

City of St. Charles, Illinois

Ordinance No. 2013-Z-20

**Ordinance Amending Title 17 of the City of St. Charles
Municipal Code Entitled "Zoning," Section 17.14.020
"Permitted and Special Uses; Downtown Overlay
District," and Table 17.14-1 "Permitted and Special
Uses" regarding Permitted and Special Uses and
Exemptions in the Downtown Overlay District**

**Adopted by the
City Council
of the
City of St. Charles
November 18, 2013**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, November 22, 2013**



City Clerk


(SEAL)

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City of St. Charles, IL
Ordinance No. 2013-Z- 20

An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning” Section 17.14.020 “Permitted and Special Uses; Downtown Overlay District” and Table 17.14-1 “Permitted and Special Uses” regarding Permitted and Special Uses and Exemptions in the Downtown Overlay District

WHEREAS, on or about August 16, 2013, The City of St. Charles (“the Applicant”) filed an application to amend the Zoning Ordinance of the City of St. Charles regarding permitted and special uses and exemptions in the Downtown Overlay District; and,

WHEREAS, Notice of Public Hearing on said application was published on or about October 18, 2013, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about November 5, 2013 on said application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the application on or about November 5, 2013; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the application on or about November 11, 2013; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

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

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section 1.

2. That Chapter 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses; Downtown Overlay District” is hereby deleted in its entirety and is replaced by the following:

“

- A. Table 17.14-1 lists permitted and special uses for the business districts, and for the first floor level of the Downtown Overlay District.
- B. Buildings within the Downtown Overlay District are restricted with respect to the uses permitted on the first floor level, as provided in Table 17.14-1.
 1. Exemptions. Notwithstanding these restrictions, the first floor level of a building within the Downtown Overlay District may be occupied for any use permitted within the underlying zoning district (i.e., CBD-1 or CBD-2), upon certification by the Director of Community Development that its physical characteristics make it unsuitable for occupancy for any of the first floor uses permitted within the Downtown Overlay District, and that altering such physical characteristics would either 1) be incompatible with the purpose of Chapter 17.32 (Historic Preservation) of this Title, or 2) impose an undue financial burden on the property owner. Such physical characteristics may include but shall not be limited to: Inappropriate placement, size or orientation of doors or windows, a floor level which is not of a similar elevation to the adjoining sidewalk, lack of window area for display of goods, lack of street frontage, and interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility. For purposes of this section, an undue financial burden shall mean where the estimated cost of altering the building exceeds 25% of the current appraised value of the property.
 2. Certification for Office Use. The first floor level of a building within the Downtown Overlay District may be occupied by certain office uses (Bank, Financial Institution, Office- Business and Professional, and Medical/Dental Clinic) upon certification by the Director of Community Development that the proposed office use will meet the purpose of the Downtown Overlay District, as identified in Section 17.14.010.F, to generate pedestrian activity and be compatible with a pedestrian oriented shopping area. To be eligible for the certification, a property owner must demonstrate that the property has been vacant, not under lease, and publicly listed for lease for a minimum of 180 days by providing documentation demonstrating the space was listed on a public listing service.

The proposed office user shall demonstrate that the following criteria will be met:

 - a. The business will be open to the general public during normal business hours and may require that customers make an appointment for service.
 - b. The primary function of the business establishment will be to provide direct services to customers that are physically present.

- c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
- d. Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

A Certification for Office Use shall apply to the specific business only. A new Certification for Office Use shall be required for any new business to occupy a space. The Certification for Office Use may be revoked if the Director of Community Development finds the business is not operating in accordance with the certification.

- 3. Appeal. If a property owner or business tenant has formally requested an Exemption or a Certification for an Office Use pursuant to subsections “a” or “b” above, and if the request has been formally denied by the Director of Community Development, the property owner or business tenant may request an appeal of the decision before the City Council. The City Council shall consider only the criteria listed above and may uphold or reverse the decision of the Director of Community Development. ”

3. That Chapter 17.14 “Business and Mixed Use Districts”, Table 17.14-1 “Permitted and Special Uses” is hereby amended as attached in Exhibit “A”.

4. That after the adoption and approval hereof this Ordinance shall be (i) 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, Kane and DuPage Counties, Illinois this 18th day of November 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of November 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of November 2013.


Raymond P. Rogina, Mayor

Attest:

Nancy Garrison
City Clerk/Recording Secretary



COUNCIL VOTE:

Ayes: 7
Nays: 2
Absent: 0
Abstain: 1

APPROVED AS TO FORM:

City Attorney

DATE: _____

EXHIBIT "A"

TABLE 17.14-1 PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only P*=Requires Certification in Downtown Overlay District	ZONING DISTRICT						SPECIFIC USE STANDARDS	
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR			CBD-2
					CBD1	CBD2		
RETAIL AND SERVICE USES								
Bank	P	P	P	P	P*	P*	P	Section 17.20.030, *Section 17.14.020
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020

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 November 18, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 2013-Z-20, entitled

"Ordinance Amending Title 17 of the City of St. Charles Municipal Code Entitled "Zoning," Section 17.14.020 "Permitted and Special Uses; Downtown Overlay District," and Table 17.14-1 "Permitted and Special Uses" regarding Permitted and Special Uses and Exemptions in the Downtown Overlay District,"

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

The pamphlet form of Ordinance No. 2013-Z-20, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 22, 2013, 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 18th day of November, 2013.



Nancy Garrison
Municipal Clerk