use requested. This notice will be sent certified mail, return receipt requested.

- b. The City Planner shall direct the erection of at least one (1) sign upon each property proposed for special use. Where possible, such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare abutting such property. Such sign or signs shall be so erected not less than ten (10) days before the date set for the Plan Commission hearing. Any such sign or signs shall be removed subsequent to the occurrence of either of the following: final action by the City Council or withdrawal of the application for special use. Such sign or signs shall indicate that a zoning change is proposed and shall further set forth that additional information can be acquired by telephoning the number indicated thereon. Such erection and/or the continued maintenance of any such sign or signs shall not be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed special use or to any other official action concerning any such special use.

E. Hearing

The Plan Commission shall hold a public hearing at which

evidence in support of the proposed special use may be presented by or on behalf of the petitioner and any evidence presented by interested persons shall be heard.

On the basis of evidence presented, the Plan Commission shall record their findings of fact, their recommendations, the vote of the members and the reasons for recommending approval or denial of the petition for special use.

F. Findings of Fact and Recommendations of the Plan Commission

The Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council after the conclusion of the public hearing. No special use shall be recommended by the Plan Commission unless the Commission shall find that the following standards have been satisfied:

1. That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood;
3. 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;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;
5. That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; and
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission.

G. Action by the City Council

1. The City Council shall not act upon a proposed special use until it has received a written report and recommendation from the Plan Commission on the proposed special use.

2. An application for a proposed special use shall be acted upon finally by the City Council within ninety (90) days of the receipt of the recommendation from the Plan Commission by the City Council unless it is mutually agreed by the City Council and the petitioner that more time is required.

H. Conditions

The City Council may require such conditions reasonably necessary to meet the standards set forth in this Title including, but not limited to, upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest. In all cases in which a special use is granted, the City Council may require such evidence and guarantee as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, in compliance. Failure to comply with such conditions imposed shall constitute a violation of this Title.

17.42.080 PLANNED UNIT DEVELOPMENTS

A. Purpose

Planned unit developments are intended to encourage the most imaginative and best possible design of building forms and site planning for tracts of land where such designs would best adapt to topographic and other natural features of such sites. Planned unit developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Plan Commission and the action of the City Council, and to guard against the use of planned unit development solely as a means of intensifying the use of the land.

Some specific objectives of the planned unit development procedure are:

1. To permit a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Title.

2. To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities.
3. To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design.
4. To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features.

5. To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development.
6. To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities.
7. To promote the economical use of land and installation and maintenance of utilities, street improvements, structures and other facilities.
8. To encourage a land use which promotes the public health, safety, comfort, morals, and welfare.
9. To create a method for the permanent preservation of architectural and/or historic landmarks.

The planned unit development is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed or redeveloped as a unit. The planned unit development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimum required by law.

B. Procedures

1. Pre-Application Procedure

Prior to the filing of an application for approval of the concept plan or preliminary plan, the applicant shall submit to the City Planner a preliminary presentation of the proposed planned unit development. At

such conference the applicant shall provide information as to the location of the proposed planned unit development, the uses, and approximate area of use categories, a list of any known exceptions to the subdivision and zoning ordinances of the City of St. Charles, and any other information necessary to clearly explain the planned unit development.

The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the concept plan or preliminary plan, so that the applicant may determine:

- a. Whether the proposed planned unit development appears in general to be in compliance with the provisions of the Zoning Ordinance and other applicable ordinances;
- b. Whether any zoning amendment, variation or special use is required in connection with the proposed planned unit development;
- c. Whether the proposed planned unit development will be in conformity with the Comprehensive Plan and the goals and policies of the City for development.

The pre-application conference does not require formal application, fee or filing of a planned unit development plat.

2. Concept Plan Procedure

a. Purpose

A concept plan may be submitted at the option of the applicant. The purpose of the concept plan is to enable the applicant to obtain the opinions and recommendations of the Plan Commission prior to spending considerable time and expense in the preparation of detailed preliminary plans and architectural drawings.

b. Procedure

A concept plan for a planned unit development shall be filed with the City Planner prior to the Plan Commission meeting. The concept plan shall be in full compliance with the provisions in this Section. Upon receipt of such application, the City Planner

shall forward same to the Plan Commission with the request that the Plan Commission make recommendations regarding the proposed plan and its compatibility with the Official Comprehensive Plan and general land use standards.

The City Planner shall mail a letter of notification of the next regular Plan Commission meeting, a summary of the proposed development and an 8½" X 14" sketch of the proposed development by first class mail to the property owners noted on the certified list as submitted by the applicant. Said information shall also be mailed to the County, the Park and School Districts in which the property is located and other persons or entities that the City desires to notify.

Affirmative comments or recommendations by the Plan Commission in regard to the concept plan shall not constitute authority to proceed with construction of any improvements, nor shall affirmative comments or recommendations in any way obligate the City Council or any of its appointed committees, boards, or commissions to approve later stages or plans. Negative comments in regard to the concept plan by the Plan Commission shall not prohibit the petitioner from submitting a preliminary plan and special use petition for consideration under the procedures in Section 17.42.080, 3.

3. Special Use Petition and Preliminary Plan Procedures

a. Purpose

The purpose of the preliminary plan submission is to obtain tentative approval and/or commitments from the City that the plans, design, and program that the applicant intends to build and follow are acceptable, and that the applicant can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plat approval and subsequent construction. Approval of the preliminary plan shall not constitute authority to proceed with construction of any improvements, but rather an approval of the general features of the plan as a basis for preparing the final plans. Such approval shall in no way obligate the City Council or any of its appointed committees, boards, or commissions to approve later stages or plans which do not conform to this Title, the ordinance authorizing the special use for a planned unit development and the preliminary plan.

b. Applications for approval of a preliminary plan and a special use ordinance shall be filed simultaneously

with the City Planner. However, the City Council may consider, at the request of the applicant, the filing of a special use petition with a concept plan, or with a first phase preliminary plan and concept plan for the remainder of the property.

The special use petition shall be in accordance with the provisions of this Section. The preliminary plan shall fully comply with the provisions of this Section.

The City Council, after receipt of the aforesaid findings and recommendations from the Plan Commission, shall approve or deny the preliminary plan and petition for special use with such modifications or requirements as it may deem necessary.

Within one (1) year following the approval of the preliminary plan and special use ordinance, the applicant shall file with the City Planner a final plan for the entire development or the first stage of the development containing in a final detailed form the information required in this Section. Prior to the end of the one (1) year period at its discretion and for good cause, the City Council may extend for up to twelve (12) months the period for filing of the final plans. If the applicant fails to file a final plan within the aforementioned time period, or any extension thereof, the approval of the preliminary plan and special use ordinance shall be null and void and the subject property shall revert to the zoning classification affixed to that property prior to the adoption of the special use ordinance. The Plan Commission may initiate such zoning changes as it deems necessary to serve the public interest.

4. Engineering Plan Procedures

The engineering plans and accompanying documents shall be submitted to the Planning Office. The City Planner shall forward the engineering plans to the appropriate City departments for review and approval or revision based on all applicable ordinances.

5. Final Plan Procedures

The final plan, or if the development is to be phased, the first phase final plan shall be filed with the City Planner within one (1) year of the approval of the preliminary plan. The final plan and, if the development is to be phased, all phased final plans shall conform substantially to the preliminary plan as approved. The final plan and all phased final plans and supporting data shall fully comply with the provisions in this Section.

The application for approval of a final plan and supporting data shall be filed at least two (2) weeks prior to the Plan Commission meeting. However, this requirement may be waived by the Plan Commission. All documents of the final plan shall be transmitted by the City Planner to the Plan Commission with directions to make findings and recommendations and forward same to the City Council. The Plan Commission shall not make a recommendation on the final plan until it has received notice of approval of the engineering plans by the City Staff. The Plan Commission shall review the final plan for its conformance with the approved preliminary plan and shall make its findings and recommendations to the City Council.

The City Council, after receipt of the aforesaid findings and recommendations from the Plan Commission shall approve or deny the final plan.

The final plat shall be filed with the appropriate Recorder of Deeds and all recording costs shall be paid by the applicant. No permit allowing construction of a building or any other improvement shall be issued until the final plat is recorded. No final plat shall be recorded until the final engineering plans have been approved by the Director of Public Works and the required land improvements have been completed or the required collateral for said improvements has been posted by the developer as set forth in Title 16, "Subdivisions and Land Improvement".

C. Changes in the Planned Unit Development

The planned unit development project shall be developed only according to the approved engineering plans and specifications and final plat and all supporting data. The final plat and supporting data together with all recorded amendments shall be binding on the applicants, their administrators, executors, successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned unit development project as set forth therein.

All changes to the planned unit development shall be referred to the City Council and may be made as follows:

1. Major Changes

Changes which alter the concept or intent of the planned unit development including increases in density, increase in the height of buildings, reductions of proposed open space, or other changes determined to be major by the City Council may be approved only by submission and reconsideration of a new preliminary plan and petition to amend the special use ordinance and/or final plan and following the preliminary plan or final plan procedure.

If the major change alters data or evidence submitted during the preliminary plan stage, then the re-submission must begin at the preliminary plan stage unless the change is requested by the Plan Commission, City staff or City Council. If only final plan evidence or data is altered as result of the major change, then the re-submission shall begin at the final plan stage.

If major changes are proposed, a new public hearing shall be required during re-submission of the preliminary or final plan.

2. Minor Changes

The City Council may without public hearing approve minor changes in the planned unit development which do not change the concept or intent of the development. Minor changes are defined as any change not defined as a major change.

D. Submission Timing and Reversion Clause

The final plans must be submitted for approval in accordance with agreed-to-scheduling. The first phase final plan must be submitted not later than one (1) year from date of approval of the preliminary plan and construction as authorized by the issuance of a building permit must begin within two (2) years of the date of the approval of the final plan dealing with such construction. In the event the same is not done, the Plan Commission may hold a public hearing and recommend the special use be revoked upon action by the City Council.

The Plan Commission may initiate such zoning changes as it deems necessary to serve the public interest. If construction falls more than two (2) years behind the building schedule filed with the final plan, the City Council shall either extend the schedule period or initiate action to revoke the planned unit development special use. Extensions in the building schedule for one (1) year periods may be granted by the City Council.

E. Location

The planned unit development is authorized as a special use in each of the zoning districts.

F. Specific Content

The planned unit development plans and supporting data all of which shall become the property of and remain with the City shall include at least the following information:

1. Concept Plan Stage

- a. Concept Plan - A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. A copy reduced to $8\frac{1}{2}$ " X 11" or $8\frac{1}{2}$ " X 14" shall also be provided. The plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This Section does not require a detailed site plan of buildings, roads, walks, etc. The plan should include:
 - i. Boundary lines - approximate distances.
 - ii. Streets on and adjacent to the tract - circulation system.
 - iii. Land use patterns - proposed.
 - iv. Map data - name of development, name of site planner, name of applicant, north point, scale, date of preparation, and acreage of site.
- b. Aerial photograph of site and surrounding property at a scale not less than 1" = 400'.
- c. Topographic map - at least ten (10) foot contour intervals at a minimum scale of 1" = 400'.
- d. Site data - A written explanation of the graphic elements of the plan, including:
 - i. Description and quantity of land uses.
 - ii. Description of residential units by type.
 - iii. Number of dwelling units.
 - iv. Estimated population.
 - v. Description of the development standards and design criteria.
 - vi. Floor area ratio.
- e. Objectives - A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the applicant.
- f. Ownership - A statement of present and proposed ownership of all land within the project.

- g. Utilities - A preliminary engineering study providing information on existing and proposed sanitary sewer, storm sewer, water, and other utilities necessary to service the development.

- h. Certified list of property owners and their mailing addresses, as recorded in the Office of the Recorder of Deeds of the County in which the property is located and as appears from the authentic tax records of such County, of all property within 250 feet in each direction of the development, excluding the number of feet occupied by all public roads, streets, alleys, and other public ways in computing the 250 feet requirement.

- i. List of exceptions or variations to the City of St. Charles zoning or subdivision requirements being requested as part of the planned unit development application.

- j. Cover letter listing all items submitted.

- k. Any other information that may be requested by the City Planner or the Plan Commission.

2. Special Use Petition and Preliminary Plan Stage

- a. Petition for special use as a planned unit development containing all information required in Section 17.42.070.

- b. Preliminary Plan - Ten (10) copies of a detailed drawing of the planned unit development showing all information required on the checklist for preliminary plans provided by the City Planner, including the following:

- i. Boundary survey prepared by registered land surveyor.
- ii. All existing or proposed public and private roads, streets and alleys, including sidewalks, widths of rights-of-way, widths of paved surfaces and street names.
- iii. Existing easements - location, width and purpose.
- iv. Lot sizes and building lines.
- v. Surface drainage system and retention and detention areas.
- vi. Public area lighting systems.
- vii. Off-street parking and service areas including dimensions and number of spaces.
- viii. Utilities on and adjacent to the tract - location and size of sanitary and storm, and water mains; location of gas lines, fire hydrants, electric and telephone lines; direction and distance to and size of nearest usable water mains and sewers adjacent to the tract.
- ix. Conditions on the tract - water courses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, soils and subsurface conditions, scenic views and vistas, houses, barns, accessory buildings, and other significant features.
- x. Conditions on adjacent land - approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other non-residential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, and show approximate percent built-up, typical lot size, and dwelling type.
- xi. Zoning - show zoning districts on and adjacent to the tract.
- xii. Open Space - all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose and any proposed recreational facilities indicated, showing acreage and percentage of total area.
- xiii. Structures - general location, purpose, and

- height, in feet or stories, of each building other than single family residences on individually platted lots.
- xiv. Map data - cover sheet showing name of development, names of owner, developer and site planner, north point, scale, date of preparation, acreage of site and location map showing relation of site to existing streets and use districts in surrounding area.
 - xv. Miscellaneous - such additional information as may be required by the Plan Commission.
- c. Objectives - A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the applicant.
 - d. Character - Explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the flexibility of these regulations and referencing the general benefits that will accrue to the public as a result of the planned unit development. Any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement", and Title 17, "Zoning", shall be listed and reasons for requesting each variation shall be given.
 - e. Ownership - Statement of ownership of all land within the project, according to official records in offices of the County Recorder of Deeds. A certificate shall be furnished that there are no delinquent taxes constituting a lien on the whole or any part of the property.
 - f. Schedule - Construction schedule indicating:
 - i. Phases in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each phase shall be shown on the plat and through supporting graphic material.
 - ii. Approximate dates for beginning and completion of each phase.
 - iii. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each phase.
 - g. Landscaping Plan - general landscape planting plan prepared by a landscape architect.

- h. Architectural Plans - Preliminary architectural plans for all primary buildings shall be submitted in sufficient details to permit an understanding of the style of the development, the design of the buildings, the screening of service units such as refuse areas and roof-top equipment, and the number and size, and type of dwellings units. Also provide floor area of building types and total ground coverage of buildings.
 - i. Topographic Data - A topographic survey with two-foot (2') contour intervals and showing the boundary lines of the subject area, prepared and certified by a registered land surveyor, or a registered professional engineer or compiled from aerial photographs by a company experienced in this field.
 - j. Covenants - Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
 - k. Density - Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type and the number of bedrooms in each building and dwelling unit type.
 - l. Traffic Analysis (This requirement may be waived or varied by the City Council upon request of applicant) - A traffic analysis prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, 24-hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted for new street construction and new traffic control measures required to accommodate the estimated traffic increases.
 - m. A tax impact study projecting both costs and revenues to the City and the Park and School Districts having jurisdiction over the proposed development, and population projections establishing anticipated student yields.
 - n. A proposal on satisfying applicable provisions of Title 16, Chapter 16.32, "Dedications".
 - o. Include a cover letter listing all items submitted.
 - p. Any other pertinent information that may be requested by the City Planner, Plan Commission or the City Council.
3. Engineering Plan Stage
- a. Engineering plans drawn to scale on a 24" X 36" format

including complete buildable plans and specifications for operating systems of on-site and off-site water mains, sanitary sewers, storm sewers, street improvements and drainage detention/retention facilities, in accordance with the requirements for engineering plans specified in Title 16, "Subdivisions and Land Improvements", prepared, signed and sealed by a professional engineer licensed to practice in the State of Illinois.

- b. Plan showing recommended locations and easements for electric, gas and telephone facilities and distribution.
 - c. Grading and Drainage Plan - A reproducible mylar drawing with original signatures, prepared at the same scale as the Final Plat and satisfying the requirements for topographic and profile studies of Chapter 109 of the Illinois Revised Statutes and City ordinances, containing specifically the following information:
 - i. Topographic information prepared from aerial photographs or surveys made by a registered Land Surveyor or Professional Engineer, showing two-foot (2') contour lines (unless the relief makes this impractical) referenced to benchmarks and United States Geological Survey datum.
 - ii. Finished grades or contours, to show the proposed changes to the land form, and top of minimum allowable foundation elevations for proposed and existing buildings.
 - iii. The extent and area of each watershed tributary to the drainage channels in the planned unit development.
 - iv. The street storm sewers and other storm drains to be built, the basis of their design, the outfall and the outlet locations and elevations, receiving stream or channel and its high water elevations, and the functioning of the drains during high water conditions.
-
- v. Existing streams and floodplains to be maintained, enlarged, altered, or eliminated; and new channels to be constructed with their locations, cross-sections, and profiles.
 - vi. Existing culverts and bridges, drainage areas, elevation, and adequacy of waterway openings; and new culverts and bridges to be built, their materials, elevations, waterway openings and the basis of their design.
 - vii. Existing detention ponds and basins to be maintained, enlarged, and altered and new ponds or basins to be built with dams, if any.

- ix. The estimated location and/or extent of impervious surfaces existing and expected to be constructed when the planned unit development is completely developed.
- x. The slope, type, and size of all sewers and other waterways.
- xi. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- xii. For all detention basins serving a tributary drainage area greater than 20 acres, design hydrographs of inflow and outflow for the 100-year design runoff events for the site and the calculated 100-year peak flows from the site under undeveloped conditions.
- xiii. Certificate required on Grading and Drainage Plan
STATE OF ILLINOIS)
) SS
COUNTY OF _____)

ENGINEER AND OWNERS CERTIFICATE

We hereby state that to the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of surface waters into public areas, or drains, which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Registered Professional Engineer

Date: _____, 19____

BY: _____
Owner

Date: _____, 19____

4. Final Plan Stage

The final plan shall conform substantially to the preliminary plan as approved, and, if desired by the applicant, it may constitute only that portion of the approved preliminary plan which he proposed to record and develop at that time; provided, however, that such portion conforms to all requirements of ordinances of the City.

- a. The submittal of the final plan shall include two (2) mylar copies with original signatures of a final planned unit development plat, suitable for recording with the County Recorder of Deeds, which shall include, but not be limited to:
 - i. An accurate legal description of the entire area under immediate development within the planned unit development.
 - ii. A final plat of all lands meeting all the requirements of Title 16, "Subdivisions and Land Improvement".
 - iii. The location and dimensions of the building lots, common permanent open space, existing permanent buildings, easements and rights-of-way.
 - iv. An open space easement on the common area assuring that the open space shall remain open for perpetuity.
 - v. Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre.
 - vi. Certificate, seals and signatures required for the dedication of land, and recording the document, in the forms provided for certificates on final plats in Title 16, "Subdivisions and Land Improvement".
- b. Other information as required for final plats under Title 16, "Subdivisions and Land Improvement" and as requested by the City Council shall be submitted.
- c. Final agreements, covenants, bylaws or provisions which will govern the use, maintenance and continued protection of the planned unit development shall be recorded at the same time as the final plat.
- d. An agreement shall be submitted by the applicant stating that prior to the recording of the final plat he will fully comply with the provisions of Title 16, Chapter 16.32, "Dedications", in the manner set forth in said agreement.
- e. Guarantee collateral shall be submitted in accordance with provisions of Title 16, Chapter 16.24, "Final Plat".

- f. Construction Schedule - A final construction schedule shall be submitted for that portion of the planned unit development for which approval is being requested.

G. Standards

The planned unit development shall meet standards which shall be considered as minimum standards and more stringent standards or conditions than required by this Title or other Titles may be recommended by the Plan Commission and approved by the City Council, said minimum standards being as follows:

1. Permitted Exceptional Uses

The City Council may authorize uses that are not permitted by the zoning district in which the planned unit development is located, provided that the City Council, after recommendation from the Plan Commission, shall make such findings as for any special use as more fully set forth in Section 17.42.070.

2. Ownership and Size

The site of the planned unit development must be under single ownership and/or unified control. A planned unit development shall be of sufficient size to meet the applicable standards and requirements of zoning district in which it is located and of this Section.

3. Unless otherwise provided in the ordinance granting a special use as a planned unit development, bulk regulations including floor area ratio, yards and building height shall be in accordance with Chapter 17.10, "R-1 Single Family Residence District" except where said regulations are more restrictive in the underlying zoning district in which case the more restrictive regulations shall apply.
4. Unless otherwise provided in the ordinance granting a special use as a planned unit development, signs shall be in accordance with the regulations set forth in Chapter 17.08, "Residence Districts - General Requirements".
5. Off-street parking and loading shall be in accordance with the regulations set forth in this Title.
6. Installation and Inspection of Improvements - Construction of all required improvements must be completed within the time schedule approved by the City Council or within two (2) years from the date of final plat approval unless good cause can be shown to the City Council for granting an extension of time. During the course of construction, the applicant shall provide for inspection of the work in order to insure compliance with the approved plans and specifications and according to good engineering and construction practices. Inspection of the work may also be done by the City.

7. Maintenance and Guarantee of Improvements

The applicant must be responsible for the maintenance and repair of all public improvements for a period of one (1) year after the date of acceptance by the City Council. In addition, wherever land improvements are to be completed in phases, the applicant shall be responsible for the maintenance and repair of storm water drainage and/or detention improvements for a period of one (1) year after the date of acceptance by the City Council of all public improvements in areas tributary to the storm drainage and/or detention improvements, or one (1) year after the completion of landscaping improvements in areas tributary to the storm drainage and/or detention facilities, whichever is later.

8. Findings of Fact

The Plan Commission shall make recommendations to the City Council and shall set forth what respects the proposal would be in in the public interest including, but not limited to, findings of fact on the following:

- a. In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.
- b. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
- c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.
- d. The physical design of the proposed plan and the manner in which said design does make adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated and common open space, and furthers the amenities of light and air, recreation and visual enjoyment.
- e. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
- f. The desirability of the proposed plan to physical development, tax base and economic well-being of the City.
- g. The conformity with the recommendations of the Comprehensive Plan of the City.
- h. The conformity with all existing federal, state and local legislation and regulation.

9. Conditions and Guarantees

Prior to granting of a special use as a planned unit development, the Plan Commission may recommend, and the City Council may stipulate, 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 for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in this Title. In all cases in which planned unit developments are granted, the City Council may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the planned unit development are being, and will be, complied with.

17.42.090 FEES

Any person, firm, corporation or agent who shall file a petition for amendment or an application for appeal, variation, special use, planned unit development, or for any other certificate of license or for the inspection of improvements required under the terms of this Title, shall be charged a fee in accordance with a schedule of fees established by the City of St. Charles.

17.42.100 FEES - SCHEDULE

A. The following schedule of fees is established:

Variations

Filing and review fee (payable when petition is filed)	\$75.00
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Zoning Amendments and Special Uses

Filing and review fee (payable when petition is filed)	\$125.00
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In addition to the filing and review fee, the petitioner shall reimburse the City for the following costs;

- Publication of legal notice
- Certified mailing costs
- Court reporter fees
- BOCA plan review, when requested by City

Annexations

Filing and review fee (payable when petition is filed)	\$75.00
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In addition to the filing and review fee, the petitioner shall reimburse the City for the following costs;

- Publication of legal notice
- Certified mailing costs
- Court report fees
- BOCA plan review, when requested by City

Planned Unit Developments

Filing fee (payable when preliminary plan is filed):

- For 1 to 20 acres \$200.00
- For more than 20 acres: \$200.00 plus \$10.00 for each acre
in addition to 20 acres (any
fraction of an acre less than .5
shall be disregarded, and a frac-
tion of .5 or more shall be
counted as one acre)
- Engineering review and construction \$20.00 per hour
inspection
- Sewer inspection by closed circuit \$0.50 per linear
television foot

In addition to the filing, engineering review and inspection fees, the applicant shall reimburse the City for the following costs:

- Court reporter fees
- Recording fees
- BOCA plan review, when requested by City

The petitioner or applicant shall pay the full filing fee and additional costs for each type of petition or plan submitted. For example, if an applicant files a preliminary plan for a planned unit development and a petition for special use as a planned unit development, he shall be required to pay fees for both the preliminary plan and the special use petition in accordance with the above schedule. This also applies if there are more than two types of petitions or plans filed, such as a request for annexation, zoning amendment and approval of a preliminary plan.

Fees for the engineering review of both preliminary and final engineering plans shall be based on hourly rates established by the Director of Public Works. The fees shall be paid prior to approval of the plans.

Fees for engineering inspection during the construction of the improvements shall be based on hourly rates of \$20.00/hour established by the Director of Public Works for the day to day inspection and for the closed circuit television inspection of the sanitary sewer lines.

The review and inspection fees shall be subject to a maximum fee based on a percentage of construction cost in accordance with the following schedule:

<u>ESTIMATED COST OF SITE IMPROVEMENT</u>	<u>MAXIMUM REVIEW FEE</u>	<u>MAXIMUM INSPECTION FEE</u>
First \$10,000	1.25%	2.50% plus TV inspection
Next \$20,000	1.00%	2.00% plus TV inspection
Next \$50,000	0.80%	1.60% plus TV inspection
Next \$200,00	0.70%	1.40% plus TV inspection
Next \$200,00	0.60%	1.20% plus TV inspection
All over \$500,000	0.50%	1.00% plus TV inspection

All fees are due and payable prior to any council action.

B. Fee - Official Zoning Map

Any person, firm, corporation or agent who desires a copy of the Official Zoning Map of the City of St. Charles shall pay Four Dollars (\$4.00) therefor.

17.42.110 PENALTY FOR VIOLATION - ENFORCEMENT AUTHORITY

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 twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building Commissioner is designated and authorized to enforce this Title.

2. The provisions hereof shall be deemed to be separable; and if any section, paragraph, clause, provision or item herein shall be held invalid, the invalidity of such section, paragraph, clause, provision, or item shall not affect any other provision hereof.

3. That the first Board of Zoning Appeals for the purposes of this amendment and their respective terms shall be as follows:

Raymond Law	4/30/82	(term expires)
Russell Pope	4/30/83	"
James Byrne	4/30/81	"
Harold Whiting	4/30/81	"
Elmer E. Rullman III	4/30/85	"
John A. Anderson	4/30/84	"
Ray Lundgren	4/30/82	"

4. That the first Plan Commission for the purpose of this amendment and their respective terms shall be as follows:

John Wessel	4/30/81	(term expires)
Roy S. Dunlop	4/30/81	"
William J. Spear	4/30/81	"
Gordon Gregory	4/30/83	"
George Hoffer	4/30/81	"
Fred Hornstra	4/30/83	"
Les Johnson	4/30/81	"
Edward Williamson	4/30/82	"
Jean Connors	4/30/82	"
Scott McCullagh	4/30/82	"
Donald Regole	4/30/83	"

5. As to those applications for occupancy permits, building permits, zoning amendments, special uses, variances, planned unit developments and map amendments pending on the date of this ordinance, Chapter 17.42 of the St. Charles Municipal Code existing prior to this ordinance shall apply for purposes of action. Once such application has been acted upon, however, this amendatory ordinance shall apply

6. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Illinois,
this 20th day of April, 1981.

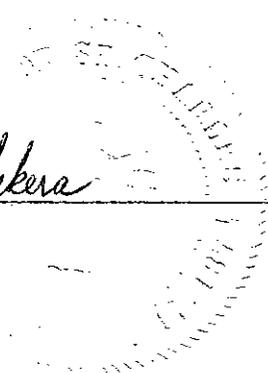
PASSED by the City Council of the City of St. Charles, Illinois,
this 20th day of April, 1981.

APPROVED by the Mayor of the City of St. Charles, Illinois,
this 20th day of April, 1981.



MAYOR

ATTEST:



CITY CLERK

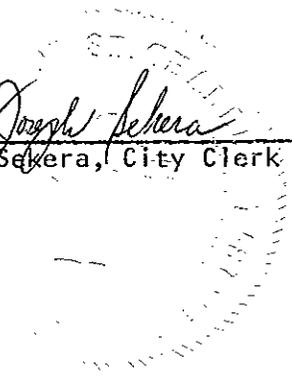
Council Vote:
Ayes: 10
Nays: 0
Absent: 0

STATE OF ILLINOIS)
COUNTIES OF KANE AND DUPAGE) SS.
CITY OF ST. CHARLES)

This is to certify that the foregoing is a true and correct
copy of Ordinance No. 1981-Z-6 entitled AN ORDINANCE AMENDING
TITLE 17 ENTITLED "ZONING", CHAPTER 17.42 ENTITLED "ADMINISTRATION"
OF THE ST. CHARLES MUNICIPAL CODE

passed by the City Council of the City of St. Charles on the 20th
day of April, 1981 A.D., as morefully appears from the
records and files of said City in my custody.

Given under my hand and the official seal of said City of
St. Charles, this _____ day of _____, 19____ A.D.


M. Joseph Severa
M. Joseph Severa, City Clerk