City of St. Charles, Illinois

Ordinance No. 2009-M-8

An Ordinance Amending Title 12, Chapter 12.40 ("City Corridor Improvement Program") of the St. Charles Municipal Code

Adopted by the

City Council

of the

City of St. Charles

February 17, 2009

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, February 20, 2009

Nancy Garrison

City Clerk

(S E A L)

DATE OF PUBLICATION: 02/20/09
PAMPHLET FORM

REFER TO MINUTES 02/17/09
PAGE

City of St. Charles, Illinois
Ordinance No. 2009-M- 8

An Ordinance Amending Title 12, Chapter 12.40 ("City Corridor Improvement Program") of the St. Charles Municipal Code

WHEREAS, the City of St. Charles adopted Ordinance No. 2001-M-24 which created the City Corridor Improvement Program; and

WHEREAS, it is in the best interest of the City and Public that the Corridor Improvement Program be amended.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Title 12, Chapter 12.40 ("City Corridor Improvement Program") of the St. Charles Municipal Code is hereby deleted in its entirety and the following language shall be inserted in lieu thereof:

"CHAPTER 12.40
CITY CORRIDOR IMPROVEMENT PROGRAM

Sections:

12.40.10 Purpose.
12.40.20 Definitions.
12.40.30 Corridor Improvement Commission; membership.
12.40.40 Duties of the Corridor Improvement Commission.
12.40.50 Grant Application Procedure.
12.40.60 Corridor Improvement Agreements.
12.40.70 Funding Source.

12.40.10 Purpose.

The purpose of this Chapter is to promote and protect the public health, safety and welfare by establishing the Corridor Improvement Program and providing for the administration thereof. The Corridor Improvement Program is intended to improve the aesthetics of Eligible Properties by providing financial assistance to property owners or tenants to subsidize the construction of Eligible Improvements. Said improvements shall:

1. Enhance the overall economic vitality and character of the City through improvement of private property; and,

2. Protect the general welfare by aesthetically enhancing Eligible Properties; and,
3. Create and maintain physical improvements that enhance community character by providing unique and familiar visual features.

12.40.20 Definitions.

As used in this Chapter, the following terms shall have the meanings set forth herein:

"Corridor Improvement Agreement". An agreement between a property owner or tenant and the City that provides for the amount of the Corridor Improvement Grant, the improvements to be completed and the responsibilities of the property owner or tenant.

"CIC". The St. Charles Corridor Improvement Commission.

"Corridor Improvement Grant" or "Grant". Financial assistance to Grant Recipients to reimburse the cost of Eligible Improvements. Grants may be awarded in the specific forms set forth in the program description attached to this Ordinance as Exhibit "A", and incorporated herein by this reference.

"Eligible Improvements". The design, purchase and planting or construction of Landscaping Materials on an Eligible Property.

"Eligible Properties". Properties located within the corporate limits of the City of St. Charles and: (a) have a frontage on Main Street, Randal Road or Kirk Road; or (b) are located in the Downtown Special Services Area (SSA-1B).

"Grant Recipient". The owner of record or tenant of an Eligible Property or such other party having a legal interest therein.

"Landscaping Materials". Plants, trees, shrubs, bulbs, flowers and other similar elements approved by CIC..

12.40.30 Corridor Improvement Commission; membership.

A. Establishment. The St. Charles Corridor Improvement Commission is hereby established.

B. Authority. The CIC shall have only those powers and duties provided for in this Chapter 12.40.

C. Membership. There shall be seven (7) members of the CIC, appointed by the Mayor with the advice and consent of the City Council.

D. Qualifications. CIC members shall be chosen based upon their professional knowledge, commitment to the community and who are:

1. A design professional such as a landscape architect, landscape designer or artist; or

2. A land development professional such as a real estate developer, realtor, construction contractor/planner or civil engineer; or

3. The owner or manager of a business located in the City of St. Charles; or

4. An "at large" member who resides in the City corporate limits, but does not necessarily own a business or work within the City; or

5. Possess other beneficial skills that include, but are not limited to financial/accounting knowledge, interest in the arts (especially a working knowledge of public art) and riverfront issues such as design or ecology.

E. Terms.

1. Except as provided for herein, members shall be appointed to a term of three (3) years. Of the first five (5) members of the Board, two (2) members shall serve from their dates of appointment through April 30, 2010, and three (3) members shall serve from their dates of appointment through April 30, 2011.

2. All future terms shall expire on April 30th of the last year of their respective terms. Members whose terms have expired shall continue to serve until a successor is appointed, except if a member is removed for cause.

F. Removal. Members may be removed from the CIC for cause, upon the recommendation of the Mayor or a motion proposed by the City Council, by a two-thirds (2/3) majority vote of the City Council. Any member of the CIC who fails to attend one third (1/3) or more of the meetings held within any six (6) month period may be so removed.

G. Compensation. No person shall receive compensation for serving as a member of the CIC.

H. Officers. The CIC shall elect from its membership a chairperson and a vice-chairperson, and such other officers as it may determine. Officers shall serve for terms of one (1) year, commencing May 1 and ending April 30 of the following year, and shall be eligible for re-election.

I. Quorum. A quorum shall consist of a majority of the members then sitting on the CIC. Official actions shall be made by a majority of those members present at any meeting where a quorum exists.

J. Meetings. Meetings shall be held at regularly scheduled times or at the call of the chairperson in accordance with the Illinois Open Meetings Act. Minutes of the proceedings of each meeting shall be made and kept as required by law.

12.40.40 Duties of the Corridor Improvement Commission.

A. Duties. The CIC shall perform the following duties:

1. Adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Chapter, consistent with Robert's Rules of Order (10th Edition).

2. Review all applications for Corridor Improvement Grants.

3. Make recommendations to the City Council for approval of Corridor Improvement Grants.

4. Advise the City Council on any matter pertaining to this Chapter and its enforcement, including, but not limited to, the following:

   a. Amendments to this Chapter.

   b. Policy concerning streetscape (both public and private streetscape).

   c. Administration of the Corridor Improvement Grant Program.

B. Coordination with other City Commissions. The recommendations and policies of the CIC shall complement the recommendations, decisions, and policies of the Plan Commission, Tree Commission and Historic Preservation Commission. Any recommendation, proposed policy, or proposed work in conflict with other City Commissions shall be resolved by the City Council.

12.40.50 Grant Application Procedure.

A. Applications for Corridor Improvement Grants shall be made to the CIC by completing the application form available from the Community Development Department.

B. The CIC shall evaluate all Grant applications based upon on its ability to satisfy the goals and priorities of the CIC.

C. The CIC shall consider all applications at one or more of its public meetings. The CIC shall render a decision to recommend approval or denial of the Grant application in a timely manner.

D. The City Council shall consider the recommendations from the CIC in making decisions regarding approval of Grant applications.

E. Grants shall be awarded to reimburse Grant Recipients for costs as set forth in this Ordinance.

12.40.60 Corridor Improvement Agreements.

Grant Recipients shall execute a Corridor Improvement Agreement in a form satisfactory to the City. The terms of said Agreement shall include, but not limited to:

A. The Corridor Improvement Grant shall only be used for Eligible Improvements.

1. The Eligible Improvements shall exceed the minimum landscaping requirements of the St. Charles Zoning Ordinance (Title 17 of the City Code) and all other provisions of the City Code. In the event that an Eligible Property is subject to a Planned Unit Development (PUD), the proposed improvements must exceed the landscaping required by the applicable PUD landscape plan.

2. In no event shall Corridor Improvement Grant funds be used for improvements that are required by the Zoning Ordinance or any other provision of the City Code.

3. In no event shall Corridor Improvement Grant funds be used for permit or other fees imposed by a governmental entity.

B. Eligible Improvements shall be completed in strict accordance with a landscaping plan approved by the CIC. Approved landscape plans shall comply with the City Code and the program description. The Director of Community Development may, at his or her discretion, approve minor revisions to said plan due to the unavailability of Landscape Materials, delayed due to weather, availability of materials or other circumstances beyond the reasonable control of Grant Recipients.

C. Eligible Improvements shall be completed in a timely manner.

1. All Eligible Improvements shall be completed within two hundred-seventy (270) calendar days of the execution of the Corridor Improvement Agreement. The City may, at its sole discretion, authorize an extension of up to two hundred-seventy (270) calendar days. In the event that the Eligible Improvements are is not complete in the time provided by the Corridor Improvement Agreement (or extension thereof as the case may be) the City shall not be obligated to reimburse Grant Recipients after the date of expiration.

2. Construction of the Eligible Improvements shall not commence prior to the execution of the Corridor Improvement Agreement; improvements constructed prior to the execution of said Agreement shall not be eligible for Grant funds.

D. Disbursement procedures; reimbursement of costs.

1. Upon completion of the Eligible Improvements, Grant Recipients shall submit copies of all design invoices, contractor's statements, other invoices, proof of payment and notarized final lien waivers to the Director of Community Development. Grant funds shall not be disbursed without supporting documentation.

2. Notwithstanding any other provision herein, the Director of Community Development may, at his or her discretion, authorize disbursement of Grant funds before the Eligible Improvements are completed if: (a) at least forty percent (40%) of the Eligible Improvements are constructed; and (b) design invoices, contractor's statements, other invoices, proof of payment, and notarized final lien waivers have been submitted; and (c) the completion of the remaining Eligible Improvements are delayed due to weather, unavailability of Landscaping Materials or other circumstances beyond the reasonable control of the Grant recipients.

F. Grant Recipients shall maintain the Eligible Improvements without alteration for five (5) years after the execution of the Corridor Improvement Agreement. A restrictive covenant limiting alterations may be required by the City Council at the time of approval of the Corridor Improvement Agreement; the City Council may subsequently waive the requirement following a recommendation from the Corridor Improvement Commission and Director of Community Development, upon submittal of evidence of hardship or unusual circumstances.

G. Grant Recipients shall expressly acknowledge that Corridor Improvement Grants may be subject to Federal, State and local taxes and as such, they have consulted with their attorney or tax advisor. Grant Recipients shall provide the City with their social security or taxpayer identification number and such other information as may be required by the City.

H. To the fullest extent permitted by law, Grant Recipients shall agree to indemnify, defend, protect and hold harmless the City. The terms of said indemnification and hold harmless shall be set forth in the Corridor Improvement Agreement.

I. Grant Recipients shall purchase and maintain general liability insurance naming the City as additional insured party as set forth in the Corridor Improvement Agreement.

12.40.70 Funding Source.

The Corridor Improvement Program shall be funded by the City of St. Charles General Fund."

SECTION TWO: That all ordinances and resolutions, or parts thereof, in conflict herewith are repealed to the extent of said conflict.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 17 day of February, 2009.

PASSED by the City Council of the City of St. Charles, Illinois, this 17 day of February, 2009.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 17 day of February, 2009.

Donald P. DeWitte, Mayor

ATTEST:

Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : 8
Nays : ____
Absent : 2
Abstain: ____

APPROVED AS TO FORM:

_____
City Attorney

DATE: _____

Exhibit A

ST. CHARLES
SINCE 1834

City of St. Charles
Corridor Improvement Program Description

Revised September 15, 2008

1. **Program Purpose**

12.40.10 Purpose

The purpose of the St. Charles Corridor Improvement Program is to provide opportunities for property owners to improve the aesthetics of major arterial streets and the downtown area through grant funds.

The intent of the Corridor Improvement Program is to promote:

1. The general enhancement of the overall economic vitality and character of the City through improvement of private property.
2. The protection of the general welfare by aesthetically enhancing property in the defined City corridors.
3. The creation and maintenance of physical characteristics that enhance community character by providing unique and familiar visual features.

2. **Eligible Properties:**

To be eligible for a Corridor Improvement Program reimbursement grant, a property must meet the following criteria:

1. The property must have frontage on Main St., Randal Rd., or Kirk Rd. The property may also be located in the Downtown Special Services Area (SSA1B)
2. Only improvements that go "above and beyond" any improvements required by the Zoning Code (Title 17 of the City Code) are eligible for reimbursement.
   2.1. Properties that are subject to an approved Planned Unit Development (PUD), and meet eligibility criterion 1, are eligible for a Corridor Improvement Grant. The proposed landscaping must be an increase from the approved landscaping shown on the approved PUD landscape plan. Corridor Improvement Grants cannot be used to pay for any materials or associated costs required by the approved PUD landscape plan.

3. **The following items are not eligible for reimbursement grants under the City of St. Charles Corridor Improvement Program:**

***LANDSCAPING REQUIRED BY THE ZONING ORDINANCE.**
***BUILDING PERMIT FEES AND RELATED COSTS.**
***SWEAT EQUITY.**

Improvements not specifically listed as eligible or ineligible are subject to review as to eligibility by the Corridor Improvement Commission as an advisory body and approval or disapproval by the St. Charles City Council.

3. What Grants Are Available?

Corridor Improvement Grants

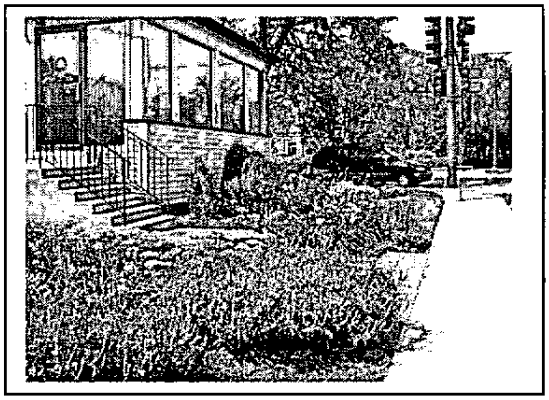
Matching funds for up to 50% of plant and other approved materials, labor, and soil preparation costs will be available. The Commission will provide funding for up to 75% of the design cost based on the following chart:

Grant Funding for Design of Corridor Grants		
Linear Footage of Property on a Corridor Roadway (Main, Kirk, Randall)	**Owner Pays**	**Commission Will Pay**
< 200 feet	First 25% of Total Design Cost	Up to $2,000
201 – 500 feet	First 25% of Total Design Cost	Up to $3,000
501 > feet	First 25% of Total Design Cost	Up to $4,000

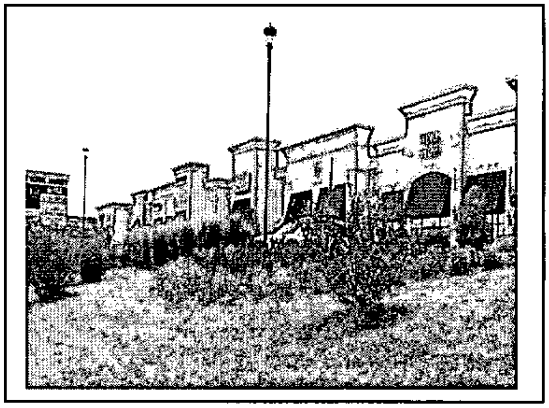
Design Guidelines

Guideline 1
Corridor Grants should create an interesting visual mix of landscape features along the area abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible.

Guideline 2
Corridor Grants should create a generous mix of colors and textures. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette.



Guideline 3
Corridor Grants can incorporate a variety of perennials, ground covers, bushes, ornamental trees, shade trees, mulch, improvements that provide vehicular screening for parking lots, (walkways/sidewalks, pavers, stamped concrete, plazas, other permanent improvements designed primarily for pedestrian use), and walls.

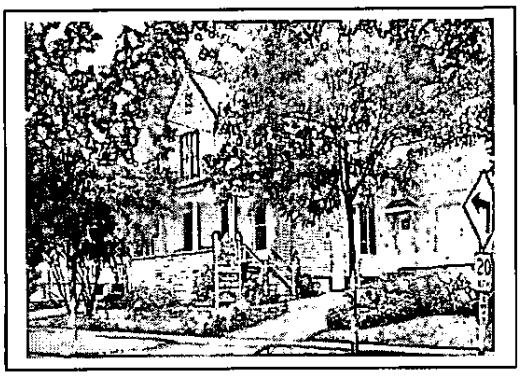


Downtown Improvements Grants

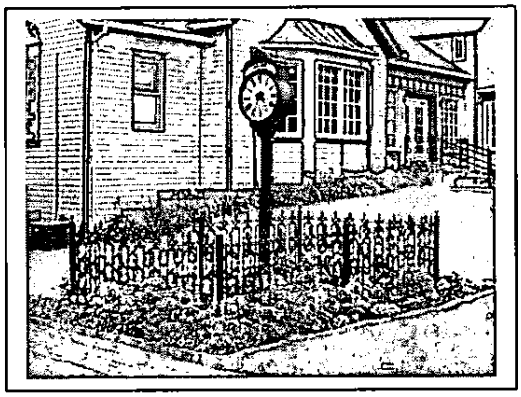
Funding will provide matching funds for up to 50% of plant materials, labor, and soil preparation costs. The Commission will provide funding for up to 75% of the design cost based on the following chart:

Grant Funding for Design of Downtown Grants		
Linear Footage of Property on a Public Street Located within the SSA1B District	**Owner Pays**	**Commission Will Pay**
< 200 feet	First 25% of Total Design Cost	Up to $2,000
201 – 500 feet	First 25% of Total Design Cost	Up to $3,000
501 + feet	First 25% of Total Design Cost	Up to $4,000

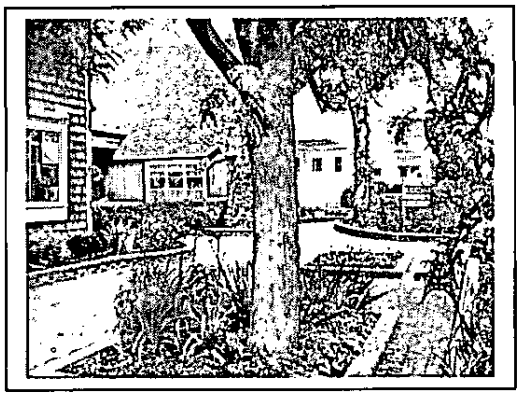
Design Guidelines



Guideline 1
Downtown Grants should create an interesting visual mix of landscape features along the area abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible.



Guideline 2
Downtown Grants can incorporate plants and other landscape materials to create interesting landscaped vistas. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette.

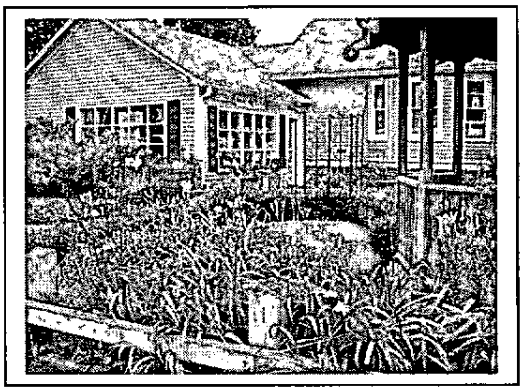


Guideline 3
Downtown Grants should incorporate a variety of perennials, ground covers, bushes, ornamental trees, mulch, and shade trees. These grants may also incorporate additional features such as, wrought iron fencing, decorative clocks, flower boxes, murals on blank walls, and decorative walls.

Four Season Grants
Each year the Commission will award up to five grants of $1000 each. No cost match is required. All properties eligible for a Corridor or Downtown Improvement Grant may apply for a Four Season Grant. Any individual property can only apply for one grant.

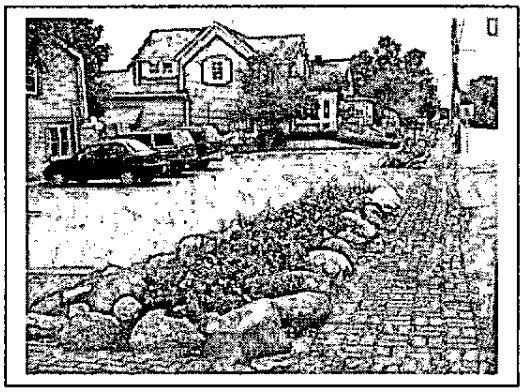
Design Guidelines

Guideline 1
Four Season Grants should create an interesting visual mix of landscape features along the area immediately abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible. Grants should create a sense of continuity and design. Grants should create attractive, eye-catching additions of colorful perennial plantings



Guideline 2
Four Season Grants can incorporate plants and other landscape materials to create unique landscape aesthetics. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette. Plants should be hardy perennial, hardy woody plants or bulbs. Native plants are encouraged. Elements Chosen should vary in height and specie. No annuals.

Guideline 3
Four Season Grants should incorporate a variety of perennials, ground covers, bushes, ornamental trees, and shade trees. Each planting should offer bloom of some kind from April through October. Winter interest is encouraged (e.g. ornamental grass foliage). Mass plantings for commercial impact are allowed.



5. **Approval of Corridor Improvement Agreement:**

The Corridor Improvement Commission accepts applications for corridor improvement grants throughout the calendar year. Applications are processed and considered in the order in which they are received.

6. **Commencement of Work:**

Only after the Corridor Improvement Agreement is approved by the City Council, can work commence. DO NOT START BEFORE -- YOU WILL NOT BE REIMBURSED FOR WORK DONE PRIOR TO CITY COUNCIL APPROVAL OF THE CORRIDOR IMPROVEMENT AGREEMENT.

7. **Completion of Work:**

All improvements must be completed within 270 calendar days of Corridor Improvement Agreement approval, unless otherwise authorized by the City for a maximum of a one (270) day extension. If the work is not complete by the end of the extension the City's remaining obligation to reimburse the owner or tenant for the project terminates.

8. **Reimbursement Payments:**

Upon completion of the work, the owner or tenant must submit copies of all design invoices, contractor's statements, other invoices, proof of payment, and notarized final lien waivers to the Director of Community Development, as evidence that the owner or tenant has paid the architect and contractor(s). You should use the attached forms for the contractor's statement and final lien waivers. Payment will be authorized upon completion of all work items as originally approved and receipt of all of the required documents.

The Director of Community Development may authorize reimbursement to be made in two payments, if all of the following conditions are present: 1) The first partial payment may be made upon completion of work representing at least forty percent (40%) of the amount specified in the Corridor Improvement Agreement; 2) The architect's invoices, contractor's statements, invoices, notarized final lien waivers and proof of payment for the completed work have been submitted; 3) The remaining work is expected to be delayed for thirty days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the owner or tenant.

Reimbursement for design services will be made at the same time reimbursement is made for improvements, and only if a Corridor Improvement Agreement has been approved by the City Council.

All Improvements shall be installed in accordance with the approved plan. Minor revisions as may be approved by a representative of the Corridor Improvement Commission due to availability of landscape plants, field conditions not known at the time of design, and similar circumstances beyond the Applicant's control. THIS IS A REIMBURSEMENT PROGRAM -- YOU MUST PAY YOUR ARCHITECT, CONTRACTORS AND SUPPLIERS BEFORE YOU RECEIVE PAYMENT FROM THE CITY.

Reimbursement grants are subject to Federal and State taxes, and are reported to the Internal Revenue Service on Form 1099. You are required to provide your taxpayer ID number or social security number as part of the Corridor Improvement Agreement. Property owners and tenants should consult their tax advisor for tax liability information.

9. **Maintenance Period:**

The property owner and tenant shall be responsible for maintaining the improvements without alteration for five (5) years. A restrictive covenant limiting alterations may be required by the City Council at the time of approval of the Corridor Improvement Agreement. A waiver from this requirement may be granted by the City Council following a recommendation from the Corridor Improvement Commission and Director of Community Development, upon submittal of evidence of hardship or unusual circumstances.

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

Certificate

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

I further certify that on February 17, 2009, the Corporate Authorities of such municipality passed and approved Ordinance No. 2009-M-8, entitled

"An Ordinance Amending Title 12,
Chapter 12.40 ("City
Corridor Improvement
Program") of the St. Charles
Municipal Code,"

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

The pamphlet form of Ordinance No. 2009-M-8, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 20, 2009, 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 17 day of February 2009.

Nancy Garrison
Municipal Clerk

(S E A L)