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City of St. Charles, Illinois

Ordinance No. 2016-Z-4

Motion to approve an Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Chapter 17.04 "Administration", Chapter 17.18 "Inclusionary Housing", and Appendix A "Application Checklists" (Removal of the Inclusionary Housing Ordinance from the Zoning Ordinance).

**Adopted by the
City Council
of the
City of St. Charles
March 7, 2016**

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, March 12, 2016



Nancy Garrison
City Clerk

(SEAL)

City of St. Charles, IL
Ordinance No. 2016-Z- 4

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled "Zoning", Chapter 17.04 "Administration", Chapter 17.18
"Inclusionary Housing", and Appendix A "Application Checklists"
(Removal of the Inclusionary Housing Ordinance from the Zoning Ordinance)**

WHEREAS, on or about September 1, 2015, the City of St. Charles ("the Applicant") filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles, to remove the provisions of Ch. 17.18 "Inclusionary Housing" from the Zoning Ordinance for the purpose of relocating said provisions to a separate, stand-alone Title of the City Code, and to make several changes to the Inclusionary Housing provisions; and,

WHEREAS, the Housing Commission reviewed the proposed changes to the Inclusionary Housing Ordinance on or about August 20, 2015; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about September 2, 2015, 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 September 22, 2015 and continued said public hearing to October 20, 2015, 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 denial of the portion of the Application related to removing the provisions of Ch. 17.18 "Inclusionary Housing" from the Zoning Ordinance for the purpose of relocating said provisions to a separate, stand-alone Title of the City Code, and the Plan Commission recommended approval of the portion of the Application related to making changes to the Inclusionary Housing provisions, on or about October 20, 2015; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about February 16, 2016; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Housing Commission, 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 One.

2. Chapter 17.04 "Administration", Section 17.04.400.C "Limitations to Relief from the Minimum Requirements of the Zoning Ordinance" is hereby deleted in its entirety.

3. Chapter 17.18 "Inclusionary Housing", Sections 17.18.010-17.18.140 are hereby deleted in their entirety. (An Inclusionary Housing Ordinance is to be established as Title 19 of the St. Charles Municipal Code upon City Council approval of a separate ordinance.)

4. Chapter 17.18 is hereby titled, "Residential Density Bonus" and which shall hereafter be and read as follows:

Chapter 17.18 RESIDENTIAL DENSITY BONUS

Sections:

17.18.010	Applicability
17.18.020	Implementation

17.18.010 Applicability

In accordance with Title 19 of the St. Charles Municipal Code, "Inclusionary Housing", Chapter 19.02 "Inclusionary Housing Ordinance", Section 19.02.080 "Density Bonus", a density bonus shall be permitted when Affordable Units are constructed within a Residential Development in accordance with Chapter 19.02, Section 19.02.060 (B). One bonus Dwelling Unit shall be permitted for each Affordable Unit constructed within the Residential Development; however, in no event shall the total number of Dwelling Units constructed within the Residential Development exceed one hundred twenty percent (120%) of the Base Density. The terms "Affordable Unit", "Residential Development", and "Base Density" are as defined in Title 19 of the St. Charles Municipal Code.

17.18.020 Implementation

In implementing this density bonus, the following requirements of the Zoning Ordinance may be varied without additional justification:

1. Lot area.
2. Lot width.
3. Building coverage.

5. Appendix A, Sections 1, 5, 6, and 7 are hereby amended in regards to the "Inclusionary Housing Summary" checklist item by deleting the current text and replacing it with the following:

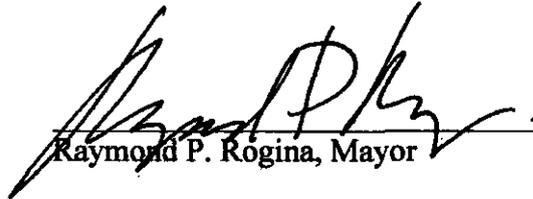
"For residential developments, submit information describing how the development will comply with the requirements of Title 19 "Inclusionary Housing" of the St. Charles Municipal Code."

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.

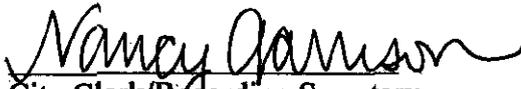
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 7th day of March, 2016.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 7th day of March, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 7th day of March, 2016.


Raymond P. Rogina, Mayor

Attest:


Nancy Garrison
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 8
Nays: 0
Absent: 2
Abstain: 0

APPROVED AS TO FORM:

City Attorney

DATE: _____



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.

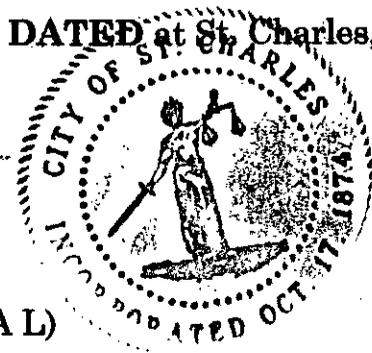
I further certify that on March 7, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No. 2016-Z-4, entitled

"Motion to approve an Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Chapter 17.04 "Administration", Chapter 17.18 "Inclusionary Housing", and Appendix A "Application Checklists" (Removal of the Inclusionary Housing Ordinance from the Zoning Ordinance)."

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

The pamphlet form of Ordinance No. 2016-Z-4, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 12, 2016, 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 7th day of March, 2016.



(S E A L)

Nancy Garrison
Municipal Clerk