City of St. Charles
Community Development Division
2 E. Main Street
St. Charles, IL 60174

Phone: (630) 377-4443
Email: cd@stcharlesil.gov

SPECIAL USE APPLICATION

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

For City Use

Project Name: _____

Project Number: _____-PR-_____

Cityview Project Number: _____

Received Date

- *File this application to request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property*
- *Complete the application and submit with all required attachments to the Community Development Division.*
- *The information you provide must be complete and accurate. If you have a question please contact the Community Development Division.*
- *City staff will review the submittal for completeness and for compliance with applicable requirements prior to establishing a public hearing date.*

1. Property Information:	Location:	
	Parcel Number (s):	
	Proposed Name:	
2. Applicant Information:	Name:	Phone:
	Address	Email:
3. Record Owner Information:	Name:	Phone:
	Address:	Email:

4. Identify the Type of Application:

☐ **Special Use for Planned Unit Development - PUD Name:**

- ☐ New PUD
- ☐ Amendment to existing PUD- Ordinance #:
- ☐ PUD Preliminary Plan filed concurrently

☐ **Other Special Use (from list in the Zoning Ordinance):**

- ☐ Newly established Special Use
- ☐ Amendment to an existing Special Use Ordinance #:

5. Information Regarding Special Use:

Comprehensive Plan designation of the property: Select

Is the property a designated Landmark or in a Historic District? Select

What is the property's current zoning? Select

What is the property currently used for?

If the proposed Special Use is approved, what improvements or construction are planned?

6. For Special Use Amendments only:

Why is the proposed change necessary?

What are the proposed amendments? (Attach proposed language if necessary)

Note for existing buildings: If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

7. Required Attachments:

If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

Provide 1 copy of each required item, unless otherwise noted.

☐ **APPLICATION FEE:** Special Use for PUD: $1,000
All other Special Use requests: $750

☐ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:** Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the subject property:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	$1,000	$2,000	$3,000	$4,000
2 or 3	$2,000	$4,000	$5,000	$7,000
4 or more	$3,000	$5,000	$7,000	$10,000

☐ **PROOF OF OWNERSHIP:** a) A current title policy report; or
b) A deed and a current title search

NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.

☐ **OWNERSHIP DISCLOSURE:** Use the appropriate disclosure form (attached), if the owner or applicant is a Partnership, Corporation, Trust, or LLC.

☐ **LETTER OF AUTHORIZATION:** If the property owner is not the applicant, an original letter of authorization from the property owner permitting the applicant to file the zoning application with the City of St. Charles for the subject property.

☐ **LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper and Microsoft Word file.

☐ **PLAT OF SURVEY:** A current plat of survey for the subject property showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

☐ **FINDINGS OF FACT:** Fill out the attached "Criteria for Planned Unit Developments (PUDs)" form for any PUD application and the "Findings of Fact – Special Use" form for all other Special Use applications.

☐ **LIST OF PROPERTY OWNERS WITHIN 250 FT.:** Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized. Property ownership information may be obtained using Kane County's interactive GIS mapping tool: http://gistech.countyofkane.org/gisims/kanemap/kanegis4_AGOx.html

☐ **SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION APPLICATION:** As required by State law, submit a Land Use Opinion application and required fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy of completed Land Use Opinion application to the City. The Land Use Opinion application can be found on the Kane-DuPage SWCD website: http://www.kanedupageswcd.org/

☐ **ENDANGERED SPECIES REPORT:** As required by State law, file an Endangered Species Consultation Agency Action with the Illinois Department of Natural Resources. Provide a copy of the report to the City. The online Ecological Compliance Assessment Tool (EcoCAT) should be utilized: https://dnr2.illinois.gov/EcoPublic/

☐ **TRAFFIC STUDY:** If applicable. Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.

☐ **PLANS:** All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

Copies: Ten (10) full size copies, one (1) 11" by 17", and PDF electronic file emailed to: cd@stcharlesil.gov

Site Plan or plans shall show the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
    a. Location, height, intensity and fixture type of all proposed exterior lighting
    b. Photometric information pertaining to locations of proposed lighting fixtures

(Note- For a Special Use for PUD, submit PUD Preliminary Plan Application In lieu of Site Plan)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

_____

Record Owner Date

_____

Applicant or Authorized Agent Date

CITY OF ST. CHARLES
REIMBURSEMENT OF FEES AGREEMENT

I. Owner:

Owner of Property: Date:

Owner's Address:

Owner's Phone Number:

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

II. Person Making Request (Petitioner/Applicant):

Name of Petitioner/Applicant:

Petitioner's/Applicant's Address:

Petitioner's /Applicant's Phone Number:

III. Location of Property:

General Location of Property:

Acreage of Parcel:

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 Petition or Application filed by the Petitioner/Applicant, then the Petitioner/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 Petitioner/Applicant requests action from the City, he shall deposit the following amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	$1,000	$2,000	$3,000	$4,000
2 or 3	$2,000	$4,000	$5,000	$7,000
4 or more	$3,000	$5,000	$7,000	$10,000

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 petitioner/applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/ 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.

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

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or 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 grading, 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 Petitioner/Applicant's Petition or 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 petition or application, recordation of all necessary documents associated with the petition or application, or issuance of a building permit upon the real property in question.

BY SIGNING BELOW, THE PETITIONER/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 PETITIONER/APPLICANT AND OWNER AGREE THAT PETITIONER/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

_____ By: _____

Petitioner/Applicant City Administrator

_____ _____

Owner Attest

_____ _____

Date: Date:

OWNERSHIP DISCLOSURE FORM
PARTNERSHIPS

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, _____, being first duly sworn on oath depose and say that I am a

General Partner of _____, an Illinois

(General) (Limited) Partnership and that the following persons are all of the partners thereof:

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

By: _____ (General)(Limited) Partner

Subscribed and Sworn before me this _____ day of

_____, 20 _____.

_____
Notary Public

OWNERSHIP DISCLOSURE FORM
CORPORATION

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, _____, being first duly sworn on oath depose and say that I am the

_____ of _____, an (Illinois)

(_____) Corporation and that the following persons are all of the shareholders of 7%

or more of the common stock of said Corporation:

_____ _____

_____ _____

_____ _____

_____ _____

BY: _____

TITLE: _____

Subscribed and Sworn before me this _____ day of

_____, 20 _____.

_____
Notary Public

OWNERSHIP DISCLOSURE FORM
LAND TRUST

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, _____, being first duly sworn on oath depose and say that I am

Trust Officer of _____ , and that the following

persons are all of the beneficiaries of Land Trust No. _____:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: _____, Trust Officer

Subscribed and Sworn before me this _____ day of

_____, 20 _____.

_____
Notary Public

OWNERSHIP DISCLOSURE FORM
LIMITED LIABILITY COMPANY (L.L.C.)

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, _____, being first duly sworn on oath depose and say that I am

Manager of _____ , an Illinois Limited Liability

Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

By: _____, Manager

Subscribed and Sworn before me this _____ day of

_____, 20 _____.

_____
Notary Public

FINDINGS OF FACT – SPECIAL USE

Use this form for all Special Uses, except for PUDs or PUD Amendments

The St. Charles Zoning Ordinance requires the Plan Commission to consider the factors listed below in making a recommendation to the City Council. As the applicant, the "burden of proof" is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to "make your case" by explaining specifically how your project meets each of the following standards.

Project Name or Address:

From the St. Charles Zoning Ordinance, Section 17.04.430.C.2:
No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

A. **Public Convenience: The Special Use will serve the public convenience at the proposed location.**

B. **Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary utilities have been, or are being, provided.**

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS)

Use this form for PUD or PUD Amendment applications

The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether the proposed Planned Unit Development is in the public interest. As the applicant, the "burden of proof" is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.

PUD Name:

From the St. Charles Zoning Ordinance, Section 17.04.410.3:
The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:

A. Conforming to the requirements would inhibit creative design that serves community goals, or
B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

iii. **The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2):**

A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary utilities have been, or are being, provided.

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.

v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.

RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development:

	Zoning District Requirement	**Existing PUD Requirement (if applicable)**	**Proposed**
	District: Select	**Ordinance #:**	
Minimum Lot Area			
Minimum Lot Width			
Maximum Building Coverage			
Maximum Building Height			
Minimum Front Yard			
Interior Side Yard			
Exterior Side Yard			
Minimum Rear Yard			
Landscape Buffer Yards[1]			
% Overall Landscape Area			
Building Foundation Landscaping			
Public Street Frontage Landscaping			
Parking Lot Landscaping			
# of Parking Spaces			

[1] Within the RM-3 zoning district, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers.

NONRESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development:

	Zoning District Requirement	**Existing PUD Requirement (if applicable)**	**Proposed**
	District: Select	**Ordinance #:**	
Minimum Lot Area			
Minimum Lot Width			
Maximum Building Coverage			
Maximum Gross Floor Area per Building			
Maximum Building Height			
Front Yard			
Interior Side Yard			
Exterior Side Yard			
Minimum Rear Yard			
Landscape Buffer Yard[2]			
% Overall Landscaped Area			
Building Foundation Landscaping			
Public Street Frontage Landscaping			
Parking Lot Landscaping			
# of Parking Spaces			
Drive-through Stacking Spaces (if applicable)			

[2] Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, RT or RM District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

LIST OF PROPERTY OWNERS WITHIN 250 FEET

City of St. Charles, Illinois

Name of Development:
Date Submitted:
Prepared by:

The following is a list of the registered owners and their mailing addresses, **as they appear in the tax records of the Kane County Recorder of Deeds Office**, of all real estate within 250 feet in all directions from the real estate for which this application is submitted; the number of feet occupied by public roads, streets, alleys, and other public ways is **excluded** in computing the 250 foot distance.

Tax Parcel Number	**Name**	**Address** *(The address listed shall be the address of the property owner as it appears in the tax records. This address may be different from the property address.)*

Tax Parcel Number	Name	Address

_____, being first duly sworn on oath certifies that all of the above statements and statements contained in any papers or plans submitted herewith are true and correct.

_____ _____

Signature – Applicant Date Signature – Owner Date

Subscribed and sworn before me on this _____ day of _____, 20 ____.

_____

Notary Public