

**AGENDA  
CITY OF ST. CHARLES  
GOVERNMENT OPERATIONS COMMITTEE  
ALD. JIM MARTIN, CHAIR**

**MONDAY, MARCH 18, 2013  
IMMEDIATELY FOLLOWING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
2 E. MAIN ST.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Omnibus Vote**
- 4. Finance Department**
  - a. Recommendation to approve an Ordinance Amending Title 2 “Administration and Personnel, Chapter 2.33 “Office of Purchasing” of the St. Charles Municipal Code.
- 5. Community Development Department**
  - a. Recommend approval of an application for an amendment to a Special Use for a Tattoo Parlor at 2047 Lincoln Highway.
  - b. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Identification Signs in the OR Office Research District.
  - c. Recommendation to approve a General Amendment to Title 17 of the City Code Regarding Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District.
- 6. Executive Session**
  - Personnel
  - Pending Litigation
  - Probable or Imminent Litigation
  - Property Acquisition
  - Collective Bargaining
  - Review of Minutes of Executive Sessions
- 7. Additional Items**
- 8. Adjournment**



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Proposed Changes to Purchasing Code of the City of St Charles
Presenter:	Chris Minick, Finance Director

*Please check appropriate box:*

<input checked="" type="checkbox"/>	Government Operations (03/18/13)	Government Services
<input type="checkbox"/>	Planning & Development	City Council
<input type="checkbox"/>	Public Hearing	

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

Staff has been working on an update of the Purchasing section of the St Charles Municipal Code to reflect current practice within the division. Statutory requirements are followed for all purchases and projects. However, State statutes do not cover every purchase and contracting situation that we encounter. The City has devoted a section of its Municipal Code, Section 2.33, to address these situations. Section 2.33, the Office of Purchasing, was last updated in 2008. While most of the provisions, requirements, and practices still apply, staff would like to update certain aspects of the code to reflect recent changes.

The most substantive change involves a competitive bidding process requirement as indicated at Section 2.33.160. Staff would like the flexibility to follow a competitive pricing (CP) process without incurring the expense and delay of going through a formalized bidding process if not required by statute. While competitive quotes are solicited for nearly every purchase and contract, a formal bid procedure is not always warranted for every purchase, particularly those that are unique in nature or involve some degree of professional service, technical expertise, a certain level of effort for the response, or advanced skill.

Under the changes proposed City staff would follow a competitive pricing (CP) process to award the purchase of goods or contract for services in these situations. During a CP process staff will devise specifications for the goods or services and typically solicit quotes from a universe of 5-7 (or more vendors if possible) having the requisite skills and resources to provide the goods or perform the services requested in accordance with the specifications. A minimum of 3 quotes is specified in the proposed changes whenever possible. This process results in selection of a qualified firm at a competitive price while minimizing expense and time delay for award of service and purchase contracts.

The proposed changes also include a provision that increases the level of purchase requiring City Council approval to \$25,000 (from \$20,000) in cases where the State Purchasing Statutes do not apply. In instances where State Statutes require a bid process or the cost of the purchase or contract exceeds \$25,000, staff will present the results of bidding and the proposed award of the contract to the City Council as is current practice. In cases where State statutes do not apply if the purchase price or contract amount is greater than \$5,000 but does not exceed \$25,000, staff would award the purchase or procure the relevant services administratively based on the results of the competitive pricing (CP) process outlined.

There are also various updates to the titles and language that reflect staffing changes that have occurred in the interim. In addition, the proposed changes include a provision that bids be posted on the City's website for at least 14 days prior to the opening of bids as well as changes to the open market purchasing procedures followed. These changes update the Code to allow open market quotes to be provided for purchases of goods or services that do not exceed \$5,000.

The updates to the Code requested will provide the requisite level of assurance that we are receiving a competitive price for goods or services acquired while minimizing the costs and time requirements of obtaining the relevant goods and services.

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

Ordinance (Post to Inet next week)

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

Recommendation to approve an Ordinance Amending Title 2 "Administration and Personnel, Chapter 2.33 "Office of Purchasing" of the St Charles Municipal Code."

*For office use only:*

*Agenda Item Number: 4a*

**City of St. Charles, Illinois**  
**Ordinance No. 2013-M- \_\_\_\_\_**

**An Ordinance Amending Title 2 “Administration and Personnel,”  
Chapter 2.33 “Office of Purchasing,”  
Of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

1. That Title 2, “Administration and Personnel,” Chapter 2.33, “Office of Purchasing” of the St. Charles Municipal Code, is hereby amended by deleting Section 2.33.010D and in lieu thereof the following language shall be substituted:

“D. ‘City Purchasing Manager’ is the Purchasing and Inventory Control Division Manager of the City.”

2. That Title 2, “Administration and Personnel,” Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code is hereby amended by deleting Section 2.33.080, “Manager-Committee related duties,” in its entirety and in lieu thereof, the following language shall be substituted:

**“2.33.080     Manager Duties.**

It shall be the duty of the Manager:

- A. To classify all the supplies used by the various branches of the City government, and in consort to establish and maintain a coexisting inventory control and accounting program for the City;
- B. To adopt as standards the minimum number of quantities, sizes and varieties of supplies consistent with the successful operation of the city government;
- C. To prepare and adopt written specifications of all such standard supplies;
- D. In consort with the heads and other officials of the Using Agency to prepare and adopt written specifications for the procurement of contracts and agreements for Contractual Services as required by this Chapter.”

3. That Title 2, “Administration and Personnel,” Chapter 2.33, “Office of Purchasing,” Section 2.33.120, “Manager –Powers and duties generally”, of the St. Charles Municipal Code is hereby amended by adding Section 2.33.120L consisting of the following language:

“ L. Determine the most beneficial method of obtaining competitive pricing if the Competitive Bidding procedure is not required by Illinois Compiled Statutes or by this Chapter of the St. Charles Municipal Code.”

4. That Title 2, “Administration and Personnel, “ Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code is hereby amended by deleting Section 2.33.160, “Competitive bidding required”, in its entirety and in lieu thereof, the following language shall be substituted:

**“2.33.160 Competitive bidding or pricing required.**

The City shall comply with all requirements of Illinois Compiled Statutes “Purchasing and Public Works Contracts in Municipalities of Less than 500,000” (65 ILCS 5/8-9) requiring competitive bidding. All other purchases of, and contracts for supplies and contractual services, in excess of (\$25,000) twenty-five thousand dollars and all sales of personal property which has become obsolete and/or unusable shall, except as specifically provided in this chapter, be based wherever possible on competitive bids unless otherwise authorized by the City Council. In all events state statutory requirements shall be followed in connection with all sales and purchases.

For purchases of goods or services exceeding \$5,000 or if, in the determination of the Purchasing Manager, a specific purchase, contract, or contractual service involves a high level of vendor response, service effort or resource allocation, specialized technical knowledge, expertise, or skill and ability, the Purchasing Manager shall, in consultation with the heads and other officials of the Using Agencies, determine the specifications and/or qualifications necessary to provide the goods or services required. The Purchasing Manager shall utilize a competitive pricing (CP) process by soliciting quotes from qualified vendors to procure the goods or services necessary at the most beneficial terms to the City. In such instances, the Purchasing Manager shall use his best efforts to obtain at least 3 independent proposal responses from qualified potential vendors. If the purchase or contract amount is greater than \$25,000 the results of the CP process shall be submitted to the City Council for approval. In all events state statutory requirements shall be followed in connection with all sales and purchases.”

5. That Title 2, “Administration and Personnel, “ Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code is hereby amended by deleting Section 2.33.170, “Formal; contract procedure – required when”, in its entirety and in lieu thereof, the following language shall be substituted:

**2.33.170 Formal: contract procedure – required when.**

“When the estimated cost of supplies and or contractual services exceeds twenty-five thousand dollars (\$25,000) they shall be purchased by formal written contract from the lowest responsible bidder or quote provider after notice inviting proposals except as otherwise specified in this chapter or otherwise authorized by the City Council.”

6. That Title 2, “Administration and Personnel, “ Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code, Section 2.33.180, “Formal; contract procedure – inviting bids” is hereby amended by adding Section 2.33.180C consisting of the following language:

**2.33.180 Formal; contract procedure – inviting bids.**

“C. Website. Notice inviting bids shall be published on the City’s website for the fourteen-day period immediately preceding the last day set for receipt of bids. The notice required in this section shall include a general description of the articles and/or services to be purchased or sold, shall state where the blanks and specifications may be secured, the time and place of any pre bid conferences or meetings, and the time and place for opening bids.”

7. That Title 2, “Administration and Personnel, “ Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code is hereby amended by deleting Section 2.33.280, “Open market procedure – Required when”, in its entirety and in lieu thereof, the following language shall be substituted:

**2.33.280 Open market procedure – required when.**

“All purchases of supplies and contractual services and all sales of personal property which has become obsolete and /or unusable that shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Sections 2.33.170 through 2.33.270 for the award of formal contract. In all events state statutory requirements shall be followed in connection with all sales and purchases.

8. That Title 2, “Administration and Personnel, “ Chapter 2.33, “Office of Purchasing,” of the St. Charles Municipal Code is hereby amended by deleting Section 2.33.300, “Open market procedure – Notice inviting quotations”, in its entirety and in lieu thereof, the following language shall be substituted:

**2.33.300 Open market procedure – Notice inviting quotations.**

“The manager shall solicit open market pricing from prospective vendors by direct mail, telephone, electronic communication, or other means the City Purchasing Manager deems acceptable. The City Purchasing Manager shall use his best efforts to obtain at least three (3) open market pricing proposals prior to award of the purchase of goods or services.”

9. That after the adoption and approval hereof the Ordinance shall (i) be 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, Illinois, this \_\_\_\_ day of \_\_\_\_\_ 2013.

**PASSED** by the City Council of the city of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_ 2013.

**APPROVED** by the Mayor of the city of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Donald P. DeWitte, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve an Amendment to an Existing Special Use for a Tattoo Parlor at 2047 Lincoln Highway (Ryan Harnish)
Presenter:	Matthew O'Rourke

*Please check appropriate box:*

X	Government Operations – (3/18/13)		Government Services
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

The applicant, Ryan Harnish, has submitted a petition for an amendment to an existing Special Use for a Tattoo Parlor located at 2045 Lincoln Highway. The applicant is proposing to relocate their existing Tattoo Parlor business (Playground Tattoo) from the unit at 2045 Lincoln Highway to the adjacent unit at 2047 Lincoln Highway. These two units are within the same multi-tenant building.

The salient features of the proposal are as follows:

1. The applicant will occupy an existing tenant space in the same commercial building.
2. The size of the business will increase from approximately 1,065 SQ FT to 1,600 SQ FT.
3. The applicant is not proposing any exterior modifications to the building or property.

**Plan Commission Review**

The Plan Commission held a public hearing and recommended approval of the Special Use on 3/12/2013. The vote was 6-aye to 0-nay. There was no substantive discussion regarding the Special Use application. The Plan Commission asked the applicant a few general questions regarding their business.

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

Staff Report, dated 2/27/13; Special Use Application, received 2/11/2013; Body Art Act and Tattoo and Body Piercing Establishment Registration Act; Ordinance 2009-Z-16

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

Recommend approval of the application for an amendment to a Special Use for a Tattoo Parlor at 2047 Lincoln Highway.

<i>For office use only:</i>	<i>Agenda Item Number:5a</i>
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**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**SPECIAL USE APPLICATION**

RECEIVED  
Received Date  
St. Charles, IL

FEB 11 2013

CDD  
Planning Division

<b>CITYVIEW</b>	
Project Name:	<u>STC - Commercial Center - 2045 Lincoln Hwy.</u>
Project Number:	<u>2009 -PR- 013</u>
Application Number:	<u>2013 -AP- 006</u>

To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Property Information:</b>	Parcel Number (s): 09-33-351-022	
	Street Address (or common location if no address is assigned): 2045 Lincoln Hwy, Unit St. Charles, IL 60174	
<b>2. Applicant Information:</b>	Name Ryan Harnish	Phone
	Address <u>2045 LINCOLN HWY.</u> <u>ST. CHARLES, IL. 60174</u>	Fax
		Email
<b>3. Record Owner Information:</b>	Name Tri-City Center Associates, Ltd.	Phone (630) 232-8570
	Address 77 N. First Street Geneva, IL 60134	Fax (630) 232-4520
		Email Dave@shodeen.com
<b>4. Billing:</b> <i>To whom should costs for this application be billed?</i>	Name Ryan Harnish	Phone
	Address	Fax
		Email



**Information Regarding Proposed Special Use:**

Comprehensive Plan designation of the property: Retail / Service

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? BR, PUD

What is the property currently used for? Retail

What Special Use(s) are you applying for? Please select from the list of Special Uses in the Zoning Ordinance for the appropriate zoning district.

Tattoo Parlor

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

**For Special Use Amendments only:**

What Special Use ordinance do you want to amend? Ordinance No. AMMENDING ORDINANCE #2009-Z-16 / ~~1988 Z-6 and amendments~~

Why is the proposed change necessary? ENLARGE SPACE APPROXIMATELY 500sq. FT.  
~~Tattoo Parlor is not permitted within the special use in the PUD.~~

What are the proposed amendments? (Attach proposed language if necessary)  
~~Add Tattoo Parlor in list of approved ordinances~~

**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.

**Attachment Checklist**

- APPLICATION:** Completed application form signed by the applicant
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- 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.
- PROOF OF OWNERSHIP and DISCLOSURE:**
  - a) A current title policy report; or
  - b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

**LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

**ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecoact.state.il.us/ecopublic/>

**TRAFFIC STUDY:** If requested by the Director of Community Development.

**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 of Plans:**

- Initial Submittal - Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.
- Revision Submittal for Plan Commission - Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.

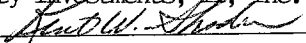
**SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing 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

**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.**

Tri-City Center Associates, Ltd.  
 Shodeen Equity Investments, II, Inc.; General Partner  
 By:  2/7/13  
 Record Owner Kent W. Shodeen; President Date

 2-11-13  
 Applicant or Authorized Agent Date

# FINDINGS OF FACT SHEET – SPECIAL USE



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.

2047. Lincoln Hwy.  
Project Name or Address

2/11/13  
Date

### From the 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.**

CONVENIENT FOR THE EXPANSION OF  
SAID BUSINESS AND MEET THE NEEDS  
OF THE PUBLIC DEMAND.

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

ALREADY EXISTING BUILDING AND ALL  
FACILITIES ARE ALREADY 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.**

ALREADY EXISTING BUSINESS THAT HAS  
NOT IMPACTED NOR WILL IT, ANY  
VALUES ON PROPERTIES,

- 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.

ALL SURROUNDING PROPERTIES ARE  
ALREADY DEVELOPED

- 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.

WE HAVE BEEN IN EXISTANCE FOR  
3YRS. AND HAVE ABIDED BY ALL  
GOVERNING CODES AND BODIES.

- F. Conformance with Codes:** That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

THERE ARE STATE LICENSING REQUIREMENTS  
AND HAVE ABIDED BY THESE PRINCIPLES  
FOR 3YRS.

Community Development  
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
 SINCE 1834

**STAFF REPORT**

**TO:** Chairman Jim Martin  
 and Members of the Government Operations Committee

**FROM:** Matthew O'Rourke, AICP  
 Planner

**RE:** Amendment to an Existing Special Use for a Tattoo Parlor (2047 Lincoln Highway)

**DATE:** February 27, 2013

**I. APPLICATION INFORMATION:**

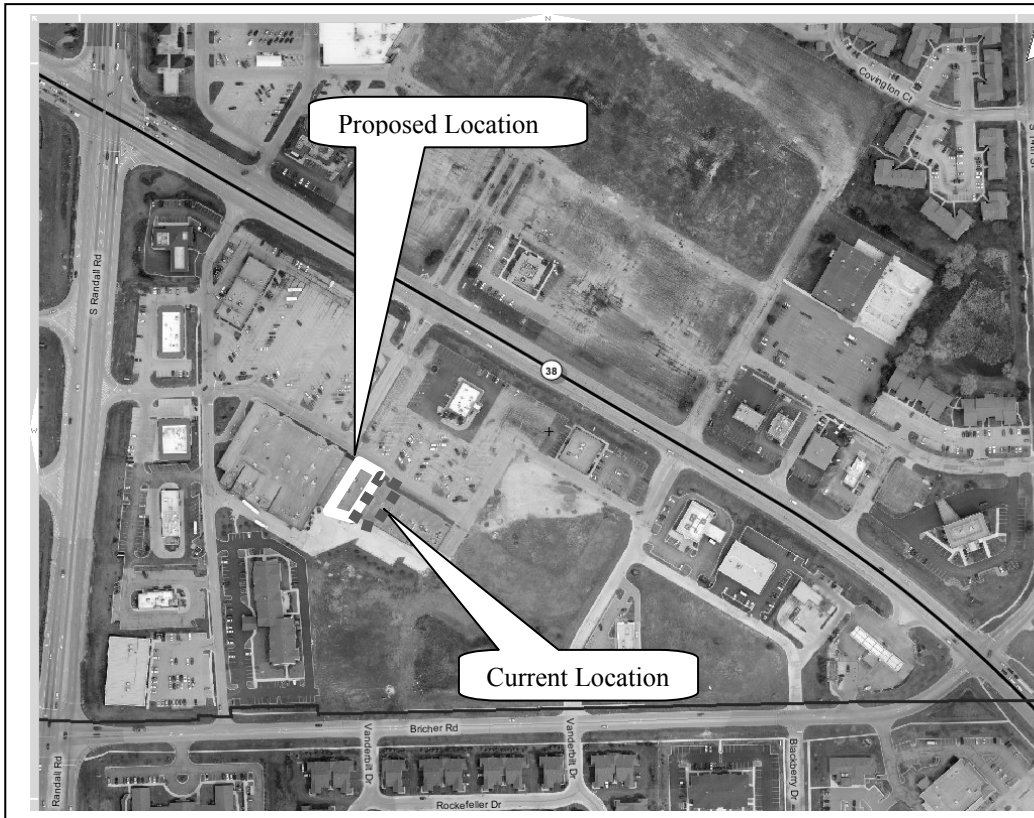
**Project Name:** 2047 Lincoln Highway (Amendment to Existing Special Use for a Tattoo Parlor)

**Applicant:** Ryan Harnish

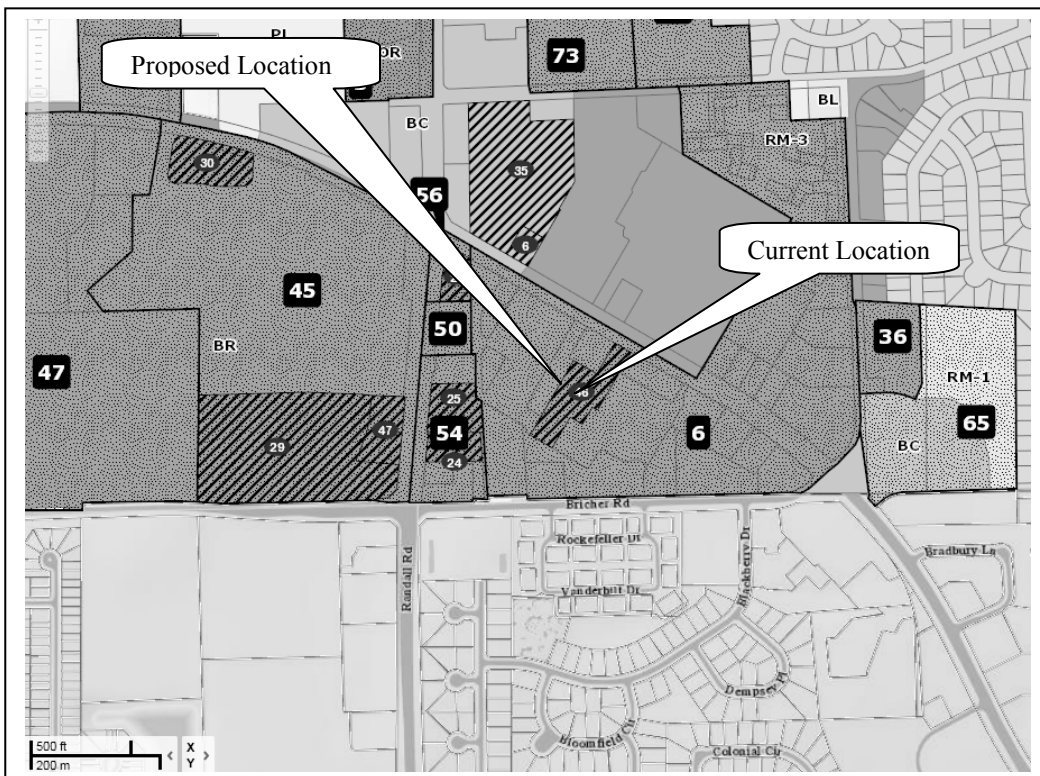
**Purpose:** Amend existing Special Use for a Tattoo Parlor to permit the applicant to relocate their business to a larger tenant space in the same building.

<b>General Information:</b>		
<b>Site Information</b>		
Location	2047 Lincoln Hwy.	
Acres	2.45	
Applications:	<b>1) Special Use for a Tattoo Parlor</b>	
Applicable Zoning Code Sections and Ordinances	ORD 2009-Z-16 "An Ordinance Amending Ordinance No. 1982-Z-6 (An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property) to Provide for an Additional Special Use (Tattoo Parlor) and Granting a Special Use for a Tattoo Parlor (2045 Lincoln Highway – Ryan Harnish)"	
	Table 17.14-1 Permitted and Special Uses (Business and Mixed Use Districts)	
<b>Existing Conditions</b>		
Land Use	Multi-Tenant Commercial Building	
Zoning	BR – Regional Business District (PUD)	
<b>Zoning Summary</b>		
North	BR- Regional Business District	Vacant Commercial (Former St. Charles Mall)
East	BR- Regional Business District (PUD)	Commercial (Multiple Tenants)
South	BR- Regional Business District (PUD)	Commercial (Multiple Tenants)
West	BR- Regional Business District (PUD)	Commercial (Multiple Tenants)
<b>Comprehensive Plan Designation</b>		
Retail and Service		

### Aerial Photo



### Zoning Map



#### IV. BACKGROUND:

##### ST. CHARLES COMMERCIAL CENTER PUD AMENDMENT

In 2009, the applicant filed petitions for a Special Use for the Tattoo Parlor and Amendment to Ordinance 1982-Z-6 (St. Charles Commercial Center PUD). At that time Tattoo Parlor was not listed as a permitted or Special Use in the St Charles Commercial Center PUD, but was listed as a Special Use in **Table 17.14-1 Permitted and Special Uses (Business and Mixed Use Districts)**.

Ordinance 2009-Z-16 was approved in December of 2009. This ordinance approved the amendment to Ordinance 1982-Z-6 to permit Tattoo Parlors as a Special Use in the St. Charles Commercial Center and the Special Use for a Tattoo Parlor (Playground Tattoo) located at 2045 Lincoln Highway.

#### III. PROPOSAL

The applicant, Ryan Harnish, has submitted a petition for an amendment to an existing Special Use for a Tattoo Parlor located at 2045 Lincoln Highway. The applicant is proposing to relocate their existing Tattoo Parlor business (Playground Tattoo) from the unit at 2045 Lincoln Highway to the unit directly adjacent at 2047 Lincoln Highway. These two units are within the same multi-tenant building. The salient features of the proposal are as follows:

- The applicant will occupy an existing tenant space in the same commercial building.
- The size of the business will increase from approximately 1,065 SQ FT to 1,600 SQ FT.
- The applicant is not proposing any exterior modifications to the building or property.

#### IV. ANALYSIS:

##### 1. TATTOO PARLOR

*Tattoo Parlor* is defined in **Section 17.30.020 Use Definitions** of the Zoning Ordinance as follows:

*“Tattoo Parlor. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances, which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.”*

##### 2. PARKING

The adjacent parking lot was constructed with the building to accommodate all the existing tenant spaces.

Per **Table 17.24-3 Required Off-Street Parking** of the Zoning Ordinance, the parking requirement for a Tattoo Parlor is 4 spaces per 1,000 SQ FT of gross floor area.

This parking requirement is identical to, or more stringent than, similar retail and service uses permitted at this location.

##### 3. ILLINOIS DEPARTMENT OF PUBLIC HEALTH REQUIREMENTS



The State of Illinois requires all tattoo parlors to submit an application for a Certificate of Registration to the Illinois Department of Public Health (IDPH) before the business can open. The pertinent requirements listed in the *Body Art Code* (effective December 26, 2008) and *Tattoo and Body Piercing Establishment Registration Act* (effective July 1, 2007) are as follows:

- Operating requirements including sanitation procedures for the artist's personal hygiene, act of tattooing, and equipment sterilization.
- The handling and disposal of bio-hazardous materials.
- The business is required to renew their certificate on an annual basis.
- Denial, suspension, revocation, and non-renewal of the certificate.

*For further information, the entire **Body Art Code** and **Tattoo and Body Piercing Establishment Registration Act** are attached to this memo.*

#### 4. BUSINESS OPERATION AND EXISTING SPECIAL USE CONDITIONS

##### a. **Business Operation**

The applicant has indicated that they will follow the same business operation practices that were stated during the 2009 Special Use process. The procedures stated in 2009 were:

- Customers are not allowed to congregate in the business.
- The applicant will follow all the rules and procedures as listed in the *Body Art Act* and *Tattoo and Body Piercing Establishment Registrations Act*.
- Body piercing will be an accessory use to the business.

##### b. **2009 Special Use Ordinance Conditions**

Ordinance 2009-Z-16 contains specific conditions that limit the hours of operation for this business. The hours of operation were limited as follows:

- An opening time of 10:00AM and a closing time of 10:00PM on Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday.
- An opening time of 10:00AM and a closing time of 12:00AM on Saturday.

Staff recommends that this condition be restated in the amended Special Use.

#### V. **PLAN COMMISSION RECOMMENDATION**

The Plan Commission will hold a public hearing to discuss this petition at their 3/12/2013 meeting. This petition will be placed on the meeting portion of the agenda for a vote. Staff will include the Plan Commission's recommendation in the meeting packet.

#### VI. **RECOMMENDATION**

Staff recommends approval of the Special Use for a Tattoo Parlor Application and has provided the attached draft Findings of Fact to support that recommendation.

## **VII. ATTACHMENTS**

- Body Art Act and Tattoo and Body Piercing Establishment Registration Act
- Ordinance 2009-Z-16

Cc: Ryan Harnish, Applicant  
Russell Colby, Planning Division Manager - City of St. Charles

## **FINDINGS OF FACT**

### **SPECIAL USE FOR A TATTOO PARLOR**

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

The Special Use will continue to serve the public convenience by permitting the expansion of an existing business located in the same retail building.

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

The site is developed. Adequate utilities and all necessary facilities exist on the site and this business already exists on this property.

**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.**

This use already exists on the property. The use conforms to the general characteristics of the retail and service uses located around the site and the site is designated as retail and service in the St. Charles Comprehensive Plan.

**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.**

A majority of the surrounding properties are developed. The roads, utilities, and site access points have been constructed for these properties.

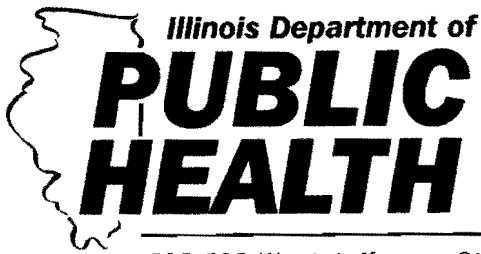
**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Special Use at the proposed location will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The Special Use is similar/complimentary to existing surrounding uses. The proposed use fits the retail and service oriented character of this area and already exists on the site. The City has not identified any issues with the operation of this business since 2009.

**F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The Special Use will conform to all Federal, State, and local legislation; specifically, to the regulations established as part of Ordinances 1982-Z-6 “An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property” and Ordinance 2009-Z-16 “An Ordinance Amending Ordinance No. 1982-Z-6 (An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property) to Provide for an Additional Special Use (Tattoo Parlor) and Granting a Special Use for a Tattoo Parlor (2045 Lincoln Highway – Ryan Harnish)”. The use is required to file and maintain a Certificate of Registration with the Illinois Department of Public Health. Since the Body Art Act regulates all forms of body art,

piercing can be considered as an accessory use to this business. The business will conform to all relevant provisions of the Zoning Ordinance.



Pat Quinn, Governor  
Damon T. Arnold, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.idph.state.il.us](http://www.idph.state.il.us)

Dear Owner/Operator:

Public Act 094-1040, the Tattoo and Body Piercing Establishment Registration Act, became effective July 1, 2007. The rules to implement the Act, 77 ILL. Adm. Code 797, was adopted by the Joint Committee on Administrative Rules on December 26, 2008, and became effective that date.

Enclosed is, a Body Art Code, a copy of the Tattoo and Body Piercing Establishment Registration Act, an excerpt from 720 ILCS 5/ Criminal Code of 1961 with body art age requirements and a permit application form with instructions. At this time we are requesting establishments complete the application and return it with the required registration fee to the Department. If you have already applied you will find a copy of the application you submitted. Please review and make any corrections and resubmit the application with the registration fee.

If you have any questions about the rules or application process contact me at 217-785-2439, or TTY (for hearing impaired use only) 800-547-0466.

Sincerely,

A handwritten signature in black ink that reads "Melissa Estes". The signature is written in a cursive, flowing style.

Melissa Estes  
Body Art Program Coordinator  
Division of Food, Drugs and Dairies  
Illinois Department of Public Health

Enclosures: Body Art Code  
Public Act 094-1040  
Portion of 1961 Criminal Code  
Application form  
Application instructions

Packet version 5

*Improving public health, one community at a time*

*printed on recycled paper*

# Body Art Establishment Fee Structure

## Establishments

with 1 workstation	\$500.00
with 2 workstations	\$550.00
with 3 workstations	\$600.00
with 4 workstations	\$650.00
with 5 workstations	\$700.00
with 6 workstations	\$750.00
with 7 workstations	\$800.00
with 8 workstations	\$850.00
with 9 workstations	\$900.00
with 10 workstations	\$950.00
with 11 workstations	\$1000.00
with 12 workstations	\$1050.00
with 13 workstations	\$1100.00
with 14 workstations	\$1150.00
with 15 workstations	\$1200.00

Fee may be paid by check or money order payable to the Illinois Department of Public Health.

# BODY ART ESTABLISHMENT REGISTRATION APPLICATION

Permit number _____
Fee paid _____

Illinois Department of Public Health  
Division of Food, Drugs and Dairies  
525 W Jefferson St., Springfield IL 62761-0001  
Phone 217-785-2439 FAX 217-782-0943  
TTY (hearing impaired use only) 800-547-0466

TYPE OF ESTABLISHMENT:     Permanent     \*\*Mobile    Initial date of opening \_\_\_\_\_

Establishment name \_\_\_\_\_

Establishment Address \_\_\_\_\_ City \_\_\_\_\_ County \_\_\_\_\_ ZIP code + 4 \_\_\_\_\_

If change of permanent location, list previous establishment permit number \_\_\_\_\_

\*\*Home base address if establishment is mobile \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_\_) \_\_\_\_\_

Email address/web site \_\_\_\_\_

Emergency contact name/number \_\_\_\_\_ / (\_\_\_\_\_) \_\_\_\_\_

**Mailing Address (if different from above)**

Address \_\_\_\_\_ City/State \_\_\_\_\_ ZIP code + 4 \_\_\_\_\_

Applicant (Owner) Name \_\_\_\_\_ Age \_\_\_\_\_

Address \_\_\_\_\_ City/State \_\_\_\_\_ ZIP code + 4 \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_\_) \_\_\_\_\_

Number of Body Art Procedure work stations located at establishment: \_\_\_\_\_

Days and hours of establishment operation \_\_\_\_\_

Type of Ownership (**MARK ONLY ONE**)

**Sole Proprietor** (Name and Social Security number) \_\_\_\_\_

**Partnership/Multiple owners** (List name and Social Security number of each owner) \_\_\_\_\_

**Limited Liability Company** (List complete name of LLC and FEIN ) \_\_\_\_\_

**Corporation** (List complete name of Corp and FEIN ) \_\_\_\_\_

List the Registered Agent on file with the Secretary of State when either an *LLC* or *Corporation* is marked.

List equipment used for tattoo and/or body piercing services such as sterilizers, tattoo machines, cleaning systems, etc. Do not include disposable supplies.

Type	Year of manufacture if available

- Submit copies of:
- Sterilization/Operational Procedures**
  - Establishment Floor Plan**
  - Aftercare Instructions**
  - Parental Consent form** (applicable to piercing services only)

along with application and fee to

**Illinois Department of Public Health  
Division of Food, Drugs and Dairies  
525 W. Jefferson St.  
Springfield, IL 62761**

**Fee requirement calculation. Submit the registration fee of \$500.00 US dollars for the establishment and one work station, PLUS \$50.00 US dollars for each additional work station. (Example, establishment with 4 workstations shall pay \$500 plus \$150 (3 x 50) for a total of \$650.)**

*This application must be signed by the owner, if an individual; by one of the partners, if a partnership; or by an officer of the company or corporation.*

I affirm that I am the owner, partner or officer of the firm name as shown on page one, that I am authorized on the part of said applicant to verify and file with the Illinois Department of Public Health this application, and that I have full knowledge of the matters set forth herein and that all of same are true in substance and fact.

(X) \_\_\_\_\_ / \_\_\_\_\_  
(Signature required) (Print Name) (Date)

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED  
AND WILL BE RETURNED FOR REQUIRED INFORMATION.**  
01/05/09



## Body Art Establishment Application Instructions

- 1 Mark the box that describes the establishment type and provide the date of opening if already open, or provide the tentative opening date if establishment is to open in the future.
  - 2 Legal name of the establishment as you want it to appear on the permit.
  - 3 If the establishment is a permanent location, provide the address, city, county and zip code.
  - 4 *\*\*\* This section is not currently applicable. \*\*\*  
If establishment has relocated, provide the previous permit number.*
  - 5 If the establishment is a mobile unit, provide the home base address, city, county, state and zip code.
  - 6 Provide establishment telephone number and FAX number if available.
  - 7 Provide an e-mail or web site address if available.
  - 8 Provide an emergency contact name and telephone number.
  - 9 Provide a mailing address if the establishment wishes to receive mail from the Department at a location different than the establishment address.
  - 10 Provide the name of the person applying for the permit and the age of the applicant.
  - 11 Provide the applicant's address, city, state and zip code.
  - 12 Provide applicant's telephone number and FAX number if available.
  - 13 Provide the number of body art work stations located at the establishment.
  - 14 Provide the days that the establishment will be open during the week and the hours for each day. If you have seasonal hours that change, please note them.
  - 15 Mark the ownership type that best describes the owner of the establishment. List the legal name and provide the identifying number, (social security or FEIN).
- \*\*\*\*\* Continue application on back. \*\*\*\*\*
- 16 List mechanical equipment, (including year of manufacture when available) such as tattoo machines, sterilization units, cleaning systems and power supplies.
  - 17 Submit copies of the attachments listed.  
SEE BACK SIDE OF INSTRUCTION PAGE FOR DETAILS.
  - 18 Provide the signature of the responsible person for the establishment and provide the printed name as well as the date the application was completed

The Body Art Establishment Registration application requires applicants to submit copies of Sterilization/Operation Procedures, an Establishment Floor Plan, Aftercare Instructions, and a Parental Consent form, *only if piercing procedures are available for minors*. Contact the Body Art Program Coordinator, 217-785-2439 with questions.

#### **Attachment One: Sterilization/Operational Procedures**

Submit a copy of the establishment procedures. The following outline highlights the area each establishment must minimally address in its written procedures. Your procedures may go beyond the outline if you have additional items you wish to include.

1. Sterilization methods used for all reusable items.
2. Testing methods used to ensure sterilization process is working.
3. Storage methods used to ensure all sterilized items remain sterilized.
4. Method used to gather client information and record storage method.
5. Method used for maintaining records of all procedures performed.
6. Method used to ensure client is eighteen years of age.
7. Method for collection of parental consent if client is a minor requesting piercing procedure.
8. Method for preparing the procedure site.
9. Method for aftercare procedure and client instructions.
10. Work station cleanup after procedure is completed.
11. Methods used to deal with a possible emergency. *(These do not need to include any type of medical analysis or EMT services. The emergency procedure is necessary to ensure everyone knows what actions to take during an emergency and to prevent unplanned actions during any emergency. An example for an emergency procedure can be as simple as dialing 9-1-1.)*

#### **Attachment Two: Floor plan of establishment**

Submit a floor plan of the facility. This attachment **does not require** an architectural drawing or blue print. The following items must be included in the drawing. *The drawing may include other features as needed.*

1. Entrance and exits
2. Workstations
3. Hand sinks
4. Sterilization area
5. Washroom
6. Storage room
7. Sitting area if available

#### **Attachment Three: Aftercare Instructions**

Please include a copy of the instructions given to clients after any procedure has been performed. The instructions should include directions on using any washes, salves or creams, the rinse schedule and the actions that need to be taken if problems arise as a result of the procedure.

#### **Attachment Four: Parental Consent form (For Body Piercing ONLY)**

Please include a copy of the consent form used to obtain the parental consent for minors when Body Piercing procedures are made available. *If this service is not available, a consent form shall not be required.*

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD DRUGS AND COSMETICS

PART 797  
BODY ART CODE

Section	
797.100	Definitions
797.200	Incorporated and Referenced Materials
797.300	General Requirements
797.400	Operational Requirements
797.500	Exemptions
797.600	Public Notification Requirements
797.700	Disclosure of Pre-existing Conditions
797.800	Preparation and Care of the Body Art Area
797.900	Disinfection and Sterilization Procedures
797.1000	Requirements for Single Use Items
797.1100	Requirements for Premises
797.1200	Establishment Certificate of Registration Requirements
797.1300	Body Artist Proficiency Requirements
797.1400	Temporary Certificate of Registration Requirements
797.1500	Enforcement
797.1600	Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration
797.1700	Violations and Fines
797.1750	Administrative Hearings

**AUTHORITY:** Implementing and authorized by the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

**SOURCE:** Adopted at 33 Ill. Reg. 246, effective December 26, 2008.

**Section 797.100 Definitions**

The following shall be the accepted definitions of the terms used in this Part:

"Act" means Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

"Aftercare" means oral and written instructions given to the client, specific to the body art procedures rendered, about caring for the body art and surrounding area.

These instructions will include information about when to seek medical treatment, if necessary.

"Antiseptic" means an agent that reduces disease-causing microorganisms on human skin or mucosa.

"Apprentice" means an individual who works under the supervision of a body artist and performs body art activities.

"Autoclave" means an apparatus that is registered and listed with the federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

"Body Art" means the practice of physical body adornment, including, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Illinois State Medical Board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include piercing of the non-cartilaginous portion or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.

"Body Artist" means a person who conducts or practices body art activities and/or procedures.

"Body Art Establishment" or "*Establishment*" means a body-piercing operation, a tattooing operation, body modification establishment or a combination of all operations in a multiple-type establishment, whether public or private, temporary or permanent in nature or location, profit or not for profit. (Section 10 of the Act)

"*Body Piercing*" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature, including, but not limited to, micro-dermal anchors, acts of suspension and sub-dermal/trans-dermal implants. "*Body piercing*" does not include practices that are considered medical procedures or the puncturing of the non-cartilaginous portion or lobe of the ear using a pre-sterilized, single-use stud-and-clasp ear piercing system. (Section 10 of the Act)

"Certificate of Registration" means written permission by the Department to operate a body art establishment. Approval is given in accordance with this Part and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

"Change of Ownership" means any of the following:

In the case of a body art establishment owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a body art establishment owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a body art establishment owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person, whether or not the owner retains any interest in the facility.

"Clean" or "Cleaning" means the removal of foreign materials from objects, normally accomplished with detergent, water and mechanical action.

*"Client" means the person, customer, or patron whose skin will be tattooed, modified or pierced. (Section 10 of the Act)*

"Cosmetic Tattooing" (see "Tattooing").

"Dentist" means a person licensed to practice dentistry in this State pursuant to the Illinois Dental Practice Act [225 ILCS 25].

"Department" means the Illinois Department of Public Health or its designated agent.

*"Director" means the Director of Public Health or his or her designee. (Section 10 of the Act)*

"Disclosure Warning Statement" means a sign or poster that is provided by the Department that advises the public of the potential health risks of body art services.

"Disinfect" or "Disinfection" means a process that provides an effective concentration of a United States Environmental Protection Agency registered chemical for enough contact time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when disease organisms that

may be present are destroyed so as to prevent transfer) on equipment surfaces and in toilet and hand-washing facilities.

"Ear Piercing" means the puncturing of the non-cartilaginous portion or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system, following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the non-cartilaginous portion and lobe of the ear.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the procedures of body art.

"Good Hygienic Practices" means practices conducive to maintaining health and preventing disease, especially through cleanliness. Good hygienic practices include, but are not limited to, restrictions on eating, drinking and the use of tobacco products in the establishment; maintaining a high degree of personal cleanliness; hand washing and proper hand washing techniques; use of single-use disposable gloves; preventing employees from contaminating work surfaces; and availability of hand washing facilities and supplies.

"Hand-Washing Sink" means a sink equipped with hot and cold running water under pressure, tempered by means of a mixing valve or combination faucet, activated by wrist blade or knee control or other hands-free means, used solely for washing hands, arms and other portions of the body.

"Hot Water" means water that attains and maintains the temperature of not less than 120 degrees F.

"Imminent Health Hazard" means any hazard to the public health when the evidence shows that a product or practice creates or may create a public health situation, including, but not limited to, a lack of water or electricity, lack of sterilization, infections that are epidemiologically associated with a body art establishment, or the occurrence of a single case of a life-threatening illness that is epidemiologically associated with a body art establishment.

"Instruments Used for Body Art" means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to body fluids during body art procedures.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a pierced area. The ornament shall be free of nicks, scratches or irregular surfaces and must have been properly sterilized prior to use.

"Mobile Body Art Establishment" or "Mobile Body Art Unit" means a mobile establishment or unit that is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal.

*"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body art. (Section 10 of the Act)*

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency of that state, and any legal successor, representative, agent or agency of a person.

"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

"Potable Water" means water that is safe for human consumption and meets the water quality standards of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).

"Procedure Surface" means any surface of a work area, including, but not limited to, the procedure chair that comes into contact with the client's body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area that may require disinfecting.

"Regulated Waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 CFR 1910.1030 (Bloodborne Pathogens).

"Scarification" means to create a design on the skin by means of shallow cuts or skin removal that are sometimes rubbed with a colorant or irritant to enhance the resulting scar tissue.

"Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized single-use needles, scalpel blades, and razor blades.

"Sharps Disposal Container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the international biohazard symbol.

"Single Use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups and protective gloves.

"Standard Precautions" means infection prevention and control measures that apply to all clients regardless of condition or presumed infection status (see 77 Ill. Adm. Code 690.1010(a)(1)).

"Sterile" means free of all living organisms, including spores.

"Sterilization" means the use of a physical or chemical process to destroy all living organisms, including spores.

"Sterilization Packaging" means packaging materials, including, but not limited to, bags, packs, pouches or tubing designed for steam sterilization use. The sterilization packaging shall allow penetration of steam to allow sterilization and to maintain the sterility of the item after sterilization.

*"Sterilize" means to destroy all living organisms including spores. (Section 10 of the Act)*

"Sterilizer" means equipment used to sterilize body art devices, equipment and supplies by direct exposure to a selected sterilization agent validated by a sterile indicator strip.

"Tattooing" means any method of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin,



resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

"Tempered Water" means water ranging in temperature from 85 degrees F to, but not including, 120 degrees F.

"Temporary Body Art Establishment" means any place or premise operating for educational, trade show or product demonstration purposes at a fixed location where a body artist/apprentice performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

"Temporary Certificate of Registration" means a certificate of registration issued by the Department *for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.* (Section 20 of the Act)

"Ultrasonic Unit" means a unit used for cleaning soiled and/or used instruments before they are sterilized, using the emission of high frequency sound waves.

"Violation" means a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this State, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with this Part.

"Work Station" means an area where body art procedures are performed.

#### **Section 797.200 Incorporated and Referenced Materials**

- a) The following materials are incorporated or referenced in this Part:
  - 1) Illinois Statutes and Administrative Rules:
    - A) Criminal Code of 1961 [720 ILCS 5]
    - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
    - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
    - D) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
    - E) Electrologist Licensing Act [225 ILCS 412]

- F) Acupuncture Practice Act [225 ILCS 2]
  - G) Administrative Review Law [735 ILCS 5/Art. III]
  - H) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
  - I) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
  - J) Drinking Water Systems Code (77 Ill. Adm. Code 900)
  - K) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
  - L) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- 2) Federal Regulations:
- Bloodborne Pathogens, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.1030(g)(2) (July 2005)
- 3) Federal Guidelines:
- A) Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers, in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6
  - B) Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol. 40, No. RR-8
- b) All incorporations by reference of federal regulations and guidelines refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

### Section 797.300 General Requirements

The following information shall be kept on file on the premises of a body art establishment and shall be available for inspection by the Department:

- a) **Body Artist/Apprentice information**
  - 1) Full names and exact duties;
  - 2) Date of birth;
  - 3) Home address;
  - 4) Home and work telephone numbers;
  - 5) Identification photographs;
  - 6) Current places of employment;
  - 7) Training documentation/certificates; and
  - 8) Proof of completion of a bloodborne pathogen training program compliant with Bloodborne Pathogens, OSHA, 29 CFR 1910.1030.
- b) **Establishment Information**
  - 1) Name of Establishment;
  - 2) Hours of Operation;
  - 3) Owner's name and home address;
  - 4) A copy of the operation procedure (see Section 797.300(c));
  - 5) Owner's telephone numbers; and
  - 6) A complete description of all body art procedures performed.
- c) **Emergency Procedures Information**

The owner or operator of a body art establishment shall prepare, maintain and implement an operation procedure that meets the following requirements:

  - 1) The operation procedure shall provide for response to the occurrence of any sudden, serious and unexpected sickness or injury that would lead a

reasonable person, possessing an average knowledge of health, to believe that the sick or injured person requires urgent or unscheduled medical care.

- 2) The operation procedure shall include a method to address emergency situations, including, but not limited to, adverse reactions, anaphylactic reactions, and accidental needle sticks.
  - 3) The operation procedure shall include procedures to be used when blood, plasma, serum or body fluids, such as semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood, are exposed to:
    - A) mucous membranes, including eye, mouth or other mucous membranes;
    - B) broken or non-intact skin;
    - C) abraded or irritated skin; or
    - D) skin surfaces that are otherwise compromised.
  - 4) The operation procedure shall describe methods for obtaining appropriate medical care in the event of such an exposure and designate personnel to be notified in the event of an emergency.
  - 5) The operation procedure must be maintained in the body art establishment in a location accessible to all employees.
- c) The establishment shall also keep on file a copy of this Part.

#### **Section 797.400 Operational Requirements**

- a) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current certificate of registration.
- b) A body artist/apprentice shall be a minimum of 18 years of age.
- c) Eating or drinking by anyone other than a client is prohibited in the area where body art is performed.
- d) Smoking is prohibited in the body art establishment.

- e) *Body art procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol. (Section 27 of Act) Medical clearance must be in the form of a written and signed statement by a physician.*
- f) The body artists/apprentice shall maintain a high degree of personal cleanliness, conform to good hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, body artists/apprentices shall thoroughly wash their hands for a minimum of 20 seconds in tempered running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- g) In performing body art procedures, the body artist/apprentice shall wear single-use medical grade gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next pair of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of single-use, medical grade gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
- h) If, while performing a body art procedure, the body artist's/apprentice's glove is pierced, torn or otherwise compromised, the procedure in subsection (f) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection (e)) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- i) Regulated waste that may release liquid blood or body fluids when compressed, or may release dried blood or body fluids when handled, shall be placed in an approved bag marked with the international biohazard symbol. The regulated waste shall then be disposed of in compliance with 29 CFR 1910.1030. Sharps ready for disposal shall be disposed of in approved sharps disposal containers. Storage of regulated waste on site shall comply with the regulations in 29 CFR 1910.1030, and storage of regulated waste awaiting pick-up shall not exceed 30 days.

- j) Waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal disposal methods.
- k) No person shall perform any tattoo procedure upon a person under the age of 18 years that is prohibited by Sections 12-10 through 12-10.2(c) of the Criminal Code of 1961. Age verification shall be obtained by government issued identification containing a birth date and photograph. In any procedure other than tattooing, the parent or legal guardian shall sign a consent form in the presence of an operator/body artist. The consent form shall indicate that the parent or legal guardian has read and understood the disclosure warning statement required under Section 797.600(c).
- l) Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form:
  - I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result in but is not limited to nerve damage, numbness, and life threatening blood clots. (Section 12-10.1 of the Criminal Code of 1961)*
- m) Any skin or mucosal surface that is to receive a body art procedure shall be free of rash, irritation or any visible infection.
- n) No body artist/apprentice affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection, possibly manifested by fever, chills and/or a chronic productive cough, shall work in any area of a body art establishment in any capacity in which that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.
- o) Any body artist can refuse service to any individual, at any time, and for any reason.

### **Section 797.500 Exemptions**

The following practices, occupations and persons are exempted from this Part:

- a) *The practice of electrology as defined in the Electrologist Licensing Act [225 ILCS 412] (Section 10 of the Act);*

- b) *The practice of acupuncture as defined in the Acupuncture Practice Act [225 ILCS 2]) (Section 10 of the Act);*
- c) *The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes (Section 10 of the Act); and*
- d) Individuals who pierce only the non-cartilaginous portion or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system.

#### **Section 797.600 Public Notification Requirements**

- a) Written public education materials, provided by the Department, shall be offered and explained to all clients prior to receiving body art procedures.
- b) Verbal and written instructions for the aftercare of the body art shall be provided to each client.
- c) The written public education materials shall advise the client to consult a physician or dentist as appropriate at the first sign of infection. The written public education materials shall also contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client, and the operator shall retain the original with all other required records for a period of no less than one year. In addition, all establishments shall prominently display a disclosure warning poster, provided by the Department, that advises the public of the potential health risks of body art services.
- d) The operator and/or body artist shall report in writing to the Department all infections or diseases, resulting from a body art procedure, that required medical attention. The written report shall be sent to the Department by mail or facsimile within 24 hours after receiving a report that medical attention was required. The report shall include:
  - 1) The name, address and phone number of the affected individual;
  - 2) The date of the body art procedure;
  - 3) Identification of the body artist/apprentice who performed the service;

- 4) The name, address and certificate of registration number of the body art establishment involved;
- 5) The anatomical location, condition and description of the affected site;
- 6) The name, address and phone number of the affected individual's health care provider;
- 7) The date that medical attention was sought; and
- 8) Any other information considered relevant to the situation.

#### **Section 797.700 Disclosure of Pre-existing Conditions**

The body artist/apprentice shall request information from all clients as follows:

"To ensure that your body art procedure heals properly, we ask that you disclose if you have or have had any of the following conditions. Disclosure does not prevent you from having a body art procedure.

- a) Diabetes;
- b) History of hemophilia (bleeding);
- c) History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities such as, but not limited to, latex;
- e) History of epilepsy, seizures, fainting or narcolepsy;
- f) Medications used, such as anticoagulants that thin the blood and/or interfere with blood clotting;
- g) Human immunodeficiency virus (HIV);
- h) Hepatitis;
- i) Any other information that would aid us in evaluating your body art healing process."



**Section 797.800 Preparation and Care of the Body Art Area**

- a) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding the location of the body art procedure shall be washed with liquid soap and water or a skin antiseptic. If shaving is necessary, single-use disposable razors shall be used. Following shaving, the skin and surrounding area shall be washed with liquid soap and water or a skin antiseptic. The single-use disposable razor and washing pad shall be discarded after a single use.
- b) If bleeding occurs, all products used to check the flow of blood or to absorb blood shall be single use and shall be disposed of immediately after use in appropriate covered containers. (See definition of "regulated waste" in Section 797.100.)

**Section 797.900 Disinfection and Sterilization Procedures**

- a) All non-disposable instruments used for body art shall be cleaned after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, or by following the manufacturer's instructions, to remove blood and tissue residue, and shall then be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- b) After cleaning, all non-disposable instruments used for body art shall be packed individually in sterilization packaging and subsequently sterilized (see subsection (c)). All sterilization packaging shall contain either a sterilization indicator or internal temperature indicator. Sterilization packaging shall be dated with an expiration date not to exceed six months or in accordance with manufacturer's instructions. If sterilization packaging is compromised or expired, the instrument shall be removed, repackaged and re-sterilized.
- c) All cleaned non-disposable instruments used for body art shall be sterilized in an autoclave that meets the criteria specified in subsection (i). The autoclave shall be used, cleaned and maintained according to manufacturer's instruction. The operator shall retain on-site a copy of the manufacturer's recommended procedures for the operation of the sterilization unit and a daily temperature log for each day's use. If the body art establishment uses only single-use disposable instruments and products, and uses sterile single-use needles and tubes, an autoclave shall not be required.
- d) After sterilization, the instruments used for body art procedures shall be stored in a dry, clean cabinet or tightly covered container reserved for the storage of such instruments.

- e) All instruments shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear single-use disposable medical grade gloves and use aseptic techniques to ensure that the instruments and the gloves are not contaminated.
- f) All inks, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Single-use needles, specifically manufactured for body art, may be purchased and used to construct a needle bar by the body artist.
- g) Pigment shall be reconstituted using only distilled or sterile water or a glycerin product.
- h) Immediately before a tattoo is applied, the quantity of the ink to be used shall be transferred from the ink bottle and placed into single-use containers. Upon completion of the tattoo, these single-use containers and their contents shall be discarded.
- i) Each certificate of registration holder shall demonstrate, by monthly spore destruction tests, that the autoclave used is capable of attaining sterilization. These tests shall be verified through an independent laboratory. Test records shall be retained on-site by the operator for a period of one year.

#### **Section 797.1000 Requirements for Single-Use Items**

- a) Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps disposal containers.
- b) All products applied to the skin, including body art stencils, shall be single-use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied to the area to be tattooed with gauze or in a manner to prevent contamination of the original container and its contents.
- c) Single-use items must be stored in a clean, covered location, in a manner to prevent any contamination.

#### **Section 797.1100 Requirements for Premises**

- a) All walls, floors and procedure surfaces of a body art establishment shall be smooth, free of open holes and cracks, and washable. Walls, floors and ceilings shall be in good repair and maintained in a clean condition. All procedure surfaces, including client chair/benches, shall be of such construction as to be easily cleaned and disinfected after each client. All procedure surfaces shall be cleaned and disinfected after each procedure. The body art establishment shall be maintained in a clean and sanitary condition at all times.
- b) All body art establishments shall be completely separated, by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, or any other such activity that may cause potential contamination of work surfaces.
- c) Effective measures shall be taken by the operator/body artist/apprentice to protect against the presence of insects, vermin and rodents in the establishment. Exterior doors shall be self-closing and tight fitting. If windows open, they shall have tight-fitting screens.
- d) Each body art establishment shall have an area that may be screened from public view for clients requesting privacy. Dividers, curtains or partitions, at a minimum, shall be available to separate multiple work stations.
- e) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles.
- f) No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities. Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- g) A separate hand-washing sink (see Section 797.100) shall be readily accessible to the operators within the body art establishment. The hand sink shall be supplied with liquid soap and disposable paper towels. One hand sink shall serve no more than six stations.
- h) Each body art establishment shall have a minimum of one hand-washing sink, excluding any service sinks, and one toilet facility. The toilet facility shall be equipped with a hand-washing sink, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.

- i) At least one covered waste receptacle shall be provided at each work station, lavatory facility, and toilet facility. Receptacles in the work station shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be cleanable, and kept clean. Waste receptacles shall be kept uncovered during use and covered while not in use.
- j) All instruments and supplies shall be stored in clean, dry, covered containers. The dirty contaminated equipment, including the autoclave and ultrasonic units, along with cleaning supplies and cleaning equipment, shall be stored in an area separate from the procedure area. This area shall not be publicly accessible.
- k) If reusable cloth items are used, they shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
- l) In addition to complying with all of the requirements of this Part, mobile body art vehicles and body artists/apprentices working from a mobile body art establishment shall also comply with the following requirements:
  - 1) Body art shall be performed only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
  - 2) Potable water shall be maintained for the mobile body art establishment at all times during operation.
  - 3) All liquid wastes shall be stored in a storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of in accordance with State and federal laws.
  - 4) A toilet facility, equipped with a hand sink, shall be available within the mobile body art establishment. The hand sink shall be supplied with hot and cold running water, under pressure, to a mixing-type faucet, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. The doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.

**Section 797.1200 Establishment Certificate of Registration Requirements**

- a) The operator of a body art establishment shall maintain a current certificate of registration from the Department, to be renewed annually. The owner shall file an application with the Department using an application provided by the Department and shall include all of the following information:
- 1) *The applicant's name, address, telephone number, and age.* To qualify for the certificate of registration, the applicant shall be *at least 18 years of age*;
  - 2) *The name, address, and phone number of the establishment*;
  - 3) *The type and year of manufacture of equipment proposed to be used for body art, if available*;
  - 4) A floor plan of the premises, showing the location of required facilities and work stations;
  - 5) *The sterilization and operational procedures to be used by the establishment* (Section 15 of the Act);
  - 6) The total number of work stations located in the establishment. This number shall include all work stations, whether utilized or not.
- b) With each annual certificate of registration application, the applicant shall submit a \$500 non-refundable fee. The \$500 non-refundable fee shall satisfy the cost of the certificate of registration and the registration of one work station. For each additional work station located in the facility, applicants shall submit, at the time of application, an additional \$50 non-refundable fee.
- c) Any attempt to obtain a certificate of registration by means of fraud, misrepresentation or concealment is prohibited.
- d) *The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.*
- e) *Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.* (Section 35 of Act)
- f) *In the event of a change of ownership, the new owner must apply for a certificate of registration prior to the opening of the property.* (Section 40 of Act)

**Section 797.1300 Body Artist Proficiency Requirements**

- a) The operator shall hire only body artists who have complied with the body artist proficiency requirements of this Part.
- b) No person shall conduct body art procedures without first demonstrating proficiency and knowledge of this Part.
- c) The operator shall determine that each body artist possesses knowledge of the following subjects:
  - 1) Anatomy;
  - 2) Infectious disease control, including waste disposal, hand-washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; and
  - 3) Skin diseases, disorders and conditions (including diabetes).
- d) Body artists/apprentices shall maintain documentation of completion of "Bloodborne Pathogen Training", as required by OSHA (29 CFR 1910.1030) at the body art establishment.
- e) A list of all body artists who have complied with this Section and all other provisions of this Part shall be posted in a prominent and conspicuous area of the establishment.

**Section 797.1400 Temporary Certificate of Registration Requirements**

- a) *A temporary certificate of registration may be issued by the Department for educational, trade show or product demonstration purposes that include body art procedures. The temporary certificate of registration shall be valid for a maximum of 14 consecutive calendar days. (Section 20 of Act)*
- b) The establishment shall be contained in a completely enclosed non-mobile facility (e.g., inside a permanent building).
- c) An operator who wishes to obtain a temporary certificate of registration for his or her establishment/booth shall submit a temporary certificate of registration application for review by the Department at least 30 days prior to the event. The application shall specify:

- 1) Inclusive dates during which the temporary certificate of registration is needed (not to exceed 14 consecutive calendar days per event), without reapplication;
  - 2) Compliance with body artist proficiency requirements as specified in Section 797.1300;
  - 3) The address where the temporary certificate of registration will be used.
- d) A temporary certificate of registration shall not be issued unless the applicant has paid a non-refundable fee of \$250.
- e) A temporary certificate of registration shall not be transferable from one place or person to another.
- f) Compliance with all of the requirements of this Part includes, but is not limited to, the following:
- 1) Conveniently located hand-washing sink with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Alcohol-based single-use hand wipes shall be available in each work station to augment the hand-washing requirements of this Section;
  - 2) There shall be at least 20 foot candles of light at the level where the body art procedure is being performed; and
  - 3) The establishment shall provide a sterilizer in compliance with this Part, on which a spore test has been performed 30 or fewer days prior to the date of the event, or use only single-use prepackaged sterilized equipment.
- g) A temporary certificate of registration issued by the Department is required prior to the performance of any body art procedures.
- h) Body art procedures shall not be performed before the Department has inspected the location identified on the temporary certificate of registration application.
- i) If the holder of a temporary certificate of registration fails to comply with the requirements of the Act or this Part, the Department shall suspend the temporary certificate of registration.

- j) The temporary certificate of registration and the disclosure warning poster (see Section 797.600(c)) provided by the Department shall be prominently posted.

#### **Section 797.1500 Enforcement**

- a) The Department shall inspect any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for a certification of registration under the Act and this Part, as often as necessary to ensure compliance with this Part. The initial inspection of a mobile body art establishment shall take place at a location identified by the Department. Additional inspections may be performed at any event where the mobile body art establishment is scheduled to operate.
- b) If the Department is denied access to any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for certification of registration under the Act and this Part, the Department shall request intervention of local, county or State law enforcement agencies to seek a court order or warrant to investigate and enter the establishment, mobile body art establishment/unit, or any other place. Any person or entity preventing the Department from carrying out its duties under the Act or this Part shall be guilty of a violation of the Act and shall be subject to penalties.
- c) If the Department suspects that a communicable disease is or may be transmitted by an operator/apprentice, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions and practices or other imminent health hazard that may adversely affect the health of the public, upon written notice to the owner or operator, the Department shall do any or all of the following:
  - 1) Issue an order excluding any or all operators/apprentices from the body art establishment who are responsible, or appear to be responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health;
  - 2) Issue an order to immediately suspend the certificate of registration of the establishment until the Department determines that there is no further risk to the public health. The order shall state the cause for the action.

#### **Section 797.1600 Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration**

*A certificate of registration may be denied, suspended, or revoked, or the renewal of a certificate of registration may be denied, for any of the following reasons:*



- a) Any single violation of the Act or this Part;
- b) *Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction;*
- c) *Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if, before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration. (Section 45 of the Act)*

#### **Section 797.1700 Violations and Fines**

- a) In addition to any other action authorized by the Act or this Part, the Department may assess fines, in addition to denying, suspending and revoking certificates of registration, against a person for any violation of any provision of the Act or this Part.
- b) *A fine not to exceed \$1,000 per day for each day the registrant remains in violation shall be issued for any violation of the Act or this Part. (Section 80 of Act)*
- c) A violation is a failure to adhere to any of the provisions of the Act or this Part. A violation shall also include any of the following:
  - 1) Failure to abide by any stop operation or stop use order issued under this Part;
  - 2) Failure to notify the Department of any incident, accident or public health emergency involving any equipment or operator, as required in Section 797.600;
  - 3) Failure to allow the Department to perform inspections and investigations in accordance with Section 30 of the Act and Section 797.1500;
  - 4) Use of autoclave or body art equipment in a manner inconsistent with its labeling or directions;

- 5) Performing a body art procedure in a faulty, careless or negligent manner;
- 6) Performing a body art procedure in violation of the certificate of registration requirements of Section 15 of the Act;
- 7) Performing a body art procedure in violation of an order issued by the Department;
- 8) Failure to use methods or materials suitable for body art;
- 9) Performing a body art procedure on a person under the age of 18 years, in violation of the Criminal Code of 1961;
- 10) Allowing a certificate of registration to be used by another person;
- 11) Aiding or abetting a person in evading any provision of the Act;
- 12) Failure to comply with the operator proficiency requirements of Section 797.1300;
- 13) Failure to comply with waste removal requirements of Section 797.400;
- 14) Failure to maintain client records as required by Sections 797.600(c) and 797.900(i);
- 15) Failure to maintain premises in sanitary condition as required by Section 797.1100;
- 16) Failure to establish and maintain records of monthly autoclave spore destruction tests in accordance with Section 797.700(i);
- 17) Failure to renew a certificate of registration in accordance with Section 35 of the Act;
- 18) Failure to notify the Department of a change in business ownership in accordance with Section 40 of the Act and Section 797.1200 of this Part;
- 19) Failure to provide information to the Department upon request in accordance with Section 55 of the Act;

- 20) Failure to display or provide a current permit, in accordance with Section 35 of the Act.

**Section 797.1750 Administrative Hearings**

- a) All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) or Section 50(d) of the Act.
- b) The Department shall serve notice of fine and/or penalty assignments, and provide an opportunity for hearing.
- c) If a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine, pursuant to Section 797.1700 and/or action pursuant to Section 797.1600, shall be due immediately upon issuance of a final order by the Department.
- d) All fines and/or actions that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has, within that time, filed proceedings in administrative review specifically appealing the fine and/or adverse licensure action and unless the court has stayed enforcement of the fine and/or adverse licensure action.

Public Act 094-1040

SB0927 Enrolled

LRB094 04534 LJB 34563 b

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Tattoo and Body Piercing Establishment Registration Act.

Section 5. Purpose. It has been established that non-sterile needles can lead to the spread of certain blood-borne illnesses such as Hepatitis and HIV. Tattoo and body piercing practices affect the health, safety, and welfare of the public, therefore, the General Assembly finds that the regulation of tattoo and body piercing establishments by the State is necessary to ensure public health, safety, and welfare. It is further declared that the purpose of this Act is to provide for a safe and adequate blood supply. This Act shall be liberally construed to carry out these objectives and purposes.

Section 10. Definitions. In this Act:

"Aseptic technique" means a practice that prevents and hinders the transmission of disease-producing microorganisms from one person or place to another.

"Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

"Client" means the person, customer, or patron whose skin will be tattooed or pierced.

"Communicable disease" means a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

"Department" means the Department of Public Health or other health authority designated as its agent.

"Director" means the Director of Public Health or his or her designee.

"Establishment" means a body-piercing operation, a tattooing operation, or a combination of both operations in a multiple-type establishment.

"Ink cup" means a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.

"Multi-type establishment" means an operation encompassing both body piercing and tattooing on the same premises and under the same management.

"Procedure area" means the immediate area where instruments and supplies are placed during a procedure.

"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning,

managing, or offering services of body piercing or tattooing.

"Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens.

"Single use" means items that are intended for one time and one person use only and are to then be discarded.

"Sterilize" means to destroy all living organisms including spores.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent makeup on the skin, such as permanent lip coloring and permanent eyeliner.

"Tattooing" does not include any of the following:

- (1) The practice of electrology as defined in the Electrology Licensing Act.
- (2) The practice of acupuncture as defined in the Acupuncture Licensing Act.
- (3) The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes.

Section 15. Registration required.

(a) A certificate of registration issued by the Department shall be required prior to the operation of any establishment or multi-type establishment. The owner of the facility shall file an application for a certificate of registration with the Department that shall be accompanied by the requisite fee, as determined by the Department, and include all of the following information:

- (1) The applicant's (owner) name, address, telephone number, and age. In order to qualify for a certificate of registration under this Act, an applicant must be at least 18 years of age.
- (2) The name, address, and phone number of the establishment.
- (3) The type and year of manufacture of the equipment proposed to be used for tattooing or body piercing.
- (4) The sterilization and operation procedures to be used by the establishment.
- (5) Any other information required by the Department.

(b) If the owner owns or operates more than one establishment, the owner shall file a separate application for each facility owned or operated.

Section 20. Temporary registration. A temporary certificate of registration may be issued by the Department for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.

Section 25. Operating requirements. All establishments registered under this Act must comply with the following requirements:

- (1) An establishment must ensure that all body piercing and tattooing procedures are performed in a clean and sanitary environment that is consistent with sanitation techniques established by the Department.
- (2) An establishment must ensure that all body piercing and tattooing procedures are performed in a manner that is

consistent with an aseptic technique established by the Department.

(3) An establishment must ensure that all equipment and instruments used in body piercing and tattooing procedures are either single use and pre-packaged instruments or in compliance with sterilization techniques established by the Department.

(4) An establishment must ensure that single use ink is used in all tattooing procedures.

Section 27. Prohibitions. Body piercing procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol.

Section 30. Duties of the Department; rulemaking.

(a) Before issuing a certificate of registration to an applicant, the Department, or its designee, shall inspect the premises of the establishment to insure compliance under the requirements of this Act.

(b) Once a certificate of registration is issued, the Department may periodically inspect each establishment registered under this Act to ensure compliance.

(c) The Department shall adopt any rules deemed necessary for the implementation and administration of this Act.

Section 35. Expiration and renewal of registration; display.

(a) A certificate of registration issued under this Act shall expire and may be renewed annually.

(b) Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.

(c) The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.

Section 40. Change of ownership. In the event of a change of ownership, the new owner must apply for a certificate of registration prior to taking possession of the property. A provisional certificate of registration may be issued by the Department until an initial inspection for a certificate of registration can be performed by the Department or its designee.

Section 45. Denial; suspension; revocation; nonrenewal of registration. A certificate of registration may be denied, suspended, revoked, or the renewal of a certificate of registration may be denied for any of the following reasons:

Violation of any of the provisions of this Act or the rules and regulations adopted by the Department under this Act.

Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive, or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction.

Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the

previous 5 years, if before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration.

Section 50. Administration; enforcement.

(a) The Department may establish a training program for the Department agents for administration and enforcement of this Act.

(b) In the administration and enforcement of this Act, the Department may designate and use State-certified, local public health departments as its agents in the administration and enforcement of this Act and rules.

(c) The Department shall issue grants to State-certified, local public health departments acting as agents of the Department based on 75% of the total fees and fines collected in the jurisdiction of the State-certified, local public health department for the enforcement and administration of this Act.

(d) The Department or a State-certified, local public health department acting as an agent of the Department in the administration and enforcement of this Act may use the local administrative review process of the State-certified, local public health department to resolve disputes.

Section 55. Investigation; hearing; notice. The Department may, upon its own motion, and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a certificate of registration, or refusal to renew a certificate of registration, or revocation of a certificate of registration, or suspension of a certificate of registration, investigate the applicant or registrant. The Department, after notice and opportunity for hearing, may deny any application for or suspend or revoke a certificate of registration or may refuse to renew a certificate of registration. Before denying an application or refusing to renew, suspending, or revoking a certificate of registration, the Department shall notify the applicant in writing. The notice shall specify the charges or reasons for the Department's contemplated action. The applicant or registrant must request a hearing within 10 days after receipt of the notice. Failure to request a hearing within 10 days shall constitute a waiver of the right to a hearing.

Section 60. Conduct of hearing.

(a) The hearing shall be conducted by the Director, or an individual designated in writing by the Director as a hearing officer. The Director or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at a place designated by the Department. The procedures governing hearings and the issuance of final orders under this Act shall be in accordance with rules adopted by the Department.

(b) All subpoenas issued by the Director or hearing officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the

fees for witnesses before the circuit court and shall be paid by the party to the proceedings at whose request the subpoena is issued. If a subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

(c) In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he or she might be lawfully examined, the circuit court of the county wherein the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt as in cases of a like refusal to obey a similar order of the court.

Section 65. Findings of fact; conclusions of law; decision. The Director or hearing officer shall make findings of fact and conclusions of law in a hearing, and the Director shall render his or her decision, or the hearing officer his or her proposal for decision within 45 days after the termination of the hearing unless additional time is required by the Director or hearing officer for a proper disposition of the matter. A copy of the final decision of the Director shall be served upon the applicant or registrant in person or by certified mail.

Section 70. Review under Administrative Review Law; venue; costs. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of Article III of the Code of Civil Procedure. The term "administrative decision" is defined under Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95¢ per page representing costs of certification of the record or file. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

Section 75. Administrative Procedure Act; application. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedure of the Department under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rules required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Section 80. Penalties; fines. The Department is authorized to establish and assess penalties or fines against a registrant for violations of this Act or regulations adopted under this Act. In no circumstance will any penalties or fines exceed \$1,000 per day for each day the registrant remains in violation.



Section 85. Public nuisance.

(a) The operation or maintenance of an establishment in violation of this Act or any rule adopted by the Department under this Act constitutes a public nuisance inimical to the public welfare.

(b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.

(c) The Director, in the name of the people of the State and through the Attorney General or State's Attorney of the county in which the establishment is located, may, in addition to the other remedies set forth in this Act, bring an action for an injunction to restrain the violation of this Act or to enjoin the future operation or maintenance of any establishment in violation of this Act.

Section 90. Tattoo and Body Piercing Establishment Registration Fund. There is hereby created in the State treasury a special fund to be known as the Tattoo and Body Piercing Establishment Registration Fund. All fees and fines collected by the Department under this Act and any agreement for the implementation of this Act and rules under this Act and any federal funds collected pursuant to the administration of this Act shall be deposited into the Fund. The amount deposited shall be appropriated by the General Assembly to the Department for the purpose of conducting activities relating to tattooing and body piercing establishments.

Section 905. The State Finance Act is amended by adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The Tattoo and Body Piercing Establishment Registration Fund.

Section 999. Effective date. This Act takes effect July 1, 2007.

**Effective Date: 7/1/2007**

**Floor Actions**

Date	Action
7/21/2006	Public Act.....094-1040

720 ILCS 5/ Criminal Code of 1961.

(720 ILCS 5/12-10) (from Ch. 38, par. 12-10)

Sec. 12-10. Tattooing Body of Minor.

(a) Any person, other than a person licensed to practice medicine in all its branches, who tattoos or offers to tattoo a person under the age of 18 is guilty of a Class A misdemeanor.

(b) Any person who is an owner or employed by a business that performs tattooing, other than a person licensed to practice medicine in all its branches, may not permit a person under 18 years of age to enter or remain on the premises where tattooing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian. A violation of this subsection (b) is a Class A misdemeanor.

(c) As used in this Section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

(d) Subsection (a) of this Section does not apply to a person under 18 years of age who tattoos or offers to tattoo another person under 18 years of age away from the premises of any business at which tattooing is performed.

(Source: P.A. 94-684, eff. 1-1-06.)

(720 ILCS 5/12-10.1)

Sec. 12-10.1. Piercing the body of a minor.

(a) (1) Any person who pierces the body or oral cavity of a person under 18 years of age without written consent of a parent or legal guardian of that person commits the offense of piercing the body of a minor. Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form:

"I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result but is not limited to nerve damage, numbness, and life threatening blood clots."

A person who pierces the oral cavity of a person under 18 years of age without obtaining a signed written consent form from a parent or legal guardian of the person that includes the provision describing the health risks of body piercing, violates this Section.

(1.5) Any person who is an owner or employed by a business that performs body piercing may not permit a person under 18 years of age to enter or remain on the premises where body piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

(2) Sentence. A violation of clause (a) (1) or (a) (1.5) of this Section is a Class A misdemeanor.

(b) Definition. As used in this Section, to "pierce" means to make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. "Piercing" does not include tongue splitting as defined in Section 12-10.2.

(c) Exceptions. This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure or the presence on the premises where that procedure is being performed by a health care professional or other person authorized to perform that procedure of a person under 18 years of age who is not accompanied by a parent or legal guardian. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Minors Act or by marriage.

This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any business at which body piercing or oral cavity piercing is performed.

(Source: P.A. 93-449, eff. 1-1-04; 94-684, eff. 1-1-06.)

(720 ILCS 5/12-10.2)

Sec. 12-10.2. Tongue splitting.

(a) In this Section, "tongue splitting" means the cutting of a human tongue into 2 or more parts.

(b) A person may not perform tongue splitting on another person unless the person performing the tongue splitting is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or licensed under the Illinois Dental Practice Act.

(c) Sentence. Tongue splitting performed in violation of this Section is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(Source: P.A. 93-449, eff. 1-1-04.)

**City of St. Charles, Illinois**

**Ordinance No. 2009-Z-16**

**An Ordinance Amending Ordinance No. 1982-Z-6 (An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property) to Provide for an Additional Special Use (Tattoo Parlor) and Granting a Special Use for Tattoo Parlor (2045 Lincoln Highway – Ryan Harnish)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
November 16, 2009**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, November 20, 2009**

*Nancy L Garrison*  
City Clerk



DATE OF PUBLICATION 11/24/09  
REMARKS: DUBILETT FOR

INDEXED  
APPROVED  
PAGE

**City of St. Charles, IL  
Ordinance No. 2009-Z-16**

**An Ordinance Amending Ordinance No. 1982-Z-6 (An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property) to Provide for an Additional Special Use (Tattoo Parlor) and Granting a Special Use for Tattoo Parlor (2045 Lincoln Highway – Ryan Harnish)**

WHEREAS, a petition to amend Ordinance No. 1982-Z-6 entitled “An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property” to provide for an additional special use (Tattoo Parlor) for a certain lot therein and grant a Special Use for a Tattoo Parlor, all for the real estate legally described in Exhibit “A” attached hereto (“Subject Property”), has been filed by Ryan Harnish (“Applicant”); and,

WHEREAS, Notice of Public Hearing on said petitions was published on or about September 18, 2009, 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 October 6, 2009 on said petitions 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 petitions and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission made the required Findings of Fact and recommended approval of the petitions on or about October 20, 2009; a copy of said Findings of Fact are attached hereto as Exhibit “B” and incorporated herein by this reference; and,

WHEREAS, the Planning and Development Committee recommended approval of the petitions on November 9, 2009; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and the recommendation of the 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:**

SECTION 1: The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

SECTION 2: The City Council of the City of St. Charles hereby adopts the Findings of Fact of the Plan Commission as fully set forth in Exhibit "B" hereto, as its Findings of Fact.

SECTION 3: That Exhibit B to Ordinance 1982-Z-6 entitled "Standards and Site Design Criteria I. Permitted Uses" is hereby amended to add "Tattoo Parlor" as a Special Use on the Subject Property.

SECTION 4: That a Special Use is hereby granted with respect to the Subject Property for a Tattoo Parlor, and Body Piercing as an Accessory Use, to be located at the specific location of 2045 Lincoln Highway, as shown in Exhibit C, and subject to the hours of operation being limited to and opening time of 10:00AM and a closing time of 10:00PM on Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday and subject to the hours of operation on Saturday being limited to on opening time of 10:00AM and a closing time of 12:00AM on Sunday.

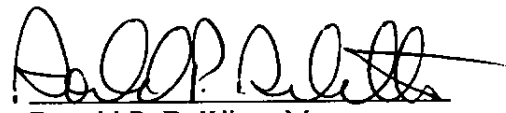
SECTION 5: That subject to the foregoing, the Subject Property shall otherwise be developed only in accordance with all ordinances of the City as now in effect or hereafter amended, except as specifically varied in Ordinance 1982-Z-6.

SECTION 6: That this Ordinance shall become effective from and after its passage and approval in accordance with law.


PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of November, 2009.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of November, 2009.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of November, 2009.

  
Donald P. DeWitte, Mayor

Attest:

  
Nancy Garrison, City Clerk

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



EXHIBIT A  
LEGAL DESCRIPTION

PARCEL 1: LOT 1 (EXCEPT PART OF LOT 1 LYING IN RANDALL ROAD COMMERCIAL BUILDING NO. 2 SUBDIVISION) AND (EXCEPT PART OF LOT 1 LYING IN RANDALL ROAD COMMERCIAL PROPERTIES PHASE V) AND ALL OF LOTS 2 AND 3 OF ST. CHARLES COMMERCIAL CENTER, UNIT NO. 2, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT B  
FINDINGS OF FACT

**AMENDMENT TO PUD ORDINANCE**  
**1982-Z-6 (St. Charles Commercial Center)**

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

The proposed amendment is consistent with the purposes of the Planned Unit Development when the PUD was established. The St. Charles Commercial Center PUD was approved in 1982 as retail shopping center. The PUD ordinance included a limited set of permitted and special retail and service uses that were based upon the Zoning Ordinance in effect at that time. "Tattoo Parlor" was not listed as a permitted or special use in that Zoning Ordinance. The property is currently zoned BR Regional Business and is designated as "Retail and Service" in the Comprehensive Plan. Therefore, the addition of "Tattoo Parlor", as a Special Use, in the PUD ordinance is consistent with the current BR Regional Business District and the St. Charles Comprehensive Plan.

**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.**

Not applicable- No changes are proposed to the exterior of building or site.

**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.**

The "tattoo parlor" use is a retail and service type of business which is consistent with the uses currently permitted at the shopping center. Retail and service uses are consistent with the Comprehensive Plan designation for the property.

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

No exterior modifications are proposed in connection with the PUD ordinance amendment. Sufficient infrastructure is provided for similar retail and service uses currently located within the shopping center.

**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;**

Any Tattoo Parlor proposed for this location will be subject to Special Use review for each specific business. Special Use approval may contain conditions or restrictions designed to ensure that the operation of the business will not have a negative effect on nearby property. As a shopping center under unified ownership, the property management company has the ability to monitor the business and its affect on neighboring properties in the vicinity and take any corrective action it deems necessary to satisfy other tenants.

**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.**

Not Applicable – the majority of the surrounding property is already developed.

**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.**

Any Tattoo Parlor proposed for this location will be subject to Special Use review for the specific business. Special Use approval may contain conditions or restrictions designed to ensure that the operation of the business will not have a negative effect on the general welfare. Tattoo Parlors are a business regulated by the Illinois Department of Public Health and are subject to state Certificate of Registration requirements.

**f. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

Tattoo Parlors are a business regulated by the Illinois Department of Public Health and are subject to state Certificate of Registration requirements.

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

An additional use to the PUD will add to the diversity of businesses within the area and could enhance the tax base and economic well-being of the City.

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

The Comprehensive Plan designates the site for Retail and Service use. The proposed additional use is consistent with the Comprehensive Plan designation.

#### **FINDINGS OF FACT**

#### **SPECIAL USE FOR A TATTOO PARLOR**



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

The Special Use will serve the public convenience by creating new service choices in an existing retail building. The site is located along a State Road (Rt. 38) and access to the site is convenient to the public.

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

The site is developed. Adequate utilities and all necessary facilities exist on the site.

**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.**

The Special Use will not effect nearby properties. The use conforms to the general characteristic of the retail and service uses located around the site. The site is designated as retail and service in the St. Charles Comprehensive Plan.

**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.**

A majority of the surrounding properties are developed. The roads, utilities, and site access already exist for these properties.

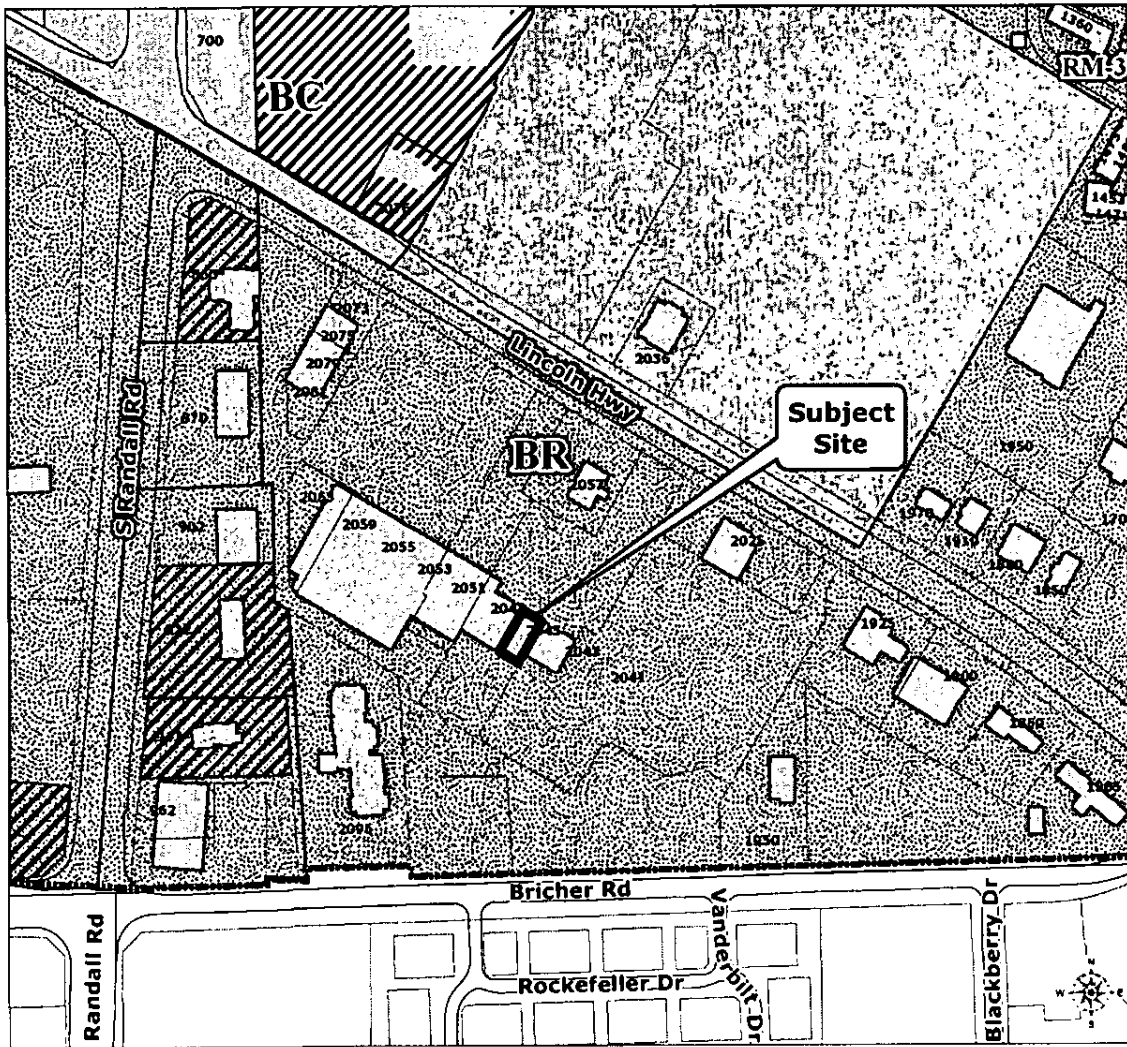
**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The special use at the proposed location will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The Special Use is similar/complimentary to existing surrounding uses. The proposed use fits the retail and service oriented character of this area.

**F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The Special Use will conform to all Federal, State, and local legislation; specifically, to the regulations established as part of ORD 1982-Z-6 (St. Charles Commercial Center) and Zoning Ordinance. Table 17.14-1 Permitted and Special Uses does list Tattoo Parlor as a special use in the underlying BR Regional Business District. The use is required to file an application for a Certificate of Registration with the Illinois Department of Public Health. Since the Body Art Act regulates all forms of body art piercing can be considered as an accessory use to this business. The applicant is not proposing any variances or deviations from the Zoning Ordinance.

EXHIBIT C  
TENANT LOCATION DIAGRAM



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 November 16, 2009, the Corporate Authorities of such municipality passed and approved Ordinance No. 2009-Z-16, entitled

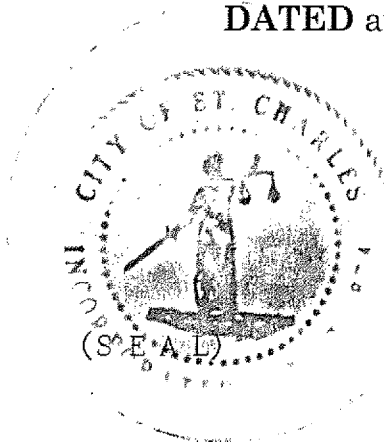
"An Ordinance Amending Ordinance No. 1982-Z-6 (An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property) to Provide for an Additional Special Use (Tattoo Parlor) and Granting a Special Use for Tattoo Parlor (2045 Lincoln Highway – Ryan Harnish),"

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

The pamphlet form of Ordinance No. 2009-Z-16, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 20, 2009, 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 16th day of November 2009.

  
Municipal Clerk





## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Identification Signs in the OR Office Research District
--------	---

Staff:	Russell Colby, Planning Division Manager
--------	--

*Please check appropriate box:*

<input checked="" type="checkbox"/>	Government Operations (3/18/13)		Government Services
	Planning & Development		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

Jace Murray represents the Dunham Center office complex located at the southwest corner of Dunham Rd. and Foxfield Rd. Mr. Murray would like to replace an existing identification (freestanding) sign that is larger than currently allowed by the Zoning Ordinance. This sign advertises multiple tenants for the complex comprised of 5 buildings on over 5 acres.

Mr. Murray has applied for a General Amendment to the Zoning Ordinance to permit the installation of larger identification (freestanding) signs for properties in the OR Office Research District. The existing regulation permits signs of a maximum of 50 sq. ft. in face area and 8 ft. in height. The sign Mr. Murray would like to install at Dunham Center would be 100 sq. ft. in face area and 13 ft. in height.

Based on the request, staff is proposing to keep the existing identification sign standards intact and instead add a new category for a larger identification sign for office complexes of a size similar to Dunham Center.

**Plan Commission Recommendation:**

The Plan Commission held a public hearing to discuss this application at their 3/12/13 meeting and recommended the following:

- Create a new category for an Office Park Sign to be permitted in lieu of one Identification Sign for OR zoned property.
- For Office Parks between 2.5 and 5 acres, permit a 12 ft. tall sign, with 100 sf. in sign area.
- For Office Parks over 5 acres, permit a 15 ft. tall sign, with 100 sf. in sign area.

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

Addendum to Staff Report; Staff Report; Application for General Amendment.

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

Staff recommends approval of the General Amendment as presented.

<i>For office use only:</i>	<i>Agenda Item Number: 5b</i>
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Community Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**STAFF REPORT (ADDENDUM)**

**TO:** Chairman Jim Martin  
And Members of the Government Operations Committee

**FROM:** Russell Colby, Planning Division Manager

**RE:** General Amendment to Title 17 (Zoning Ordinance) regarding Identification Signs in the OR Office Research District

**DATE:** March 14, 2013

---

**I. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing and recommended approval of this item on 3/12/2013. The Commission recommended the following:

- Create new category of Office Park Sign to be permitted in lieu of one Identification Sign for an OR zoned property.
- For Office Parks between 2.5 and 5 acres, permit a 12 ft. tall sign, with 100 sf. of sign area.
- For Office Parks over 5 acres, permit a 15 ft. tall sign, with 100 sf. of sign area.

The Plan Commission discussed the following at the meeting:

- Larger signs will allow more office tenant names to be displayed, however it will be impossible to provide space for all tenants in a large office complex.
- A taller 15 ft. sign may be out of scale with a smaller office development; therefore, a tiered height based on office park size is desirable.

**II. APPLICABILITY TO EXISTING OFFICE PARKS**

Based on the staff analysis, the following are OR office parks under unified ownership or control:

**Office Parks over 5 acres (allowed 15 ft. sign):**

- |                                   |                  |
|-----------------------------------|------------------|
| • Dunham Center                   | 5.3 acres        |
| • Randallwood, 2200 Dean St.      | 5.4 to 9.8 acres |
| • Windhill, 2315-2325 Dean St.    | 8.0 acres        |
| • Leroy Oakes, 2435-2475 Dean St. | 5.7 acres        |
| • Corporate Reserve               | 32 acres         |

**Office Parks between 2.5 and 5 acres (allowed 12 ft. sign):**

- |  |                  |
|--|------------------|
| • Courtyards of St. Charles, 451-459 Dunham Rd.        | 3.8 acres        |
| • St. Charles Executive Center, 2570-2580 Foxfield Rd. | 3.9 acres        |
| • Foxfield Square Executive Center, 2560 Foxfield Rd.  | 2.5 acres        |
| • Charlestowne Medical, 2850-2900 Foxfield Rd.         | 3.8 to 7.6 acres |
| • Timbers Professional Center                          | 2.6 acres        |

### III. AMENDMENT AS RECOMMENDED BY PLAN COMMISSION

The following is the Permitted Signs Table from the Zoning Ordinance for the OR zoning district. The table will be amended by adding the second row, “Office Park Sign”.

TABLE 17.28-3 PERMITTED SIGNS FOR OFFICE RESEARCH, MANUFACTURING, AND PUBLIC LAND DISTRICTS					
	Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements
<b>O-R District:</b>					
Identification Signs	1 per street frontage	10 ft.	50 sf.	8 ft.	
<b><u>Office Park Sign</u></b>	<b><u>1 monument sign per office park, in lieu of one Identification Sign</u></b>	<b><u>10 ft.</u></b>	<b><u>100 sf.</u></b>	<b><u>Office park 2.5 to 5 acres: 12 ft.</u></b> <b><u>Office park over 5 acres: 15 ft.</u></b>	<b><u>Office park under unified ownership or control. Monument sign only.</u></b>
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited

Community Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**STAFF REPORT**

**TO:** Chairman Jim Martin  
And Members of the Government Operations Committee

**FROM:** Russell Colby, Planning Division Manager

**RE:** General Amendment to Title 17 (Zoning Ordinance) regarding Identification Signs in the OR Office Research District

**DATE:** March 1, 2013

---

**I. GENERAL INFORMATION**

**Project Name:** General Amendment – Identification Signs in OR

**Applicant:** Jace Murray, Atholl Group L.P.

**Purpose:** Amendment to increase the height and square footage of identification signs in the OR district.

**II. BACKGROUND**

Jace Murray represents Atholl Group L.P., owners of the Dunham Center office complex located at the southwest corner of Dunham Rd. and Foxfield Rd. Mr. Murray would like to replace an existing identification (freestanding) sign that is larger than currently allowed by the Zoning Ordinance. This sign measures approximately 15 ft. tall, with a sign face area around 100 square feet. The sign advertises multiple tenants for the complex comprised of 5 buildings on over 5 acres.

**III. PROPOSAL**

Mr. Murray has applied for a General Amendment to the Zoning Ordinance to permit the installation of larger identification signs for properties in the OR Office Research District. The existing regulation permits signs of a maximum of 50 sq. ft. in face area and 8 ft. in height. Mr. Murray has submitted a design for the sign he would like to install at Dunham Center, which measures approximately 13 ft. in height and 104 sq. ft. in sign face area.

**IV. ANALYSIS**

**A. OFFICE RESEARCH ZONING DISTRICT**

Per **Section 17.16.010 Purpose Statements** of the Zoning Ordinance, the following is the purpose of the OR Zoning District:

*The O-R Office/Research District is designed to accommodate office and certain service uses that require a percentage of lower building coverage and larger setbacks than those types of office and service uses found within the commercial districts. The O-R District is designed to provide an open, landscaped appearance along public streets and to provide a buffer area between residential uses and other commercial or industrial uses.*

## B. PROPERTIES ZONED OFFICE RESEARCH

Most OR properties are clustered in the following areas:

- Along Foxfield Rd., from Dunham to Kirk Rd.
- Q Center on Rt. 25
- Dean Street west of Randall Rd. (Randallwood, Windhill, Leroy Oakes)
- Corporate Reserve on W. Main St.

Developments in these locations tend to be an office park or complex setting, with shared access and parking. Signage is shared and many tenants do not have their names listed on the identification sign for the complex.

Other properties zoned OR are more isolated pockets of one or more buildings that are not situated in an office-park setting:

- Smith Rd. & Charter One Dr. (bank & office building)
- Kirk Rd. & Cumberland Green Dr. (private school)
- Rt. 25/N. 5<sup>th</sup> Ave & Allen Lane (church & nursing home)
- Rt. 31/N. 2<sup>nd</sup> St. & Timbers Trail (small office complex & Boy Scout office)
- Randall Rd. & Prairie St. (bank & office building)
- Rt. 64/W. Main St. at Campton Hills Rd. (assisted living facility & vacant sites)

Given the two types of office development present in the City, staff felt that amending the sign requirements for all OR properties would not be appropriate. The smaller, isolated OR properties have adequate signage under the existing requirements, given that these buildings are typically occupied by one or a small number of tenants. These properties also tend to have public street frontage for each building, which provides adequate opportunity for visibility and signage.

## C. OFFICE COMPLEXES IN OR

Based on the analysis of OR zoned properties, staff determined that an increase in signage would be warranted for the larger office complex properties that contain multiple tenants. A larger identification sign would enable office complexes to list their larger tenants along with the office complex name.

OR office parks under unified ownership or control:

- |  |                  |
|--|------------------|
| • Dunham Center  | 5.3 acres        |
| • Courtyards of St. Charles, 451-459 Dunham Rd.        | 3.8 acres        |
| • St. Charles Executive Center, 2570-2580 Foxfield Rd. | 3.9 acres        |
| • Foxfield Square Executive Center, 2560 Foxfield Rd.  | 2.5 acres        |
| • Charlestowne Medical, 2850-2900 Foxfield Rd.         | 3.8 to 7.6 acres |



- Timbers Professional Center 2.6 acres
- Randallwood, 2200 Dean St. 5.4 to 9.8 acres
- Windhill, 2315-2325 Dean St. 8.0 acres
- Leroy Oakes, 2435-2475 Dean St. 5.7 acres
- Corporate Reserve 32 acres

## V. PROPOSED AMENDMENTS

The applicant has proposed to increase the identification sign height to 15 ft. and face area to 100 sq. ft.

Staff is recommending a new category of identification signs for larger office parks be added to the Table 17.28-3, as shown below.

- The “office park” sign would be allowed in lieu of one identification sign in any office park over 3 acres.
- A monument sign would be required. A monument sign is more appropriate for the character of an office park than a pole sign.
- Staff is recommending a height between 12 and 15 ft. In looking at the hierarchy of sign heights in the other zoning districts, taller signs are allowed in the commercial and manufacturing districts (15 ft. in BL, BC, BR, M1, M2) and smaller/shorter signs are permitted in residential and downtown districts (8 ft. in Residential Districts; 8 to 12 ft. in CBD-1 & CBD-2; 15 ft. for shopping centers in CBD-1).

TABLE 17.28-3 PERMITTED SIGNS FOR OFFICE RESEARCH, MANUFACTURING, AND PUBLIC LAND DISTRICTS					
	Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements
O-R District:					
Identification Signs	1 per street frontage	10 ft.	50 sf.	8 ft.	
<b><u>Office Park Sign</u></b>	<b><u>1 per office park, in lieu of an Identification Sign</u></b>	<b><u>10 ft.</u></b>	<b><u>100 sf.</u></b>	<b><u>15 ft.</u></b>	<b><u>Office park under unified ownership or control over 3 acres. Monument sign only.</u></b>
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited

## **VI. PLAN COMMISSION REVIEW**

The Plan Commission is scheduled to hold a public hearing and make a recommendation on this application on 3/12/13.

## **VII. RECOMMENDATION**

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

## **VIII. ATTACHMENTS**

- Maps of OR Office Park locations

**FINDINGS OF FACT**  
**GENERAL AMENDMENT**

**1. The consistency of the proposed amendment with the City’s Comprehensive Plan.**

The Comprehensive Plan does not directly address sign requirements. The proposed amendment is generally consistent with the recommendations for commercial signs in the Chapter 9, “Commerce.”

**2. The consistency of the proposed amendment with the intent and general regulations of this Title.**

The proposed amendment is consistent with the intent of Chapter 17.28 “Signs”, to balance the need for business signage and economic development with the community’s interest in regulating signs to enhance the attractiveness of the City. The amendment is consistent with the character of development described in the purpose statement of the OR district.

**3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.**

The proposed amendment represents a change in policy. This amendment will permit larger signs for office complexes where the existing requirements may not provide adequate visibility for tenants.

**4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

The amendment will apply to all properties in the OR Office Research Zoning District.

**5. The extent to which the proposed amendment creates nonconformities.**

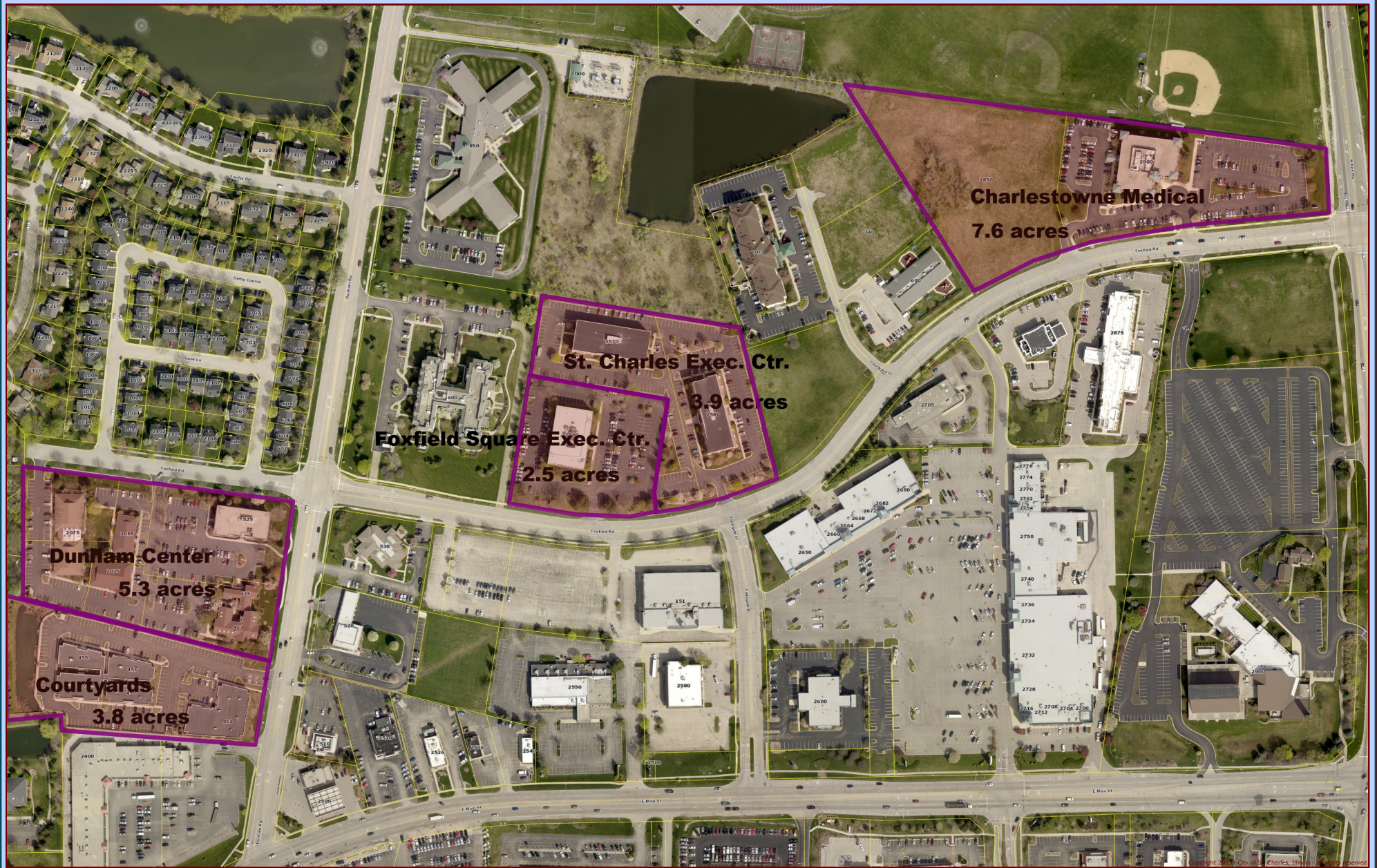
This amendment will not create any new nonconformities and it may reduce existing non-conformities by bringing larger OR signs into compliance with the ordinance standards.

**6. The implications of the proposed amendment on all similarly zoned property in the City.**

This amendment will apply to all similarly zoned OR properties that meet the criteria for an office park sign.



# OR Office Parks - East Side



Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois  
Projection: Transverse Mercator  
Coordinate System: Illinois State Plane East  
North American Datum 1983  
Printed on: March 1, 2013 10:03 AM



0 163 327 Feet

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Powered by Precision GIS



Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois  
Projection: Transverse Mercator  
Coordinate System: Illinois State Plane East  
North American Datum 1983  
Printed on: March 1, 2013 10:15 AM

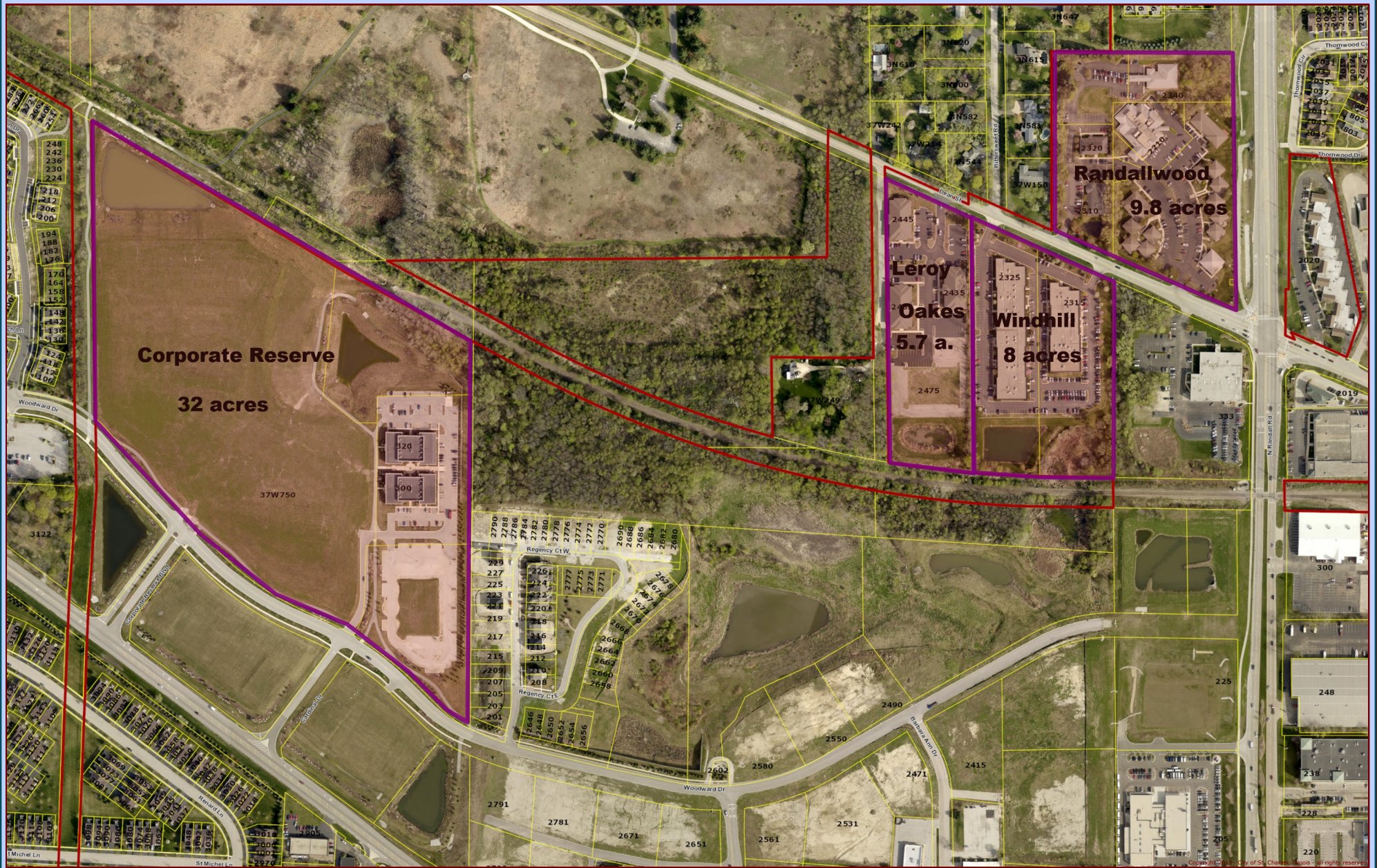


0 109 219 Feet

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Powered by Precision GIS



# OR Office Parks - West Side



Data Source:  
 City of St. Charles, Illinois  
 Kane County, Illinois  
 DuPage County, Illinois  
 Projection: Transverse Mercator  
 Coordinate System: Illinois State Plane East  
 North American Datum 1983  
 Printed on: March 1, 2013 10:12 AM



0 219 438 Feet

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# CITY OF ST. CHARLES

TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984

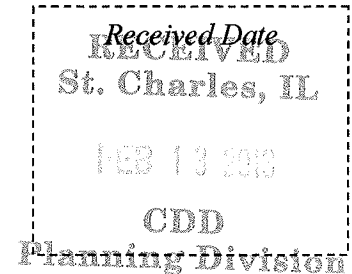


COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

## GENERAL AMENDMENT APPLICATION

<b>CITYVIEW</b>	
Project Name:	<i>G.A. Identification Signs in OP</i>
Project Number:	<i>2013 -PR- 004</i>
Application Number:	<i>2013 -AP- 007</i>



**Instructions:**

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Applicant:</b>	Name <i>Jace Murray</i>	Phone <i>630.513.0173</i>
	Address <i>700 E. Main Street, Ste E St. Charles IL 60174</i>	Fax <i>630.513.0259</i>
		Email <i>jace@murraycommercial.com</i>
<b>2. Billing:</b> <i>Who is responsible for paying application fees and reimbursements?</i>	Name <i>Atholl Group, L.P.</i>	Phone <i>Same</i>
	Address <i>700 E. Main Street, Ste E St. Charles IL 60174</i>	Fax <i>Same</i>
		Email <i>Same</i>

**Attachment Checklist**

- APPLICATION:** Completed application form
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- 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.
- WORDING OF THE REQUESTED TEXT AMENDMENT**

One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

**Requested Text Amendment**

To amend Section(s) Table 17.28-3 of the St. Charles Zoning Ordinance. The wording of the proposed amendment is: (attach sheets if necessary)

To increase the height and square footage  
of the identification signs within the  
D-12 District.

**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.**

James C. Murray III                      2/13/13  
Applicant    Date

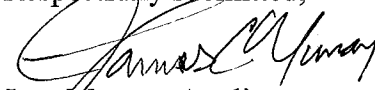


**FINDINGS OF FACT SHEET – GENERAL AMENDMENT**

St. Charles Sign Ordinance, Table 17.28-3 for the zoning district of O-R Office Research

- 1. The consistency of the proposed amendment with the City’s Comprehensive Plan.**
  - a. RESPONSE: Not applicable, as the desired signage size and/or height does not have a direct effect on the City’s Comprehensive Plan
  
- 2. The consistency of the proposed amendment with the intent and general regulations of this Title.**
  - a. RESPONSE: Amending the signage size and/or height for the O-R district will enhance and provide further flexibility to all those within the O-R district, thus providing an improved architectural interest and curb appeal for the City and those occupants within the O-R District.
  
- 3. Whether the proposed amendment corrects an error or omission, adds clarification to the existing requirements, is more workable than the existing text, or reflects a change in policy.**
  - a. RESPONSE: Amending the signage size and/or height for the O-R District is “more workable than the existing text” thereby enhancing and providing further flexibility to all those within the O-R district, thus providing an improved architectural interest and curb appeal for the City and those occupants within the O-R District.
  
- 4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**
  - a. RESPONSE: Amending the signage size and/or height for the O-R district will enhance and provide further flexibility to all those within the O-R district, thus providing an improved architectural interest and curb appeal for the City and those occupants within the O-R District.
  
- 5. The extent to which the proposed amendment creates nonconformities.**
  - a. RESPONSE: Amending the signage size and/or height for the O-R district will assist to minimize nonconformities.
  
- 6. The implications of the proposed amendment on all similarly zoned property in the City.**
  - a. RESPONSE: Amending the signage size and/or height for the O-R district will provide further flexibility and architectural interest to other similarly zoned properties in the City.

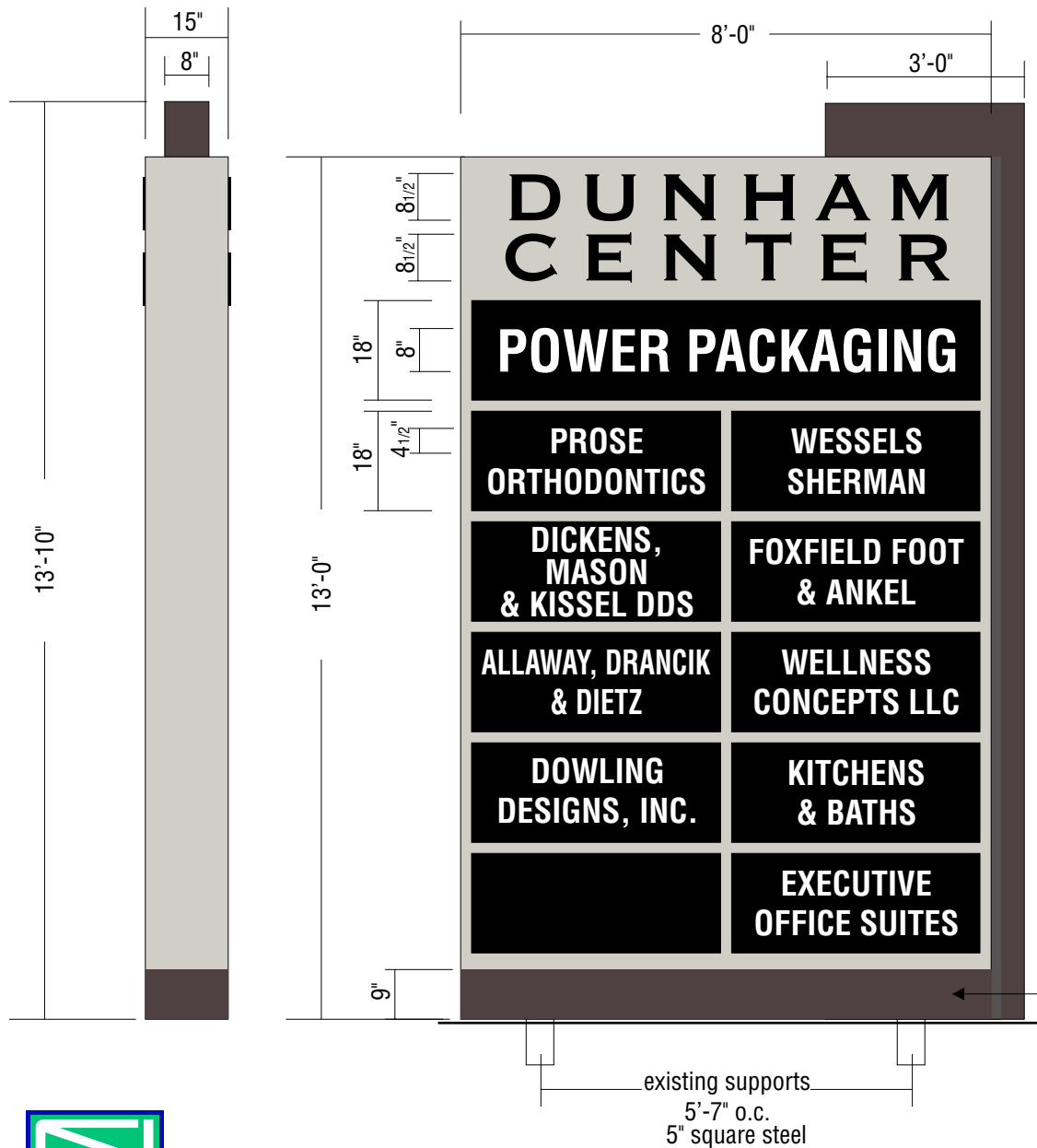
Respectfully submitted,



Jace Murray, Applicant  
Atholl Group, LP, Owner



Existing Sign for Dunham Center



FABRICATED ALUMINUM CABINET  
 LT. GREY (MATCH BLG. COLOR)  
 SATIN POLYURETHANE FINISH  
 INTERIOR FLUORESCENT ILLUMINATION

ROUTED-OUT / BACKED-UP WHITE  
 PLEXIGLAS COPY  
 1/2" THICK CLEAR PLEXIGLAS  
 PUSH-THRU COPY  
 OPAQUE BLACK VINYL ON 1ST  
 SURFACE.

(11) PLEXIGLAS CHANGEABLE  
 TENANT PANELS  
 BLACK BKD. / WHITE COPY

ALUMINUM VERTICAL TRIM  
 SATIN GREY (PMS 411) FINISH

DISPLAY ATTACHED TO EXISTING  
 5" SQUARE STEEL SUPPORTS

DOUBLE FACE ILLUMINATED DISPLAY  
 3/8" = 1'-0"

SATIN GREY (PMS 411) PAINTED BASE



**NORTH SHORE SIGN**

1925 Industrial Drive Libertyville, Illinois 60048 847-816-7020

"Quality Signage Since 1930"



Colors depicted on this drawing are printed simulations to assist in visualizing the design. They do not accurately reflect the actual colors specified.

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REVISED		COMMENTS	
A	7/29/11	CHANGE LAYOUT / ADD ILLUMINATION	
DUNHAM CENTER (MURRAY PROPERTIES) DUNHAM CT. & FOXFIELD RD. ST. CHARLES, IL.			
SCALE	NOTED	SALESPERSON ART	
DATE	6/14/11		
DRAW BY:	AS	DRAWING # 09424	



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a General Amendment to Title 17 of the City Code Regarding Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District
Staff:	Matthew O'Rourke, Planner

*Please check appropriate box:*

<input checked="" type="checkbox"/>	Government Operations (3/18/13)		Government Services
<input type="checkbox"/>	Planning & Development		City Council

Estimated Cost:	N/A	Budgeted:	YES	NO	
-----------------	-----	-----------	-----	----	--

If NO, please explain how item will be funded:

**Executive Summary:**

Joseph Conti represents the St. Charles Chrysler, Dodge, and Jeep dealership located at 1611 E. Main Street. The dealership is interested in utilizing a portion of the vacant property at the southeast corner of Tyler Road and Production Drive to permanently park motor vehicles. This use is defined as Permanent Motor Vehicle Storage by the City's Zoning Ordinance.

The subject property is zoned **M-1 Special Manufacturing District** and **Permanent Motor Vehicle Storage** is not a permitted use in this district.

**Proposal:**

Joseph Conti has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:

1. Amend **Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses** to permit Permanent Motor Vehicle Storage in the M-1 Special Manufacturing Zoning District.
2. Amend **Section 17.20.030.P Motor Vehicle Storage Temporary and Permanent** to include specific standards for properties in the M-1 Special Manufacturing District.

**Plan Commission Recommendation:**

The Plan Commission held a public hearing and recommended approval of this item on 3/12/2013. The Commission asked: if lots could be combined to meet the minimum site area, if the use should be allowed on arterials such as Main Street, and if the use should be a Special Use in the M-1 district. Staff responded to these questions and the General Amendment was approved without any changes. The vote was 6-aye to 0-nay.

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

Staff Report; Application for General Amendment; Attachment A -(Table 17.16-1); Attachment B – Location Map of M-1 Properties; Tyler and Production Final Plat of Subdivision

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

Recommend approval of the proposed application for a General Amendment to Title 17.

*For office use only:*

*Agenda Item Number: 5c*

# CITY OF ST. CHARLES

TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



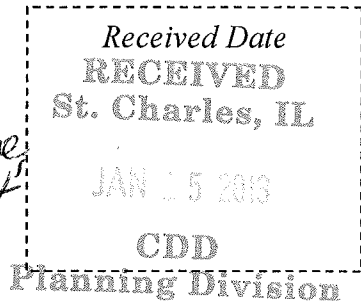
COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

## GENERAL AMENDMENT APPLICATION

<b>CITYVIEW</b>	
Project Name:	Gen. Amend. M1-Motor Vehicle Storage
Project Number:	2013-PR-003
Application Number:	2013-AP-003

Permanent



**Instructions:**

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Applicant:</b>	Name	JOE CONTI	Phone	847-878-3568
	Address	847 STUARTS DR ST CHARLES IL	Fax	630-762-9813
<b>2. Billing:</b> <i>Who is responsible for paying application fees and reimbursements?</i>	Name	ST CHRYSLER OF ST CHARLES	Phone	630-513-5353
	Address	ATTN MARY ANN BARCA 1611 E MAIN ST ST. CHARLES IL	Fax	
			Email	JOEVCONTI@aol.com ADUMKE@APFORD.COM

**Attachment Checklist**

- APPLICATION:** Completed application form
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- 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.
- WORDING OF THE REQUESTED TEXT AMENDMENT**  
One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

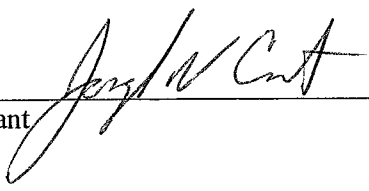
**Requested Text Amendment**

To amend Section(s) \_\_\_\_\_ of the St. Charles Zoning Ordinance. The wording of the proposed amendment is: (attach sheets if necessary)

Chapter 17.20 ~~Sign~~ Use standards

Table 17.16.1 Permitted uses - OR, M1, M2, PL

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.

Applicant 

Date 1/25/13

# FINDINGS OF FACT SHEET – GENERAL AMENDMENT



The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed amendment is appropriate. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate “not applicable” and explain why it does not apply.

TABLE 17.16-1 1/25/13  
Amendment Description/Ordinance Section Number Date

### From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

No zoning change being requested  
No change in comprehensive plan requested.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The parking of motor vehicles with be in compliance with existing zoning ordinance.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

Reflects a change in policy

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

Amendment would apply to all parcels in MT zoning district.

5. The extent to which the proposed amendment creates nonconformities.

Will NOT create any new nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

use could potential be located on any  
ml property.



Community Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
SINCE 1834

**STAFF REPORT**

**TO:** Chairman Jim Martin  
And Members of the Government Operations Committee

**FROM:** Matthew O'Rourke, Planner

**RE:** General Amendment to Title 17 (Zoning Ordinance) Permitting Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District

**DATE:** February 27, 2013

---

**I. GENERAL INFORMATION**

**Project Name:** General Amendment – Permanent Motor Vehicle Storage

**Applicant:** Joseph Conti (St. Charles Chrysler, Dodge, and Jeep Dealership)

**Purpose:** Ordinance amendments to permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District

**II. BACKGROUND**

Joseph Conti represents the St. Charles Chrysler, Dodge, and Jeep dealership located at 1611 E. Main Street. The dealership is interested in utilizing a portion of the vacant property at the southeast corner of Tyler Road and Production Drive to permanently park motor vehicles. This use is defined as Permanent Motor Vehicle Storage by the City's Zoning Ordinance.

This property was subdivided in 2012 into two development parcels and a portion of this parcel was sold to the City to facilitate stormwater drainage improvements to the south of the developable lots. (See attached Tyler & Production Plat of Subdivision)

The subject property is zoned **M-1 Special Manufacturing District** and **Permanent Motor Vehicle Storage** is not a permitted use in this district.

**III. PROPOSAL**

Joseph Conti has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:

- Amend **Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses** to permit Permanent Motor Vehicle Storage in the M-1 Special Manufacturing Zoning District.

- Amend **Section 17.20.030.P Motor Vehicle Storage Temporary and Permanent** to include specific standards for properties in the M-1 Special Manufacturing District.

#### IV. ANALYSIS

##### A. SITE LOCATION & AERIAL PHOTO

A mixture of zoning districts and land uses surround the proposed site as follows:

Location	Zoning District	Land Use
North	BC-Community Business PUD/ M-2 Limited Manufacturing	Hotel/Manufacturing Businesses
East	M-2 Limited Manufacturing	Manufacturing Business
South	M-2 Limited Manufacturing	Vacant Property
West	BC-Community Business PUD	Al Piemonte/ Children of America

##### **Aerial Photo**



Properties to the east, north, and south are zoned M-2 Limited Manufacturing. Permanent Motor Vehicle Storage is a permitted use in this district.

##### B. M-1 SPECIAL MANUFACTURING ZONING DISTRICT

Per **Section 17.16.010 Purpose Statements** of the Zoning Ordinance, the following is the purpose of the M-1 Zoning District:

*“The purpose of the M-1 Special Manufacturing District is to accommodate older manufacturing areas in the City that are either in transition from manufacturing to alternative uses, or are in need of rehabilitation. The M-1 district shall provide flexibility in design and parking requirements to allow for adaptive reuse and/or*

*redevelopment for viable light assembly, processing, heavy retail and service, and office uses.”*

The M-1 district permits a variety of uses. Other motor vehicle related uses that are permitted in the M-1 district are as follows:

- Motor Vehicle Service and Repair, Minor
- Motor Vehicle Rental

There are other permitted, special, and accessory uses in the M-1 district that conduct similar activities such as:

- Outdoor Sales, Permanent
- Outdoor Sales, Temporary
- Outdoor Storage
- Warehouse Distribution
- Heavy Retail and Service

Staff has included a complete table of all uses permitted in the M-1 District as Attachment A.

#### C. PROPERTIES ZONED M-1

Staff has analyzed all the properties in the M-1 District. This analysis indicates that there are two groupings of M-1 properties. The majority of these properties are west of the river near Dean Street. The other grouping is east of the Fox River in close proximity to E. Main Street between 9<sup>th</sup> Avenue and Tyler Road. A number of these properties are located near residential zoning districts.

There is a natural break in the size of M-1 zoned properties. A number of properties are 1.5 acres or less and the rest of the properties are 2.0 acres or larger. (See Attachment B - M-1 Properties)

#### D. MOTOR VEHICLE STORAGE, PERMANENT

**Section 17.30.020 Use Definitions** defines Motor Vehicle Storage, Permanent as:

*“The outdoor storage of motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles, when not accessory to any principal use on the same lot.”*

#### E. MOTOR VEHICLE STORAGE USE STANDARDS

**Section 17.20.030.P Motor Vehicle Storage** states:

*“Permanent and Temporary Motor Vehicle Storage shall comply with the following standards. See 17.20.050 for additional provisions applicable to Temporary Motor Vehicle Storage.*

1. *Off-street parking facilities designed to conform with the requirements of Chapter 17.24 may be used for Motor Vehicle Storage, in compliance with the following requirements:*
  - A. *No vehicles shall be stored in an off-street parking space required for any other use located on the same or another lot.*

- B. Vehicles shall be parked within designated off-street parking spaces and shall not obstruct vehicular access to parking stalls or any portion of the lot.*
2. *Newly established Permanent Motor Vehicle Storage lots shall comply with the requirements applicable to Off-Street Parking Facilities, except:*
  - A. 17.26.090 A. Interior Parking Lot Landscaping*
  - B. 17.24.070 B. Dimensions, if a twenty-four (24) foot wide access drive is provided generally around the perimeter of the Motor Vehicle Storage lot.*
  - C. Direct access to individual spaces shall not be required.*
3. *Permanent Motor Vehicle Storage lots shall not be used as Off-Street Parking Facilities unless modified to comply with all requirements of this Title.*
4. *Commercial Vehicles shall only be stored in the M-2 district.*
5. *Stored vehicles shall be operable and no wrecked or junked vehicles shall be permitted.*
6. *Signage advertising the vehicles for sale or rental is prohibited.*
7. *Motor Vehicle Storage lots shall not be used to conduct retail sales and no retail customers shall be present at any time.*
8. *No single vehicle shall be stored in excess of 180 days.”*

#### IV. PROPOSED AMENDMENTS

Based on staff’s analysis, staff and the applicant are proposing that Permanent Motor Vehicle Storage lots be permitted in the M-1 Special Manufacturing District. Staff is also proposing that this use be limited to properties that are large enough to accommodate this use and are not located within close proximity to residential property. This amendment will encourage the reuse of older manufacturing properties by permitting an additional use that is compatible with uses permitted in the manufacturing districts. These proposed amendments are as follows:

A. TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING, AND PUBLIC LANDS PERMITTED AND SPECIAL USES

Amend **Table 17.16-1** to permit Permanent Motor Vehicle Storage in the M-1 Zoning District.

B. 17.20.030.P MOTOR VEHICLE STORAGE

Based on the analysis of existing M-1 zoned properties, staff is proposing the following use standards for Permanent Motor Vehicle Storage lots in the M-1 District - **New requirements highlighted in bold:**

Permanent and Temporary Motor Vehicle Storage shall comply with the following standards. See 17.20.050 for additional provisions applicable to Temporary Motor Vehicle Storage.

1. Off-street parking facilities designed to conform with the requirements of Chapter 17.24 may be used for Motor Vehicle Storage, in compliance with the following requirements:
  - A. No vehicles shall be stored in an off-street parking space required for any other use located on the same or another lot.
  - B. Vehicles shall be parked within designated off-street parking spaces and shall not obstruct vehicular access to parking stalls or any portion of the lot.
2. Newly established Permanent Motor Vehicle Storage lots shall comply with the requirements applicable to Off-Street Parking Facilities, except:
  - A. 17.26.090 A. Interior Parking Lot Landscaping

- B. 17.24.070 B. Dimensions, if a twenty-four (24) foot wide access drive is provided generally around the perimeter of the Motor Vehicle Storage lot.
- C. Direct access to individual spaces shall not be required.
- 3. Permanent Motor Vehicle Storage lots shall not be used as Off-Street Parking Facilities unless modified to comply with all requirements of this Title.
- 4. Commercial Vehicles shall only be stored in the M-2 district.
- 5. Stored vehicles shall be operable and no wrecked or junked vehicles shall be permitted.
- 6. Signage advertising the vehicles for sale or rental is prohibited.
- 7. Motor Vehicle Storage lots shall not be used to conduct retail sales and no retail customers shall be present at any time.
- 8. No single vehicle shall be stored in excess of 180 days.”
- 9. Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District shall:**
  - A. Not be located closer than 500’ to any residentially zoned property.**
  - B. Not be located on a lot that is less than 2-acres in area.**

## **V. PLAN COMMISSION RECOMMENDATION**

The Plan Commission will hold a public hearing to discuss this application at their 3/12/2013 meeting. This petition will be placed on the meeting portion of the agenda for a vote at this meeting. Staff will include the Plan Commission’s recommendation with the meeting packet.

## **VI. RECOMMENDATION**

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

## **VII. ATTACHMENTS**

- Attachment A – Table 17.16-1
- Attachment B – Location Map of M-1 Properties
- Tyler and Production Final Plat of Subdivision

**FINDINGS OF FACT**  
**GENERAL AMENDMENT**

(Permanent Motor Vehicle Storage)

**1. The consistency of the proposed amendment with the City’s Comprehensive Plan.**

The proposed amendments will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing Zoning District. The majority of the properties zoned M-1 are designated Special Manufacturing in the Comprehensive Plan. This designation is defined as, *“Including older manufacturing areas in transition and/or in need of rehabilitation. Uses include light assembly, processing or other uses suitable for rehabilitation of the area. The maximum Floor Area Ratio is 0.40”* This amendment will permit the adaptive reuse and rehabilitation of older large lot manufacturing properties in locations that will not impact residentially zoned property.

**2. The consistency of the proposed amendment with the intent and general regulations of this Title.**

The proposed amendment will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District. Per **Section 17.16.010 Purpose Statements** *“The purpose of the M-1 Special Manufacturing District is to accommodate older manufacturing areas in the City that are either in transition from manufacturing to alternative uses, or are in need of rehabilitation. The M-1 district shall provide flexibility in design and parking requirements to allow for adaptive reuse and/or redevelopment for viable light assembly, processing, heavy retail and service, and office uses.”* This amendment will permit adaptive reuse that is compatible with other uses permitted in St. Charles’ manufacturing districts and is similar to other motor vehicle related uses currently permitted in the M-1 District.

**3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.**

The proposed amendment represents a change in policy. This amendment permits a use that is not currently permitted in the M-1 Special Manufacturing Zoning District. However, this amendment will encourage the adaptive reuse of older manufacturing properties that meet the proposed use standards.

**4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

The amendment will apply to all properties in the M-1 Special Manufacturing Zoning District. Any property located within this zoning district will be permitted to locate a Permanent Motor Vehicle Storage lot, provided it meets the proposed use standards.

**5. The extent to which the proposed amendment creates nonconformities.**

This amendment will not create any new nonconformities. This amendment will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing Zoning District. This use is not currently permitted and there are no such uses located on properties in the M-1 Special Manufacturing Zoning District. Any Permanent Motor Vehicle Storage lot permitted after this amendment is adopted will be a conforming use.

**6. The implications of the proposed amendment on all similarly zoned property in the City.**

This amendment will permit Permanent Motor Vehicle Storage lots on any property zoned M-1 Special Manufacturing provided that the property meets the proposed use standards.

**Attachment A – Table 17.16-1**

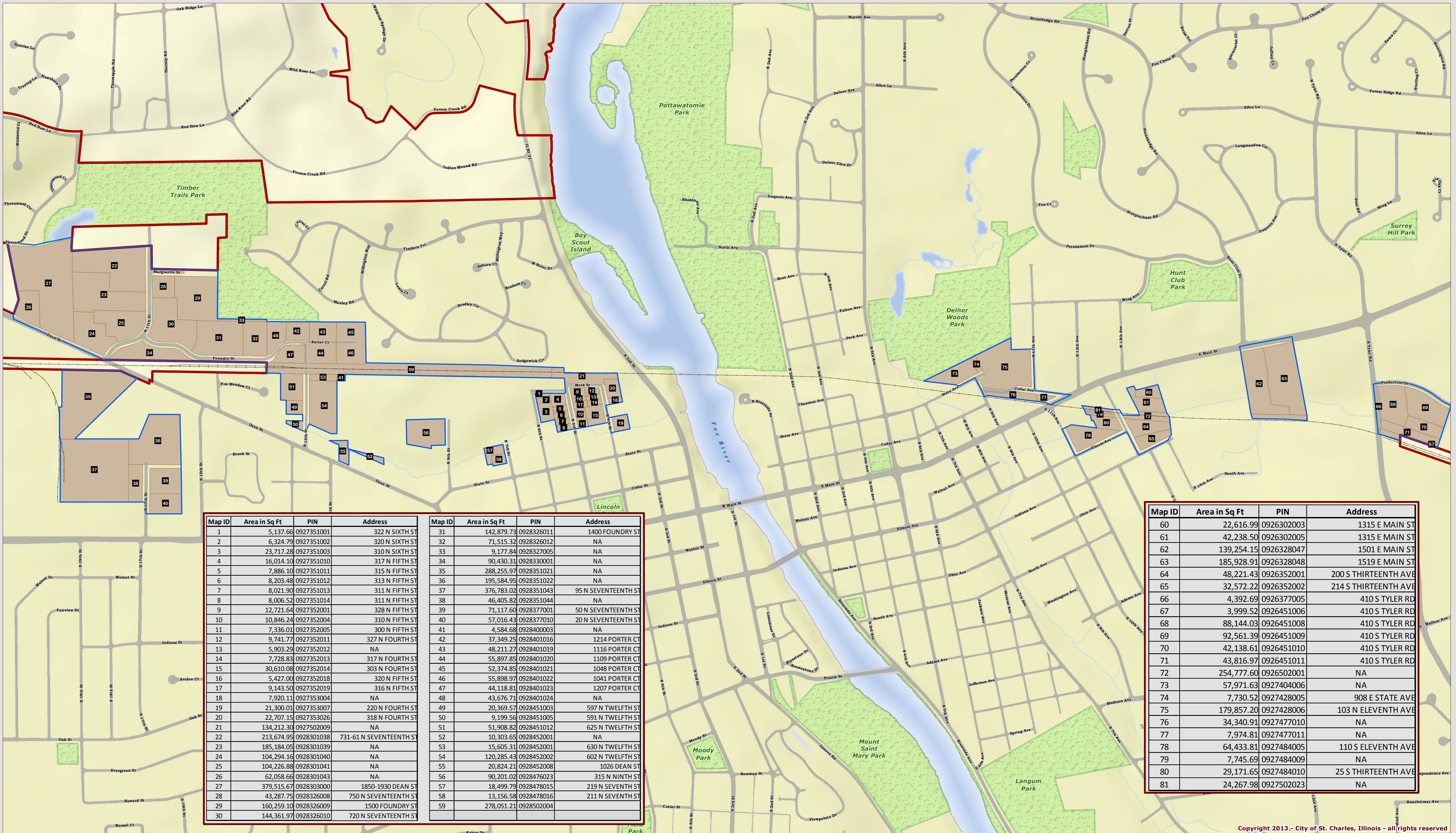
TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS PERMITTED AND SPECIAL USES					
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
<b>RESIDENTIAL USES</b>					
Artists Live/Work Space		S			Section 17.20.030
Assisted Living Facility	P				
<b>CULTURAL, RELIGIOUS, RECREATIONAL &amp; ENTERTAINMENT USES</b>					
Art Gallery/Studio	P	P			
Carnival (as temporary use)				P	Section 17.20.040, 050
Cultural Facility	P	P	P	P	
Golf Course				P	
Indoor Recreation & Amusement	P	S	P	P	
Model Airplane Facility				S	
Outdoor Amusement				S	
Outdoor Entertainment, Temporary				P	
Outdoor Recreation				P	
Park, Neighborhood				P	
Place of Worship		S			Section 17.20.030
Theater				P	
<b>RETAIL, OFFICE AND SERVICE USES</b>					
Adult Use			S		Section 17.20.030
Bank	P				
Car Wash			S		Section 17.24.100
Day Care Center	P	P	P	A	
Drive-In Facility	SA				Section 17.24.100
Emergency Medical Center	P				
Financial Institution	P				
Heavy Retail and Service		S	P		
Heliport			S		
Hotel/Motel	P	P	P		
Kennel			S		Section 17.20.030
Medical/Dental Clinic	P	P	P		
Motor Vehicle Service and Repair, Major			P		Section 17.20.030
Motor Vehicle Service and Repair, Minor		P	P		Section 17.20.030
Motor Vehicle Rental	P	P	P		
Office, Business or Professional	P	P	P		
Outdoor Sales, Permanent		SA	SA		Section 17.20.030
Outdoor Sales, Temporary		A	A	A	Section 17.20.040, 050
Professional Training Center	P	P			
Personal Services, Limited	P				
Veterinary Office/Animal Hospital	P	P	P		
<b>GOVERNMENTAL AND INSTITUTIONAL USES</b>					
Cemetery				P	
College/University	P			P	
Correctional Facility				S	
Fairground				P	
Hospice	P				
Hospital	P				
Nursing Home	P				
Office, Government	P	P		P	
Police Firearms Training Range				S	



TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS PERMITTED AND SPECIAL USES					
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
Public Service Facility		P	P	P	
School, Primary or Secondary				P	
School, Private Boarding				P	
School, Specialized Instruction	P	P	P		
<b>INDUSTRIAL/STORAGE USES</b>					
Junkyard			S		
Manufacturing, Heavy			S		
Manufacturing, Light		P	P		
Mini-Warehouse		P	P		
Outdoor Storage		A	A	A	Section 17.20.030, 17.26.120
Permanent Motor Vehicle Storage			P		Section 17.20.030
Recycling Facility			S		
Research and Development Use	P	P	P		
Warehouse/Distribution		P	P		
<b>OTHER</b>					
Accessory Uses	A	A	A	A	
Agriculture				P	
Communication Antenna	P	P	P	P	Section 17.22.020
Communication Tower	S	P	P	P	Section 17.22.020
Parking Garage/Structure	A	A	A	A	Chapter 17.24
Parking Lot, Private	A	A	A	A	Chapter 17.24
Planned Unit Development	S	S	S	S	Chapter 17.04, 17.06
Transportation Operations Facility		S	P	S	
Utility, Local	P	P	P	P	
Utility, Community/Regional	S	S	P	P	



# M1 Properties



Map ID	Area in Sq Ft	PIN	Address
1	5,137.66	0927351001	322 N SIXTH ST
2	6,324.79	0927351002	320 N SIXTH ST
3	23,717.28	0927351003	310 N SIXTH ST
4	16,014.10	0927351010	317 N FIFTH ST
5	7,886.10	0927351011	315 N FIFTH ST
6	8,203.48	0927351012	313 N FIFTH ST
7	8,021.90	0927351013	311 N FIFTH ST
8	8,006.52	0927351014	311 N FIFTH ST
9	12,721.64	0927352001	328 N FIFTH ST
10	10,846.24	0927352004	310 N FIFTH ST
11	7,336.01	0927352005	300 N FIFTH ST
12	9,741.77	0927352011	327 N FOURTH ST
13	5,903.29	0927352012	NA
14	7,728.83	0927352013	317 N FOURTH ST
15	30,610.08	0927352014	303 N FOURTH ST
16	5,427.00	0927352018	320 N FIFTH ST
17	9,143.50	0927352019	316 N FIFTH ST
18	7,920.11	0927353004	NA
19	21,300.01	0927353007	220 N FOURTH ST
20	22,707.15	0927353026	318 N FOURTH ST
21	134,212.30	0927502009	NA
22	213,674.95	0928301038	731-61 N SEVENTEENTH ST
23	185,184.05	0928301039	NA
24	104,294.16	0928301040	NA
25	104,226.88	0928301041	NA
26	62,058.66	0928301043	NA
27	379,515.67	0928303000	1850-1930 DEAN ST
28	43,287.75	0928326008	750 N SEVENTEENTH ST
29	160,259.10	0928326009	1500 FOUNDRY ST
30	144,361.97	0928326010	720 N SEVENTEENTH ST

Map ID	Area in Sq Ft	PIN	Address
31	142,879.73	0928326011	1400 FOUNDRY ST
32	71,515.32	0928326012	NA
33	9,177.84	0928327005	NA
34	90,430.31	0928330001	NA
35	288,255.97	0928351021	NA
36	195,584.95	0928351022	NA
37	376,783.02	0928351043	95 N SEVENTEENTH ST
38	46,405.82	0928351044	NA
39	71,117.60	0928377001	50 N SEVENTEENTH ST
40	57,016.43	0928377010	20 N SEVENTEENTH ST
41	4,584.68	0928400003	NA
42	37,349.25	0928401016	1214 PORTER CT
43	48,211.27	0928401019	1116 PORTER CT
44	55,897.85	0928401020	1109 PORTER CT
45	52,374.85	0928401021	1048 PORTER CT
46	55,898.97	0928401022	1041 PORTER CT
47	44,118.81	0928401023	1207 PORTER CT
48	43,676.71	0928401024	NA
49	20,369.57	0928451003	597 N TWELFTH ST
50	9,199.56	0928451005	591 N TWELFTH ST
51	51,908.82	0928451012	625 N TWELFTH ST
52	10,303.65	0928452001	NA
53	15,605.31	0928452001	630 N TWELFTH ST
54	120,285.43	0928452002	602 N TWELFTH ST
55	20,824.21	0928452008	1026 DEAN ST
56	90,201.02	0928476023	315 N NINTH ST
57	18,499.79	0928478015	219 N SEVENTH ST
58	13,156.58	0928478016	211 N SEVENTH ST
59	278,051.21	0928502004	NA

Map ID	Area in Sq Ft	PIN	Address
60	22,616.99	0926302003	1315 E MAIN ST
61	42,238.50	0926302005	1315 E MAIN ST
62	139,254.15	0926328047	1501 E MAIN ST
63	185,928.91	0926328048	1519 E MAIN ST
64	48,221.43	0926352001	200 S THIRTEENTH AVE
65	32,572.22	0926352002	214 S THIRTEENTH AVE
66	4,392.69	0926377005	410 S TYLER RD
67	3,999.52	0926451006	410 S TYLER RD
68	88,144.03	0926451008	410 S TYLER RD
69	92,561.39	0926451009	410 S TYLER RD
70	42,138.61	0926451010	410 S TYLER RD
71	43,816.97	0926451011	410 S TYLER RD
72	254,777.60	0926502001	NA
73	57,971.63	0927404006	NA
74	7,730.52	0927428005	908 E STATE AVE
75	179,857.20	0927428006	103 N ELEVENTH AVE
76	34,340.91	0927477010	NA
77	7,974.81	0927477011	NA
78	64,433.81	0927484005	110 S ELEVENTH AVE
79	7,745.69	0927484009	NA
80	29,171.65	0927484010	25 S THIRTEENTH AVE
81	24,267.98	0927502023	NA

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 DuPage County, Illinois  
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 North American Datum 1983  
 TIN #: 13012155500713



Parcels
 M1 Boundary
 Municipal Boundary

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