

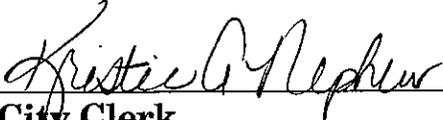
City of St. Charles, Illinois

Ordinance No. 2003-Z-13

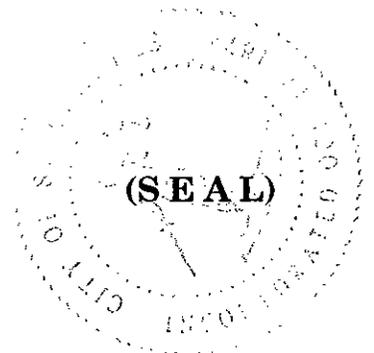
**An Ordinance Amending Title 17, "Zoning,"
Regarding "Outdoor Dining" and
"Outdoor Entertainment"**

**Adopted by the
City Council
of the
City of St. Charles
July 21, 2003**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, July 25, 2003**



City Clerk



DATE OF PUBLICATION 7/25/03
NEWSPAPER Pamphlet Form

REFER TO:
MINUTES 7/21/03
PAGE _____

ORDINANCE NO. 2003-Z-13

PRESENTED AND PASSED BY THE
CITY COUNCIL ON July 21, 2003

AN ORDINANCE AMENDING TITLE 17 "ZONING"
REGARDING "OUTDOOR DINING" AND "OUTDOOR
ENTERTAINMENT"

WHEREAS, a Petition has been filed to amend Chapter 17.02 "General Provisions"; Chapter 17.04 "Rules and Definitions"; Chapter 17.20 "Business Districts – General Requirements"; Chapter 17.24 "B2 Community Business District"; and Chapter 17.25 "B-2-C Central Business District" of the St. Charles Zoning Ordinance; and

WHEREAS, the Plan Commission of the City of St. Charles has held a public hearing on said Petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and has considered the same;

NOW, THEREFORE, IT BE ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That Section 17.02.220 entitled "Outdoor Sales Areas and Open Sales Lots as Temporary Uses" of Chapter 17.02 "General Provisions" of Title 17

“Zoning” of the St. Charles Municipal Code be and is hereby amended by deleting

Section 17.02.220 in its entirety and by substituting the following therefor:

“17.02.220 Outdoor Sales Areas, Open Sales Lots, Outdoor Dining, and Outdoor Entertainment as Temporary Uses.

A. Subject to the restrictions contained in this Section, the Director of Community Development may authorize a permit for a temporary Outdoor Sales Area or a temporary Open Sales Lot in the B-1 Local Business District, the B-2 Community Business District, the B-2-C Central Business District, the B-3 Service Business District, the B-4 Special Business District and the M-1 Limited Manufacturing District, and on any site which has a Special Use for a Planned Unit Development which allows commercial uses (except those PUD’s which contain language expressly prohibiting outdoor activity). Outdoor operations within temporary Outdoor Sales Areas and Open Sales Lots permitted by this Section 17.02.220 shall comply with the following restrictions:

1. Outdoor operations within temporary outdoor sales areas and open sales lots shall be limited to one (1) event of not more than 60 days and two (2) events of not more than 15 days each, for any lot in any calendar year.
2. Open sales lots permitted under this section are restricted to sales of Christmas trees.
3. Temporary outdoor sales areas and open sales lots shall be limited to private property, and no sales or storage shall be permitted on publicly owned land unless approved by the City Council.
4. Temporary outdoor sales areas and open sales lots shall not occupy required parking spaces. Christmas tree operations shall provide two parking spaces per 1000 square feet of display area.
5. Temporary outdoor sales areas and open sales lots shall not block access drives or fire lanes.

B. Prior to granting of a permit for a temporary Open Sales Lot or Outdoor Sales Area, the applicants shall submit all of the following items, if applicable, to the Building Commissioner with an application fee of \$50.00:

1. Plot plan indicating:
 - a. Location of the proposed temporary Outdoor Sales Area or Open Sales Lot, including structures such as tents.
 - b. Location of existing parking spaces and access drives.
 - c. Number of required and provided parking spaces.
 - d. Any proposed signage.

2. Description of merchandise that will be sold.
 3. Period of time requested for open sales lot or outdoor sales area.
- C. Subject to the restrictions contained in this Section, the Director of Community Development may authorize a permit for temporary Outdoor Dining or temporary Outdoor Entertainment in all business districts and on any site, which has a Special Use for a Planned Unit Development that allows commercial uses (except those PUD's which contain language expressly prohibiting outdoor activity). Outdoor Dining and Outdoor Entertainment permitted as temporary uses by this Section 17.02.220 shall comply with the following restrictions:
1. The application for a temporary Outdoor Dining and/or temporary Outdoor Entertainment should be submitted a minimum of 30 days before the date that the Outdoor Dining and/or the Outdoor Entertainment is to commence, and the applicant is encouraged to meet with the City staff to discuss the application and to coordinate services that may be provided by the City.
 2. Permits for temporary Outdoor Dining and/or temporary Outdoor Entertainment shall be limited to a maximum of three days, and the permitted hours of operation shall be limited to between 12:00 noon to 10:00 p.m. No establishment shall be permitted to obtain more than 2 permits per calendar year.
 3. Temporary Outdoor Dining and temporary Outdoor Entertainment shall be limited to private property and no outdoor dining or entertainment shall be permitted on publicly owned land unless approved by the City Council.
 4. The temporary Outdoor Dining and/or temporary Outdoor Entertainment may occupy all required parking spaces on the lot.
 5. The temporary Outdoor Dining and temporary Outdoor Entertainment shall not block access drives or fire lanes.
- D. An applicant for a permit for Outdoor Dining and/or temporary Outdoor Entertainment shall submit a plan or other suitable description showing all of the following items, if applicable, to the Building Commissioner with an application fee of \$50.00:
1. Plot plan indicating:
 - a. Location of proposed temporary outdoor dining area and outdoor entertainment area, including structures, such as tents, portable restrooms, stages, concession stands, etc.
 - b. Location of entrances, exits and secured areas must be marked. Two is the minimum number of exits required.
 - c. Location of existing parking and access drives.
 - d. Number and location of parking spaces to be used
 - e. Location of fire extinguishers

2. Signage plan
3. Electrical plan
4. Occupancy Load plan
5. Lighting plan
6. Description of type of food and beverages to be sold
7. Description of type of outdoor entertainment to be provided
8. Period of time requested for outdoor dining and outdoor entertainment”

SECTION 2. That Chapter 17.04 entitled “Rules and Definitions” of Title 17 “Zoning” of the St. Charles Municipal Code be and is hereby amended by adding Section 17.04.391 “Outdoor dining” and Section 17.04.393 “Outdoor entertainment” as follows:

“17.04.391 Outdoor dining

“Outdoor dining” means the serving of food and/or beverages in an outdoor space as a commercial use.

17.04.393 Outdoor entertainment

“Outdoor entertainment” means an outdoor show, performance, or the playing of recorded or amplified sound.”

SECTION 3. That Section 17.20.010 entitled “Requirements generally” of Chapter 17.20 “Business Districts – General Requirements” of Title 17 “Zoning” of the St. Charles Municipal Code be and is hereby amended by deleting Subsection A in its entirety and by substituting the following therefor:

“A. All business, sales, service, storage, and display of goods shall be conducted within completely enclosed buildings, except that the following activities and uses are exempt from this requirement:

1. Off-street parking and loading to the extent permitted under the provisions of this Title 17. This exemption does not include storage or display of vehicles for sale.
2. Outdoor business, sales, services and display of goods as part of an automobile service station, drive-in restaurant, drive-in ice cream shop, automobile laundry, dog kennel, outdoor amusement establishment, or

fairgrounds use. Such outdoor business, sales, service, and display of goods may be limited or prohibited by the ordinance granting or amending the Special Use required for each such use.

3. Sales, storage and display of goods within an outdoor sales area for which a Special Use has been granted under the provisions of this Title 17.
4. Sales of food and/or beverages for which a Special Use for "Outdoor Dining" has been granted under the provisions of Title 17 or as permitted in the B-2-C Central Business District.
5. Activities and incidental sales where a Special Use for "Outdoor Entertainment" has been granted under the provisions of Title 17 or as permitted in the B-2-C Central Business District.
6. Business, sales, service, storage, and display of goods within an open sales lot, for which a Special Use has been granted under the provisions of this Title 17.
7. The growing of living plant materials in the open.
8. Temporary uses including Outdoor Sales Areas, Open Sales Lots, Outdoor Dining and Outdoor Entertainment as permitted in Chapter 17.02, General Provisions."

SECTION 4. That Section 17.24.030 entitled "Special Uses" of Chapter 17.24 "B2 Community Business District" of Title 17 "Zoning" of the St. Charles Municipal Code be and is hereby amended by deleting subsection T in its entirety, substituting the following subsection "T" therefor, and by adding Subsection U as follows:

- "T. Outdoor entertainment, provided that the sound level produced by outdoor entertainment shall not exceed 60 decibels as measured at the property line in any residence district, and outdoor entertainment shall not be permitted between the hours of 10:00 p.m. and 12:00 noon of the following day.
- U. Outdoor dining, including recorded sound provided that the sound level does not exceed 60 decibels as measured at the property line in any residence district and the recorded sound is not generated between the hours of 10:00 p.m. and 10:00 a.m. of the following day."

SECTION 5. That Section 17.25.020 "General requirements and standards" of Chapter 17.25 "B-2-C Central Business District" of Title 17 "Zoning" of the St. Charles Municipal Code be and is hereby amended by adding a paragraph "C" as follows:

“C. Where outdoor dining or outdoor entertainment is conducted as a permitted use, a permit is required annually prior to providing outdoor dining or entertainment. The property or business owner shall submit an application, \$50.00 application fee, and a plan or other description showing the following:

- Location of outdoor dining area including the location of tables and chairs
- Location of outdoor entertainment
- Location of entrances and exits
- Location of fire extinguishers
- Description of type of food and beverages to be sold

The Building Commissioner shall issue the appropriate permit if the plan is in compliance with all applicable laws, codes and ordinances. No annual permit is required where outdoor dining or outdoor entertainment is conducted as a special use.”

SECTION 6. That Section 17.25.030 “Permitted Uses” of Chapter 17.25 “B-2-C Central Business District” of Title 17 “Zoning” of the St. Charles Municipal Code be and is hereby amended by adding paragraphs “90” and “91” as follows:

90. Outdoor dining, including recorded sound provided that the sound level does not exceed 60 decibels as measured at the property line in any residence district and the recorded sound is not generated between the hours of 10:00 p.m. and 10:00 a.m. of the following day.
91. Outdoor entertainment, where the entire property is located more than 200 feet from a property line in any residence district, provided that the sound level produced by outdoor entertainment shall not exceed 60 decibels as measured at the property line in any residence district, and outdoor entertainment shall not be permitted between the hours of 10:00 p.m. and 12:00 noon of the following day.”

SECTION 7. That Section 17.25.040 “Special Uses” of Chapter 17.25 “B-2-C Central Business District” of Title 17 “Zoning” of the St. Charles Municipal Code be and is hereby amended by deleting paragraph “14” and by substituting the following therefor:

- “14. Outdoor entertainment, where the entire property is located 200 feet or less from a property line in any residence district, provided that the sound level produced by outdoor entertainment shall not exceed 60 decibels as measured

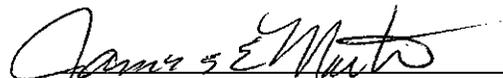
at the property line in any residence district, and outdoor entertainment shall not be permitted between the hours of 10:00 p.m. and 12:00 noon of the following day.”

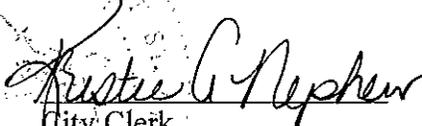
SECTION 8. That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 21st day of July, 2003.

PASSED by the City Council of the City of St. Charles, Illinois, this 21st day of July, 2003.

APPROVED by the City Council of the City of St. Charles, Illinois, this 21st day of July, 2003.


Susan L. Klinkhamer, Mayor
JAMES E. MARTIN, MAYOR PRO TEM

ATTEST:

City Clerk



Council Vote:

Ayes: 10

Nays: 0

Absent: 0

Abstain: 0

APPROVED AS TO FORM

Timothy D. O'Neil

City Attorney

Date: 7/21/03

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

Certificate

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

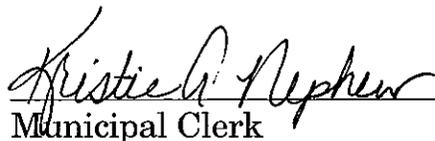
I further certify that on July 21, 2003, the Corporate Authorities of such municipality passed and approved Ordinance No. 2003-Z-13, entitled

“An Ordinance Amending Title 17, “Zoning,”
Regarding “Outdoor Dining” and
“Outdoor Entertainment,”

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

The pamphlet form of Ordinance No. 2003-Z-13, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 25, 2003, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 24th day of July, 2003.



Municipal Clerk

