

City of St. Charles, IL
Ordinance No. 2024-Z-18

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning” (Miscellaneous Updates)**

WHEREAS, on or about June 26, 2024, 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, regarding miscellaneous updates; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about July 1, 2024, in a newspaper having general circulation within the City, to-wit, the Daily Herald 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 August 6, 2024 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 August 6, 2024; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about August 12, 2024; 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 One.

2. A. Ch. 17.30 “Definitions”, Section 17.30.020 “Use Definitions”: Delete definition of “Art Gallery/Studio”, Add definition of “Art Studio”, and replace the definition of “School, Specialized Instructional (G)”, as shown below:

Delete:

~~**Art Gallery/ Studio.** Premises used principally for the sale, display and exhibition of art. This use may include accessory production of art products and instruction in~~

~~the production of art using paint, clay, fabric or other media. This use does not include the mass production or manufacture of objects.~~

Add:

Art Studio. An establishment open to the public used by an artist or craftsman who is engaged in the creation of art, which includes but is not limited to, dance, music, painting, cooking, pottery, photography and performing arts and where uses may include the retail sale of the created goods, performance space, and instruction. This use does not include adult entertainment establishments or the mass production or manufacture of objects.

Replace:

School, Specialized Instructional (G). A private for-profit or non-profit establishment where the primary business is providing specialized instruction not necessarily limited by age, such as, but not limited to, driving, trade, specialized academic and vocational.

- B. Chapter 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses”: Remove “Art Gallery/ Studio” and Add “Art Studio” as shown below:

	BL	BC	BR	CBD-1	Downtown First Floor Overlay		CBD-2	Specific Use Standards
					CBD-1	CBD-2		
Art Studio	P	P	P	P	P	P	P	
Art Gallery/Studio	P	P	P	P	P	P	P	

- C. Ch. 17.12 “Residential Districts”, Table 17.12-1 “Residential Districts- Permitted and Special Uses”: Remove “Art Gallery/ Studio” and Add “Art Studio”, as shown below:

	RE- 1	RE- 2	RS- 1	RS- 2	RS- 3	RS- 4	RT- 1	RT- 2	RT- 3	RT- 4	RM- 1	RM- 2	RM- 3	BT
Art Studio														BTP
Art Gallery/Studio														BTP

- D. CH. 17.24 “Off- Street Parking, Loading and Access”, Table 17.24-3 “Required Off-Street Parking”: Add “Art Studio”, as shown below:

Table 17.24-3	
Required Off -Street Parking	
Use	Parking Requirement
Retail and Services	
Art Gallery/ Studio	1 per 1,000sf of GFA + 1 per every artist occupying the site on a full-time basis)
Art Studio	4 spaces per 1,000sf of Gross Floor Area (GFA)

3. A. Ch. 17.30 “Definitions”, Section 17.30.020 “Use Definitions”: Add definition of “Event Venue”, added to the list alphabetically, as shown below:

Event Venue. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, showers and other similar celebrations. Such a use may include 1) kitchen facilities for the preparation or catering of food; 2) the sale of food and beverages for on premises consumption, only during scheduled events and not open to the general public; 3) outdoor gardens or reception facilities; and 4) entertainment such as live bands or DJs.

- B. Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”, add Section “I”, as shown below, and renumber Existing Sections “I” through “BB” as Sections “J” through “CC”:

I. Event Venue: Event Venues located within the SSA 1A and SSA 1B shall not qualify for any Parking Exemption under Section 17.24.080.A without providing, as a part of the Special Use Application, documentation demonstrating that there is adequate parking to support the proposed use. Documentation shall be provided in the form of a parking study or analysis.

- C. Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses”: Add “Event Venue” as shown below:

	BL	BC	BR	CBD-1	Downtown First Floor Overlay		CBD-2	Specific Use Standards
					CBD-1	CBD-2		
Event Venue		P	P	S	S	S	S	Section 17.20.030

- D. Ch. 17.24 “Off- Street Parking, Loading and Access”, Table 17.24-3 “Required Off-Street Parking”: Add “Event Venue”, as shown below:

Table 17.24-3	
Required Off -Street Parking	
Use	Parking Requirement
Cultural, Recreational and Entertainment Uses	
Event Venue	1 per 2 guests based on rated design capacity of the event area(s)

4. A. Ch. 17.30 “Definitions”, Section 17.30.020 “Use Definitions”: Add definition of “Café”, delete definition of “Coffee/Tea Room” and amend definition of “Outdoor Dining” as shown below:

Add:

Café. An establishment which typically serves coffee, tea or juices and offers a limited food menu and related products for retail sale. The food menu may include fresh, prepared or prepackaged food items, including but not limited to refreshments, baked goods, dessert items, sandwiches and salads. Service is provided at an ordering counter and limited seating may be provided. Outdoor Dining is permitted as an accessory use, subject to the Use Standards established in Ch. 17.20.

Delete:

~~Coffee/ Tea Room. A limited menu restaurant which is located in conjunction with and on the same premises as a retail use. As a permitted use, a Coffee or Tea Room need not meet the definition of an accessory use in relation to the retail use. As an accessory use, the Coffee or Tea Room must meet the definition of an accessory use in relation to the retail use.~~

Replace:

Outdoor Dining. The serving of food and/or beverages in an outdoor space with seats and/or tables accessory to a Café, Restaurant, Tavern/Bar, or Microbrewery, subject to the Use Standards established in Ch. 17.20.

- B. Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for specific uses”: Amend Section U. “Outdoor Dining” as shown below:

Outdoor dining.

1. Permanent Outdoor Dining shall be permitted only as an accessory use to a café, restaurant, tavern/bar or microbrewery or when specifically permitted in conjunction with a temporary use.
2. Outdoor Dining areas shall not be located in a required yard abutting any residential district.
3. The sound level of any music or other sound shall not exceed sixty (60) decibels, as measured at the property line, and no music or other sound

under the control of the property owner shall occur outdoors between the hours of 10:00 p.m. and 10:00 a.m.

C. Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses”: Remove Coffee/ Tea Room and add Café, as shown below.

	BL	BC	BR	CBD-1	Downtown First Floor Overlay		CBD-2	Specific Use Standards
					CBD-1	CBD-2		
Café	P	P	P	P	P	P	P	
Coffee/ Tea Room	A	P	P	P	P	A	A	

D. Ch. 17.24 “Off- Street Parking, Loading and Access”, Table 17.24-3 “Required Off-Street Parking”: Remove Coffee/Tea Room requirement and add Café, as shown below:

Table 17.24-3	
Required Off -Street Parking	
Use	Parking Requirement
Retail and Services	
Coffee/Tea Room	5 spaces per 1,000sf of Gross Floor Area (GFA)
Café	5 spaces per 1,000sf of Gross Floor Area (GFA)

5. A. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”. Add “Carport” and encroachment information, as shown below:

Type of Structure or Use Encroachment	Required Yards			
	Front Yards, Exterior Side Yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Carports	NP	NP	NP	NP

B. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”: Amend definition of “Lot Coverage” and “Building Coverage”, as shown below:

Lot Coverage. A measure of intensity of land use that represents that portion of the horizontal area of a lot that is covered by the principal building or buildings and accessory buildings and structures, including but not limited to:

1. Attached and detached garages (measured at the foundation)
2. Carports (measured at outside of support posts)

3. Accessory sheds (measured at the outer wall surface)
4. Gazebos and cabanas (measured at the outer wall surface)
5. Enclosed and Unenclosed Porches (measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post or other non-continuous foundation)
6. Decks and accessibility ramps (measured at the outer limits of the deck or ramp surface)
7. Swimming pools (measured at the outer edge of the pool deck)
8. Tennis courts and sports courts (measured at the outer edge of the court surface) (Ord. 2008-Z-25 § 6.)

Building Coverage. A measure of intensity of land use that represents the portion of a site that is covered by a principal building or buildings including attached garages and enclosed porches, and accessory buildings including detached garages, carports and any other enclosed accessory building in excess of 150 square feet of Lot Coverage. Building coverage shall also include cantilevered portions of a building that extend beyond the footprint of a structure, including portions cantilevered over an open front porch. Building Coverage shall be measured at the outer edge of the foundation line, or at the outer wall surface support column in the case of a post, other non-continuous foundation, or cantilever, excluding projections for bay windows or chimneys. Building coverage shall not include unenclosed porches, decks, or unenclosed accessory structures such as gazebos, swimming pools, or tennis and sports courts.

6. A. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”, line “Garages, Detached (RT Districts), revise as shown below:

Type of Structure or Use Encroachment	Front Yards, Exterior Side yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Garages, Detached (RT Districts)	P in exterior side yard in RT-2, RT-3, & RT-4, but shall be min. 15 ft. from right of way P in rear yards of through lots, but shall be set back from right-of-way at least the distance of the required front yard of the District.	P, min. 3 ft. from lot line	P, min. 5 ft. from rear lot line w/o alley; min. 3 ft. from side lot line and from alley	NP

7. A. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”: Amend definition of “Breezeway”, as shown below:

Breezeway. A roofed, open-sided, unenclosed structure that connects a principal building with an accessory building. The sides of the Breezeway, other than the adjoining walls of the principal and accessory buildings, shall be entirely open at all times without any temporary or permanent windows, doors, walls, screens or other type of enclosure.

8. A. Ch. 17.22 “General Provisions”, Section 17.22.010 “Accessory Buildings and Structures”: Add “Compost Piles or Bins”, as shown below:

J. Compost Pile or Bins.

1. Compost shall be limited to organic and biodegradable material, comprised of:
 - a. Food waste items- limited to fruits and vegetables, bread and grains, coffee grounds and filters, paper, egg and nut shells
 - b. Yard waste items- such as grass clippings, leaves, twigs, etc.
 2. Compost containing food waste items shall be in a closed container or tumbler.
 3. Compost containing only yard waste items may be in a bin or enclosure with an open top and sides.
 4. Compost piles not contained in a container, tumbler, or rigid sided bin shall be screened from views of adjacent property.
 5. Compost Piles or Bins shall be managed and maintained including:
 - a. Compost items shall be secured and cannot be windblown
 - b. Compost items shall not generate a discernable smell from any adjacent property
 - c. Compost bins or piles shall not harbor any pests, vermin or rodents.
9. A. Ch. 17.20 “Use Standards”, Section 17.20.050 “Permitted and Temporary Uses”: Amend use standard for “Food Trucks”, as shown below:

I. Food trucks.

1. Food trucks that are open to the public shall not operate at any location without a permit.
2. Food trucks shall be permitted to operate in the following circumstances:
 - a. At private events not open to the public. No permit shall be required.

- b. At events associated with a Special Event permit approved by the City, where the Food Truck is approved as a part of the Special Event permit.
 - c. In association with a Temporary Outdoor Sales permit approved by the City, where the Food Truck is approved as a part of the Temporary Outdoor Sales permit. Operation of each individual food truck shall be limited to no more than two (2) days in any seven-day period and shall not serve customers outside of the business hours of the permanent business.
 - d. In association with a Restaurant, Tavern/Bar, or Microbrewery, as defined herein, where the food truck is offered in conjunction with the permanent business. Operation of each individual food truck shall be limited to no more than two (2) days in any seven-day period and shall not serve customers outside of the business hours of the permanent business. A Restaurant, Tavern/Bar, or Microbrewery shall obtain a yearly permit for the operation of a food truck.
3. Food trucks shall maintain a current mobile vendor license or permit from the County Health Department of the County where the food truck is operating. Permit applicants that are hosting a Food Truck at their property, business, or event shall verify that each Food truck maintains a current mobile vendor license or permit while operating. For Special Event permits or Temporary Outdoor Sales permits, documentation of a current mobile vendor license or permit shall be submitted for each Food truck proposed to operate under the permit.
10. A. Ch. 17.24 “Off-Street Parking, Loading and Access”, Section 17.24.010 “Off-Street parking and loading general provisions”: Amend provisions A, D and E., as shown below:

17.24.010 Off-street parking and loading general provisions.

The provisions of this chapter shall apply as follows:

- A. *Existing facilities.* Existing off-street parking and loading facilities shall not be reduced below the requirements of this chapter with respect to the number of spaces provided or the design of such facilities. If an existing facility provides less than the required number of parking or loading spaces, no parking or loading spaces shall be removed. If an existing facility provides less than the dimensions, landscaping, or other characteristics regulated by this chapter, no nonconforming dimension, landscaping or other characteristic regulated by this chapter shall be further decreased. Existing off-street parking and loading facilities which do not conform to the requirements of this title, but were lawfully existing when the parking or

loading facilities were established or substantially modified, may be allowed to continue as legal nonconforming uses, subject to the limitations of the provisions of Chapter 17.08, "Nonconformities", except that upon resurfacing or reconstruction, existing non-conforming off street parking and loading facilities shall be subject the following:

1. For existing off-street parking and loading facilities that do not meet the current yard or set back requirement, a yard or setback shall be provided for the resurfaced or reconstructed parking lot, equal to either a) the existing set back distance or b) 50% of the applicable required yard or set back distance, whichever is greater.
 2. The yard or setback area provided shall be landscaped per Chapter 17.26.020.D "Resurfacing/Reconstruction of Existing Parking Lots."
 3. If complying with items 1 or 2 above would create a new non-conformity with respect to the required number of spaces provided, then the Director of Community Development may allow for an alternate setback and landscape plan that meets these requirements to the extent possible, which shall include providing other aesthetic improvements to the parking lot and/or landscaping in alternate locations.
- B. *Damage or destruction.* When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that which existed at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this chapter.
- C. *Change in use and intensity of use.* When the intensity of use of a building, structure or lot is increased, or the use of a building, structure or lot is changed so as to increase the required number of parking or loading spaces, additional parking or loading spaces, as the case may be, shall be provided. The number of additional spaces provided shall be the incremental difference between the required number of parking or loading spaces for the new use(s) and the required number of parking or loading spaces for the previous use(s). In no event, however, shall spaces be required in excess of the number required for the new use. (This condition would occur when the number of existing parking or loading spaces exceeded the number of parking or loading spaces that were required for the previous use.)

When the intensity of use of any building, structure or parcel of land is decreased, the number of parking and loading spaces may be reduced, to the extent that the requirements of this chapter are met for the entire building, structure or parcel of land, as modified.

Intensity of use is defined as square feet of gross floor area, number of dwelling units, number of employees, or other factors used as a basis for requiring parking or loading facilities.

- D. *Provision of additional spaces.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities shall be in accordance with this chapter.
- E. *Gravel off-street parking facilities.* Existing gravel driveways or parking surfaces shall not be enlarged or expanded in any manner.

- B. Ch. 17.24 “Off-Street Parking, Loading and Access”, Section 17.24.090 “Accessible parking”: replace Section B, as shown below:

A. *Dimensions and design.* Accessible spaces shall comply with the design standards of the Illinois Accessibility Code. Such spaces shall be identified by a sign and pavement markings indicating handicapped parking only. Accessible parking spaces shall be closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

- 11. A. Ch. 17.99 “Appendices”, Appendix B “Schedule of Application Fees”: Amend Minor PUD change fee, as shown below:

Type of Application	Application Fee
Minor Change to PUD	\$500.00

- B. Ch. 17.99 “Appendices”, Appendix B “Schedule of Application Fees”: Amend Reimbursements shown below:

Reimbursements

The reimbursement of fees agreement shall be in the following form:

City of St. Charles
Reimbursement of Fees Agreement
City of St. Charles Acct. #

- I. Owner:

Name:
Address:
Phone Number:

Email Address:

If Owner is a Land Trust, the names and addresses of beneficiaries of the Trust:

II. Applicant:

Name:

Address:

Phone Number:

Email Address:

III. Location of Property:

General Location of Property or Address:

Property Acreage:

Permanent Index Number(s):

Legal Description (attach as Exhibit A)

IV. Reimbursement of Fees:

If the City determines, in its sole and exclusive discretion, that it is necessary to obtain professional services, including, but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordations, in connection with any Application filed by the Applicant, then the Applicant and Owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the City.

The City Administrator is hereby authorized to assign the above described services to the City staff or to consultants, as they deem appropriate. When the City staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost per productive work hour for each staff person providing said services.

At the time the Applicant requests action from the City, Applicant shall be owing amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

Number of Applications Filed	Property Under 5 Acres	Property 5-15 Acres	Property 16-75 Acres	Property Over 75 Acres
1	\$2,000	\$3,000	\$4,000	\$5,000
2 or 3	\$3,000	\$5,000	\$6,000	\$8,000
4 or more	\$4,000	\$6,000	\$8,000	\$11,000

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Applicant shall replenish the deposit amount within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

An applicant who withdraws their application may apply in writing to the Director of Community Development for a refund of the initial deposit. The City Administrator may, in their sole discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Application.

Upon the failure to the Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount.

Further, the City may deny any application for a storm water, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Applicant's Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.

The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the City's right to seek relief of such fees against any or all are responsible parties in a court of competent jurisdiction.

Any remaining balance of funds deposited pursuant to this Agreement shall be refunded upon the later occurring of the following events: completion of City deliberation on the application, recordation of all necessary documents associated with the application, or issuance of a building permit upon the real property in question.

BY SIGNING BELOW, THE APPLICANT AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE APPLICANT AND OWNER AGREE THAT APPLICANT AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES

REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE
CITY OF ST. CHARLES, AND AS SET
FORTH HEREIN.

City of St. Charles

Applicant

By: _____
City Administrator

Owner

Attest

Date: _____ Date: _____

- B. Ch. 17.04 “Administration”, Section 17.04.170 “Fees”, replace Sections B and C as shown below:

B. Filing fees. Filing fees are intended to cover the cost of providing information to the public about an application, preparing notices, distributing plans to city departments and other agencies, preparing agenda packets and minutes for the Board of Zoning Appeals, Plan Commission, Historic Preservation Commission, City Council, and other applicable review bodies, and other administrative tasks. The applicant shall pay the full filing fee for each application submitted as set forth in Appendix B (Fee Schedule). The fees set forth in Appendix B shall be in addition to those payable under any other provision of the St. Charles Municipal Code, as amended. Filing fees are payable upon filing of the application.

C. Reimbursement of costs and fees; deposit required. In addition to the filing fees provided for in this section and Appendix B, each applicant shall enter into a reimbursement of fees agreement with the City. The reimbursement of fees agreement shall encompass all applications pending with the City. The reimbursement of fees agreement shall be in the form specified in Appendix B. Applications for Minor Amendments to Planned Unit Developments shall not require a reimbursement of fees agreement unless this is determined to be necessary by the Director of Community Development.

At the time the Applicant submits an application to the City, the Applicant shall deposit the amounts specified in Appendix B with the City to collateralize their obligation for reimbursement of costs for city staff review, outside consultant services, and miscellaneous expenses, as described herein.

An applicant who withdraws their application may apply in writing to the Director of Community Development for a refund of the initial deposit. The City

Administrator may, in their discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Application.

12. 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 19th day of August 2024.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August 2024.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August 2024.

Lora A. Vitek, Mayor

Attest:

Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain: