

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC3

Title:

Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.04  
“Administration” (Special Use Findings of Fact)

Presenter:

Rita Tungare

Meeting: City Council

Date: November 18, 2019

Proposed Cost:

Budgeted Amount: N/A

Not Budgeted:

☐**Executive Summary** (*if not budgeted please explain*):

On November 11, 2019, by a vote of 7-2, the Planning and Development Committee recommended approval of a General Amendment to the City’s Zoning Ordinance to remove the reference to State and Federal law conformance from the Special Use Findings of Fact. The Findings will now reference only City Code conformance.

The Plan Commission held a public hearing on November 5, 2019 and recommended approval of the amendment by a vote 4 to 2, with 1 additional member voting “present”.

In October, the Planning and Development Committee voted 7-2 to direct staff to file the General Amendment application in response to a discrepancy identified with Recreational Cannabis Dispensaries, which were approved as a Special Use in certain locations by City Council.

**Attachments** (*please list*):

Ordinance

**Recommendation/Suggested Action** (*briefly explain*):

Vote on ordinance.

**City of St. Charles, IL**  
**Ordinance No. 2019-Z-\_\_\_\_\_**

**An Ordinance Amending Title 17 of the St. Charles Municipal Code  
Entitled “Zoning”, Ch. 17.04 “Administration” (Special Use Findings of Fact)**

WHEREAS, on or about October 18, 2019, 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 Special Use Findings of Fact; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about October 20, 2019, 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 November 5, 2019 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, 2019; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about November 11, 2019; 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. That Title 17, “Zoning”, Chapter 17.04 “Administration”, Section 17.04.330 “Special Uses and Amendments to Special Uses”, Subsection 17.04.330.C.2 “Findings of Fact and Recommendation”, Item f, “Conformance with Codes” is hereby amended by deleting Item f in its entirety and replacing it with the following:

“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.”

3. 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 18<sup>th</sup> day of November, 2019.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of November, 2019.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of November, 2019.

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Raymond P. Rogina, Mayor

Attest:

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City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain: