


City of St. Charles, Illinois

Ordinance No. 2013-Z-3

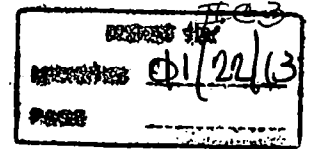
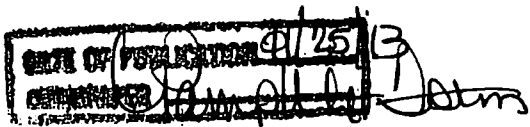
**Ordinance Amending Title 17 of the St. Charles
Municipal Code Entitled "Zoning" Section 17.04.400.B
"Conformance with Codes" and Chapter 17.18
"Inclusionary Housing"**

**Adopted by the
City Council
of the
City of St. Charles
January 22, 2013**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, January 25, 2013**


City Clerk





City of St. Charles, IL
Ordinance No. 2013-Z- 3

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled "Zoning" Section 17.04.400.B "Conformance with Codes" and
Chapter 17.18 "Inclusionary Housing"**

WHEREAS, on or about October 23, 2012, The City of St. Charles ("the Applicant") filed a petition to amend the Zoning Ordinance of the City of St. Charles regarding inclusionary housing requirements; and,

WHEREAS, Notice of Public Hearing on said petition was published on or about November 3, 2012, 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 20, 2012 on said petition 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 petition and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the petition on or about November 20, 2012; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the petition on or about January 14, 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 17.04 "Administration" Section 17.04.400 "Planned Unit Developments – Purpose and Requirements" is hereby amended by adding the following new subsection 17.04.400.C "Limitations to Relief from the Minimum Requirements of the Zoning Ordinance" as follows:

“C. Limitations to Relief from the Minimum Requirements of the Zoning Ordinance. The provisions and requirements established in Chapter 17.18, entitled “Inclusionary Housing” are not eligible deviations through a proposed PUD.”

3. That Chapter 17.18 “Inclusionary Housing” Section 17.18.030.B is hereby deleted in its entirety and replaced by the following:

“B. Notwithstanding the preceding paragraph, the construction of new Affordable Units and the payment of fee in-lieu of Affordable Units shall be adjusted to account for the percentage of affordable housing in St. Charles as determined by the Director of Community Development. The rates of adjustment shall be as follows:

Percentage of Affordable Housing	Percentage of Affordable Units Required
13.75% or less	100%
13.76% to 17.5%	75%
17.51% to 21.25%	50%
21.26% to 24.99%	25%
25% of Greater	0%

No Affordable Units shall be required for any new Residential Development following a determination by the Director that the percentage of the total number of Dwelling Units within the City of St. Charles that are Affordable Units is 25% or greater. Thereafter, the provisions of this Chapter shall apply following a determination by the Director that the percentage of Dwelling Units within the City of St. Charles that are Affordable Units has fallen below 15%.”

4. That Chapter 17.18 “Inclusionary Housing” is hereby amended by adding the following new Section 17.18.065 “Alternative Affordable Housing Plan” as follows:

“A. Alternative Affordable Housing Plan Criteria

As an alternative to compliance with the provisions of Section 17.18.040 or Section 17.18.050, the Developer may request the City Council to approve, concurrent with the approval of the overall development, one or more of the alternatives listed in Section 17.18.065.B. The City Council shall not approve an Alternative Affordable Housing Plan unless the Developer demonstrates and the City Council finds in the affirmative that the Alternate Affordable Housing Plan is justified based on one or more of the following criteria:

1. A demonstrated financial hardship exists that is not of the developer’s own making. Items to be considered shall include but shall not be limited to:
 - a. The financial hardship must be equal to or greater than 10% of the total project cost and purchase price, but cannot include any costs incurred as part of the normal and orderly development of the property.

- b. Environmentally sensitive or natural areas to be protected are equal to or greater than 20% of the total development site area (not including stormwater retention/detention facilities or park sites related to the construction of the project).
2. The development site does not allow for the density bonus as stated in Section 17.18.060 due to limitations on development capacity. Items to be considered shall include but shall not be limited to:
 - a. Insufficient water or sewer utility capacities.
 - b. Unique parcel configurations shall include but shall not be limited to steep slopes above an 8% grade or irregular shaped parcels that create unbuildable areas equal to or greater than 20% of the development site.
3. The development will fulfill an alternative City Policy or goal such as redevelopment of a vacant, underutilized, or blighted parcel that cannot otherwise be readily redeveloped and comply with all other applicable requirements.
4. The creation of the Alternative Affordable Housing Plan represents an equal or greater opportunity to create Affordable Housing in the City. Examples of these greater opportunities shall include but shall not be limited to:
 - a. Providing units below the maximum affordability thresholds established by Illinois Housing Development Authority for rental or owner-occupied units. (Example: Pricing rental units at or below 50% of area median income)
 - b. Providing offsite affordable units in vacant or foreclosed homes.
 - c. Providing affordable units for a period of time longer than the seven year minimum affordable period stated in Section 17.18.090 Maximum Price of Affordable Units.

B. Alternative Affordable Housing Plan

For instances in which the Developer is requesting to utilize an Alternative Affordable Housing Plan, the Developer shall submit the proposed Alternative Affordable Housing Plan. This plan shall detail the Developer's course of action chosen to create Affordable Housing opportunities in St. Charles. This plan is required to be submitted in writing and must detail how the Alternative Affordable Housing Plan fulfills the criteria listed in Section 17.18.065.A.

One or more of the following options shall be utilized by the Developer:

1. **External Funding Sources** - The Developer will apply for grants, tax credits, and/or any other applicable funding mechanism each year that the project is under construction. These funds will be used to subsidize the costs associated with the construction of onsite or offsite Affordable Housing Units.
2. **Purchase Offsite Units** - The Developer shall purchase for-sale or foreclosure properties and then sell or rent them at the established Affordable Housing price.
3. **Construction of a portion of the required Affordable Units onsite and any combination of the two options listed above."**

5. That Chapter 17.18 "Inclusionary Housing" Section 17.18.110 "Development Applications" is hereby amended by adding the following new subsection 17.18.110.5 "Alternative Affordable Housing Plan Submittal Requirements" as follows:

"5. Alternative Affordable Housing Plan Submittal Requirements

- a. The Applicant shall submit a financial statement or pro-forma including the following:
 - i. Purchase price of the property.
 - ii. Identification of the financial hardship and cost estimates associated with absorbing and/or remediating the identified hardship.
 - iii. All non-hardship development costs and expected profits.
- b. Application for External Funding Sources
 - i. An action plan clearly identifying the external funding sources that will be applied for during the construction phase and frequency of application to each funding source. The Action Plan shall clearly demonstrate that the project is eligible for the funding source that will be utilized.
 - ii. Commit to providing a copy of all grant applications at the same time the application is submitted to the funding authority.
 - iii. State the number of Affordable Units targeted to be affordable.
 - iv. Include documentation and plans regarding locations of Affordable Units and Market-Rate Units onsite or offsite, and their exterior appearance, materials, and finishes should external funding be awarded.
- c. Purchase and Resale of Offsite Units
 - i. An action plan or market study identifying the number of offsite units planned for purchase, the location of available offsite units, and purchase price of these units.
 - ii. Any supplemental information necessary to support the proposed plan such as, anticipated cost of renovations for offsite properties.
 - iii. The expected timing for the purchase of offsite units.
 - iv. Commit to submitting a copy of the home inspection report to the City for review. This report shall include the following:
 - Identification of the age and condition of all major systems (plumbing, HVAC, electrical, and structural)
 - Identification and condition of all major appliances.
 - The Developer shall provide a copy of this inspection report to the affordable household who has signed a contract to purchase the unit.
 - As part of this report the Developer shall submit a list of all necessary repairs that the Developer proposed to perform before the offsite unit is resold to an Eligible Household."

6. 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

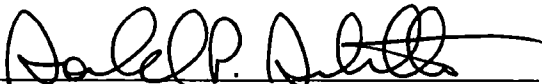
(30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 22nd day of January 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 22nd day of January 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 22nd day of January 2013.




Donald P. DeWitte, Mayor

Attest:


Nancy Garrison
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 9

Nays:

Absent: 0

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois

Counties of Kane and DuPage

SS.

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 January 22, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 2013-Z-3, entitled


**"Ordinance Amending Title 17 of the St. Charles
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2013-Z-3, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 25, 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 22nd day of January 2013.




Municipal Clerk