



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to nonconforming lots in the RT-4 and CBD-2 zoning districts and lot area and lot width requirements in the CBD-2 zoning district.
Presenter:	Ellen Johnson

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development – (10/12/15)		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:

Staff is proposing a General Amendment to address nonconformities in the zoning districts surrounding downtown. The CBD-2 district is a mixed commercial/residential district adjacent to the core of downtown. The RT-4 district is a residential district that permits single- and two-family units on the fringe of downtown.

Staff has observed that the lot area requirements in these zoning districts do not match the existing development pattern, meaning that a large percentage of properties do not conform to the requirements. Nonconformities are problematic because if a nonconforming use or building is destroyed, it cannot be rebuilt. Because of that, owners are unlikely to make substantial investments in their property. Potential buyers often have difficulty obtaining a mortgage or insurance due to the nonconformity, and buyers are therefore more likely to pay in cash and use the property for long-term rental income.

In addition, the current lot area and lot width requirements in the CBD-2 district limit the potential for redevelopment and reinvestment in that area.

Staff proposes the following:

- Amend the “Nonconformities” chapter to “grandfather” nonconforming two-family dwellings in the RT-4 district that have a lot size less than the required 7,500 sf. (single-family lots are already grandfathered)
- Amend the “Nonconformities” chapter to also “grandfather” nonconforming single- and two-family dwellings in the CBD-2 district that have a lot size less than required.
- Change the lot area requirements for residential uses in the CBD-2 district to 4,400 sf for single-family dwellings and 2,200 sf per unit for all other residential uses.
- Remove the 100 ft. lot width requirement for townhomes, multi-family, and mixed-use development in the CBD-2 district.

Plan Commission Review

The Plan Commission held a public hearing for the General Amendment on 9/8/15 and 10/6/15. The Commission voted 8-0 to recommend approval.

Attachments: *(please list)*

Plan Commission Resolution, Staff Report, General Amendment Application

Recommendation / Suggested Action *(briefly explain):*

Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to nonconforming lots in the RT-4 and CBD-2 zoning districts and lot area and lot width requirements in the CBD-2 zoning district.

<i>For office use only:</i>	<i>Agenda Item Number: 4d</i>
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City of St. Charles, Illinois
Plan Commission Resolution No. 17-2015

A Resolution Recommending Approval of a General Amendment to Chapter 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record” and Ch. 17.14 “Business and Mixed Use Districts”, Table 17.14-2 “Bulk Regulations” (RT-4 and CBD-2 nonconforming lots and CBD-2 lot area and lot width requirements)

Passed by Plan Commission on October 6, 2015

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, “Zoning”; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to Chapter 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record” and Ch. 17.14 “Business and Mixed Use Districts”, Table 17.14-2 “Bulk Regulations” (RT-4 and CBD-2 nonconforming lots and CBD-2 lot area and lot width requirements); and

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

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

The Comprehensive Plan calls for the need to promote diverse housing options within residential neighborhoods and downtown, which the proposed amendment would help to accomplish:

- Ch. 3 Goals & Objectives, Residential Areas- Goal 1(p.22): “Maintain the City’s image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods.
 - Objective 1: “Promote residential development and redevelopment of a variety of housing and dwelling unit types and densities in accordance with the Land Use Plan, and ensure the Zoning Ordinance and other regulatory tools are updated appropriately.”
- C. 3 Goals & Objectives, Commercial & Office Areas- Goal 3 (p.24): “Revitalize Downtown St. Charles as the symbolic “heart” of the community and enhance its role as the City’s primary mixed use pedestrian environment”.
 - Objective 9: “Zoning for the Downtown should be analyzed and amended if necessary to adequately accommodate appropriate new development and establish the desirable physical form of the downtown.”

- Objective 10: “Undue or inappropriate zoning regulations or procedures should be modified or removed as to eliminate unnecessary barriers to Downtown investment.”
- Chapter 4 Land Use Plan, Residential Land Use Policies (p.43):
 - “Locate new multi-family residential developments in appropriate locations within the City and consider the implications of concentrating units in one location or area of the City.”
 - “Seek opportunities to provide senior housing within the City, consider locations that are within close proximity to recreation, public transit, healthcare and daily goods and services.”
- Chapter 4 Land Use Plan, Commercial Area Policies (p.48):
 - “Continue to promote mixed use development within Downtown while respecting the historic fabric of the community.”

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

The proposed amendment will help to promote reinvestment and redevelopment surrounding the central core of downtown St. Charles, as well as to encourage the provision of a diversity of housing types. As such, the proposed amendment is consistent with many of the stated purposes of the Zoning Ordinance (Ch. 17.02.020), including protecting the character of established residential neighborhoods, maintaining business areas that are economically viable, conserving the value of property, and implementing the goals of the Comprehensive Plan.

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 of policy.

The proposed amendment is more workable than the existing text because it simplifies and standardizes the lot area requirements in the CBD-2 district, and allows for greater flexibility in the types of residential uses that are permitted on a given parcel. The amendment also reflects a change in policy to promote increased housing opportunities around downtown. The *Homes for a Changing Region* policy document recommends decreasing per unit lot area requirements in the CBD-2 district for this purpose. The amendment also reflects a change in policy to permit certain nonconforming residential properties to continue.

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 proposed amendment will allow for the creation of higher density around downtown St. Charles, thereby allowing for more types of housing for individuals and families with a variety of needs and preferences. The proposed amendment will also allow a number of

nonconforming two-family properties in the RT-4 district and single- and two-family properties in the CBD-2 district to be “grandfathered”, so that they may be reconstructed if destroyed, thereby addressing the issue of disinvestment in nonconforming properties.

5. The extent to which the proposed amendment creates non-conformities.

The proposed amendment will decrease the number of nonconforming properties in the subject zoning district. Currently, 65% of residential parcels in the CBD-2 district comply with the lot area requirements, while 78% will comply as a result of the amendment. This will decrease the number of nonconforming properties by 15.

The proposed amendment will permit existing nonconforming two-family dwellings in the RT-4 district and single- and two-family properties in the CBD-2 district to continue in use and to be reconstructed on undersized lots.

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

The proposed amendment will apply to all property in the City zoned RT-4 and CBD-2.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Chapter 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record” and Ch. 17.14 “Business and Mixed Use Districts”, Table 17.14-2 “Bulk Regulations” (RT-4 and CBD-2 nonconforming lots and CBD-2 lot area and lot width requirements).

Roll Call Vote:

Ayes: Wallace, Kessler, Doyle, Holderfield, Pretz, Frio, Spruth, Schuetz

Nays:

Absent: Macklin-Purdy

Motion Carried: 8-0

PASSED, this 6th day of October 2015.

Chairman
St. Charles Plan Commission

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Bancroft
And the Members of the Planning & Development Committee

FROM: Ellen Johnson, Planner
Russell Colby, Planning Division Manager

RE: Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding nonconforming residential lots in the RT-4 and CBD-2 Zoning Districts and lot area and width requirements for residential uses in the CBD-2 Zoning District

DATE: October 7, 2015

I. APPLICATION INFORMATION

Project Name: General Amendment – CBD & RT-4 Lot Area Requirements

Applicant: City of St. Charles

Purpose: Grandfather nonconforming two-family dwellings in the RT-4 district and single and two-family dwellings in the CBD-2 district and modify the lot area and lot width requirements for residential uses in the CBD-2 district.

II. BACKGROUND

RT-4 & CBD-2 Zoning Districts

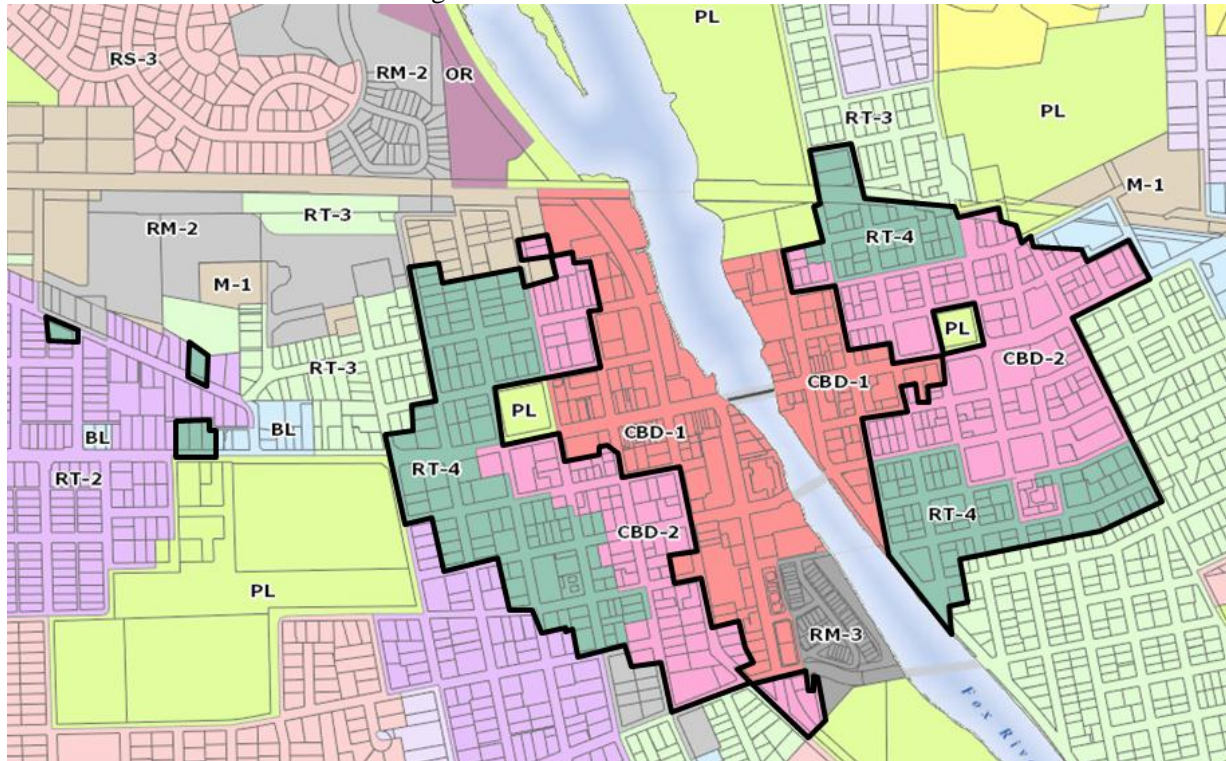
RT-4: The RT-4 Traditional Single and Two-Family Residential District is the only Traditional Residential zoning district that permits both single-family and two-family dwellings. RT-4 zoned properties are generally located adjacent to the downtown area. The Zoning Ordinance states the purpose of the RT-4 District as follows:

"To preserve higher density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The minimum lot size in this district is 5,000 sf. This district is primarily located in older residential neighborhoods near the downtown area"

CBD-2: The CBD-2 Mixed Use Business District serves as a transitional zoning district between the central business district and residential neighborhoods. Both limited commercial uses and all types of residential uses are permitted in the CBD-2 District. The purpose of the CBD-2 District is as follows:

“To provide for a properly scaled mixed-use transition between single-family residential neighborhoods and the retail core of the CBD-1 Central Business District. The CBD-2 District permits a mix of retail, service, office, and medium-density residential uses within buildings that are of a reduced height and scale than that permitted in the CBD-1 District.”

Location of RT-4 and CBD-2 Zoning Districts:



Nonconformities

Staff has conducted an analysis of existing residential uses and lot sizes in the RT-4, CBD-2, and CBD-1 zoning districts. Based on this analysis, staff has found that a significant number of lots in the RT-4 and CBD-2 districts are undersized, meaning they are nonconforming to the lot area requirements.

Zoning nonconformities are problematic because they discourage investment in a building or property. Once a nonconforming use or building is destroyed, the non-conforming building or use cannot be reestablished. An owner of a nonconforming property therefore is unlikely to make a substantial investment to renovate or enhance the property. Nonconforming properties often remain under long-term ownership due to a number of factors:

- a. Buyers avoid non-conforming properties because of the risk associated. Potential buyers looking to finance the purchase may be unable to obtain a mortgage or adequate insurance because of the non-conformity.
- b. Many non-conforming properties do not gain value over time. Long-term owners may be hesitant to sell, due to the reduced value, and therefore may continue to hold on to the property for generating rental income, while only making minimal investment in the upkeep of the property.
- c. A buyer of a non-conforming property is likely to be paying in all cash and looking to invest in the property “as is” for long-term rental income, not necessarily a return on an increase in property value.

Nonconformities are governed by Ch. 17.08 “Nonconformities”. Per this chapter, structures on nonconforming lots that are destroyed beyond 50% of their value may not be reconstructed. However, section 17.08.050 permits single-family dwellings in residential zoning districts to be constructed (or reconstructed) on nonconforming lots that existed as of 1960. This provision does not extend to two-family dwellings in residential districts, or to residential uses in the CBD-2 district.

III. PROPOSAL

1. Ch. 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record”

- a. This section currently allows single-family dwellings to be constructed in residential districts on lots that are under the lot size and width required in the zoning district, if the lot was of record as of 1960. Staff proposes to include single-family dwellings in the CBD-2 district in this section, and add a provision that, in the RT-4 and CBD-2 districts only, two-family dwellings that do not meet the lot area requirement may be constructed on a lot, if the lot contained a two- or more-unit dwelling on the date the Zoning Ordinance was adopted (Oct. 2006).
- b. This amendment will allow a two-family or multi-family dwelling in the RT-4 or CBD-2 district that is destroyed to be rebuilt as a two-family, even if the lot size is less than required for a two-family dwelling.

2. Ch. 17.14 “Business and Mixed Use Districts”, Table 17.14-2 “Bulk Regulations” (CBD-2 district only)

- a. Change the Minimum Lot Area requirement for a single-family unit to 4,400 sf, and 2,200 sf per dwelling unit for all other types of residential uses.
- b. Remove the Minimum Lot Width requirement of 100 ft. for townhomes, multi-family, and mixed-use development and require 50 ft. lot width for all uses.

IV. ANALYSIS

Lot Area Data

RT-4 District: Current lot area requirements for permitted residential uses in the RT-4 district are as follows:

- Single-family: 5,000 sf
- Two-family¹: 3,750 sf per unit (7,500 sf total)

Per these requirements, a two-family dwelling cannot be constructed, or a single-family dwelling cannot be converted to a two-family, unless the lot size is at least 7,500 sf. In addition, an existing two-family dwelling that is on a lot less than 7,500 sf may not be reconstructed if it is destroyed by fire or other means outside of the owner’s control.

As shown in Table 1, 50% of parcels that currently contain two-family dwellings do not meet the 7,500 sf lot area requirement.

Staff is proposing to add language to Ch. 17.08 “Nonconformities” to grandfather in existing two-family dwellings in the RT-4 District. This chapter already allows single-family dwellings in residential districts to be constructed and maintained on a lot which is nonconforming in lot area and/or lot width. The proposed amendment would expand this provision to two-family dwellings in the RT-4 district only. As a result of this amendment, two-family dwellings on undersized lots

¹ **Two-Family Dwelling** “A building containing 2 dwelling units attached either vertically or horizontally.”

in the RT-4 district would be allowed to be reconstructed if destroyed, thereby addressing the issue of buyers of these properties having difficulty obtaining a mortgage or insurance due to the nonconformity.

Table 1

Permitted Residential Uses	Total Parcels	Required min. lot area	Parcels that meet lot area requirement	Result of proposed “grandfathering”
Conforming Lots – Existing Lot Area Requirement				
Single-family	130	5,000 sf	116 (89%)	130 (100%)*
Two-family	36	3,750 sf/unit	18 (50%)	36 (100%)
TOTAL	166		127 (77%)	166 (100%)

*Nonconforming single-family lots are already grandfathered by ordinance.

CBD-2 District:

Lot area requirements for permitted residential uses in the CBD-2 district are as follows:

- Single-family: 5,000 sf
- Two-family: 3,750 sf per unit (7,500 sf total)
- Townhome²: 3,000 sf per unit (9,000 sf for 3-unit townhome)
- Upper level dwelling³ & multi-family⁴: 2,200 sf per unit
- Non-residential uses: 5,000 sf

Per these requirements, a two-family dwelling could not be constructed on the median size lot shown in Table 2, nor could a 3-unit townhome. A multi-family or mixed-use building with upper floor residential could be constructed with a maximum of three residential units.

Table 2

Total parcels	204
Median lot size	6,633 sf

As shown in Table 3, only 65% of existing residential uses meet minimum lot area requirements. Staff is proposing to change the minimum lot area required for a single-family unit to 4,400 sf, and 2,200 sf per unit for two-family, townhomes, upper level, and multi-family dwellings. As a result of the proposed change, 78% of existing residential uses would comply with lot area requirements. The maximum permitted density in the CBD-2 District would remain at 19 units per acre, since 2,200 sf per unit is the current requirement for upper-level and multi-family dwellings.

In addition to “grandfathering” two-family dwellings in the RT-4 District in Ch. 17.08 “Nonconformities”, staff is also proposing to add single- and two-family dwellings in the CBD-2 district to this chapter. This would essentially remove all single- and two-family nonconformities from the CBD-2 district, as reflected in Table 3.

² **Townhouse Dwelling** “A building with 3 or more dwelling units arranged side-by-side, where each dwelling unit occupies an exclusive vertical space with no other dwelling unit above or below, and where each dwelling unit has at least one individual exit directly to the outdoors.”

³ **Upper Level Dwelling** “A dwelling unit located on a floor above a nonresidential use.”

⁴ **Multi-Family Dwelling** “A building with 3 or more dwelling units not designed as townhouses, where each dwelling unit is provided an individual entrance to the outdoors or to a common hallway.”

Staff is also proposing to remove the 100 ft. minimum lot width requirement which applies to townhomes, multi-family, and mixed-use development. The standard lot width in the CBD-2 District is 50 ft. The 100 ft. lot width requirement limits the residential use that may be permitted on any given lot, even if the lot area requirement is met. Also, “mixed-use development” is not defined in the Zoning Ordinance, and is not listed as a permitted use. Therefore, it is unclear what type of development to which this requirement applies.

Table 3

Permitted Residential Uses	Total Parcels	Required min. lot area	Parcels that <u>meet</u> lot area requirement	Result of proposed “grandfathering”
Conforming Lots – Existing Lot Area Requirement				
Single-family	55	5,000 sf	45 (82%)	
Two-family	27	3,750 sf/ unit	11 (41%)	
Townhome	0	3,000 sf/unit	N/A	
Multi-family/upper level	18	2,200 sf/unit	9 (50%)	
TOTAL	100		65 (65%)	
* Conforming Lots – Proposed Lot Area Requirement *				
Single-family	55	4,400 sf/unit	46 (84%)	55 (100%)
Two-family	27	2,200 sf/ unit	23 (85%)	27 (100%)
Townhome	0	2,200 sf/unit	N/A	N/A
Multi-family/upper level	18	2,200 sf/unit	9 (50%)	9 (50%)
TOTAL	100		78 (78%)	91 (91%)

Policy Guidance

Comprehensive Plan

The Comprehensive Plan calls for the need to promote diverse housing options within residential neighborhoods and downtown, which the proposed loosening of lot area requirements in the CBD-2 district would help to accomplish:

- Ch. 3 Goals & Objectives, Residential Areas- Goal 1(p.22): “Maintain the City’s image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods.
 - Objective 1: “Promote residential development and redevelopment of a variety of housing and dwelling unit types and densities in accordance with the Land Use Plan, and ensure the Zoning Ordinance and other regulatory tools are updated appropriately.”
- C. 3 Goals & Objectives, Commercial & Office Areas- Goal 3 (p.24): “Revitalize Downtown St. Charles as the symbolic “heart” of the community and enhance its role as the City’s primary mixed use pedestrian environment”.
 - Objective 9: “Zoning for the Downtown should be analyzed and amended if necessary to adequately accommodate appropriate new development and establish the desirable physical form of the downtown.”
 - Objective 10: “Undue or inappropriate zoning regulations or procedures should be modified or removed as to eliminate unnecessary barriers to Downtown investment.”
- Chapter 4 Land Use Plan, Residential Land Use Policies (p.43):

- “Locate new multi-family residential developments in appropriate locations within the City and consider the implications of concentrating units in one location or area of the City.”
- “Seek opportunities to provide senior housing within the City, consider locations that are within close proximity to recreation, public transit, healthcare and daily goods and services.”
- Chapter 4 Land Use Plan, Commercial Area Policies (p.48):
 - “Continue to promote mixed use development within Downtown while respecting the historic fabric of the community.”

Homes for a Changing Region Study

City Council adopted the *Homes for a Changing Region* multi-jurisdictional housing study as a policy document in November 2014. One of the recommendations for St. Charles suggests reducing lot size requirements in the downtown zoning districts to promote residential development. The plan states: “Consider options to increase residential density in downtown St. Charles through context and design-sensitive development.”

The study explains: “The existing downtown infrastructure, including retail stores, services, entertainment destinations, restaurants, jobs, and mobility options, makes the downtown area an ideal location to increase population density. Increasing the downtown population would also result in more foot traffic to support downtown businesses. Through the First Street Redevelopment, progress has been made to add housing to the downtown area... Additional policies to encourage downtown residential development will expand on this success.”

One of the options presented for increasing residential density is the following: “The City should explore options for reducing the lot size requirements for residential units in the CBD-1 and CBD-2 zoning districts in order to provide new opportunities for higher density residential development... Reducing the per unit lot size requirements would allow for increased residential density, create new opportunities for adding residential units, encourage adaptive reuse of existing buildings, and would help developers to reduce per unit costs, dropping the unit price or rent for consumers.”

V. DISCUSSION

In addition to the policy direction cited above, staff also wanted to add additional perspective on the proposal:

1. One of the goals of the 2006 Zoning Ordinance re-writing process was to establish new zoning districts for older neighborhoods where close to 90% of the properties would be conforming to the regulations. This goal was generally achieved for the RT single family districts, but not for the RT-4 and CBD-2 districts, where many properties remain non-conforming. This was partially due to the fact that at the time the City did not have very accurate data on older buildings containing multiple dwelling units.
2. The CBD-2 district requirements were written primarily for larger scale redevelopment projects where there may be property assembly involved. (The Heritage Square development was used as an example at the time.) When the 2006 ordinance was written, the prevailing mindset was that most properties that had become outdated or functionally obsolete would be redeveloped as a part of a larger development project. However, over the past few years,

staff has observed a greater interest by property owners to reuse and repurpose existing structures. Within the downtown area, zoning restrictions are a limiting factor.

VI. PLAN COMMISSION RECOMMENDATION

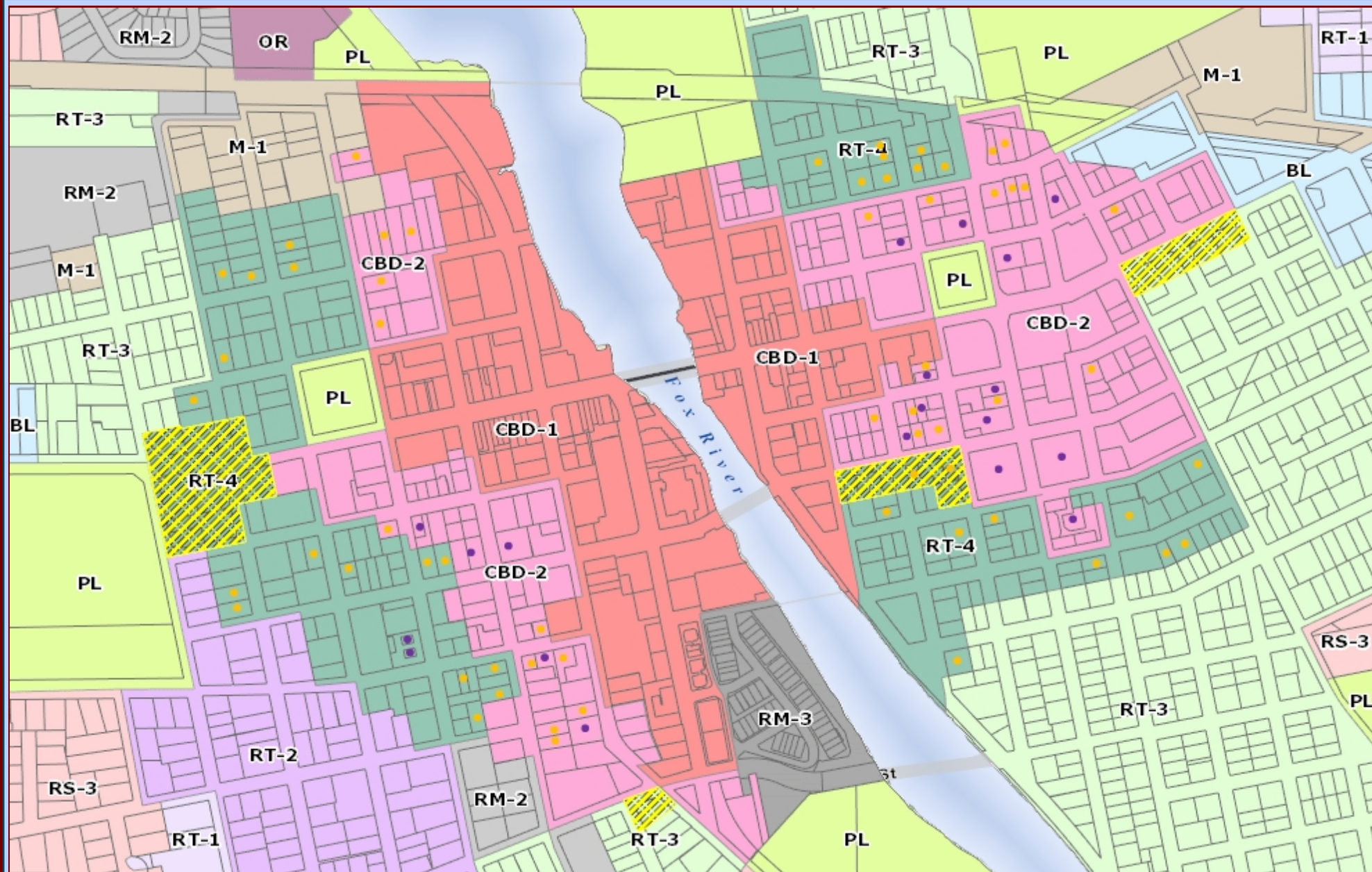
The Plan Commission held a public hearing on the General Amendment on 9/8/15 and 10/6/15. The Commission voted 8-0 to recommend approval.

V. ATTACHMENTS

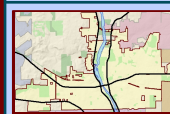
- Map of two-family and multi-family dwellings
- Application for General Amendment, filed by staff 9/18/15



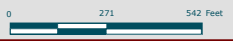
Two-family & Multi-family RT-4 & CBD-2



Orange = two-family dwelling
Purple = Multi-family/Upper level dwelling



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: October 9, 2015 08:14 AM



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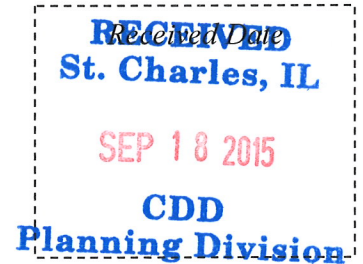


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	RT-4+ CBD-2 Nonconforming Lots, CBD-2 Lot Sizes
Project Number:	2015 -PR- 021
Application Number:	2015 -AP- 033



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), 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.

Applicant:	Name	City of St. Charles	Phone	630-377-4443
	Address	2 E. Main St.	Fax	630-377-4062
		St. Charles, IL 60174	Email	ejohnson@stcharlesil.gov

Attachment Checklist

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

- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance (\$500)
- REIMBURSEMENT OF FEES AGREEMENT:**
An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES INITIAL DEPOSIT:**
Deposit of funds in escrow with the City. (For a General Amendment application only: \$1,000 deposit.)
- FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

□ **WORDING OF THE REQUESTED TEXT AMENDMENT**

What is the amendment regarding?

Add language to state that in the RT-4 District, existing two-family dwellings that do not meet the lot area requirement are permitted to continue, and in the CBD-2 District, existing single- and two-family dwellings that do not meet the minimum lot area requirement are permitted to continue.

CBD-2: Change the minimum lot area requirement for single-family dwellings to 4,400 sf and 2,200 sf/du for all other residential uses. Remove the minimum lot width requirement of 100 ft. for townhouse, multi-family, and mixed-use development.

What sections are proposed for amendment?

Chapters(s): Ch. 17.08, Ch. 17.14

Section(s): 17.08.050, Table 17.14-2

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

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.

Ellen Johnson
Applicant

9/18/15
Date

FINDINGS OF FACT – 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.

See attached.

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.

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

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.

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

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

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

Ch. 17.08 “Nonconformities”

Section 17.08.050 “Nonconforming Lots of Record”

A. Individual Lots of Record in Residential and Mixed Use Districts

In residential districts and the CBD-2 Mixed Use Business District, a single family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot are and/or minimum lot width, if the lot was of record on May 23, 1960, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located. In the CBD-2 and RT-4 Traditional Single- and Two-Family Residential district, a two-family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot are and/or minimum lot width, if the lot was of record on May 23, 1960, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located, if the lot contained a two- or more-unit dwelling on the effective date of this Title.

BUSINESS AND MIXED USE DISTRICTS

TABLE 17.14-2 BUSINESS AND MIXED USE DISTRICTS BULK REGULATIONS					
ft = feet sf = square feet du = dwelling unit B = building and structures P = parking lots	ZONING DISTRICT				
	BL	BC	BR	CBD-1	CBD-2
Minimum Lot Area ¹	Dwelling, Upper Level: 3,000sf/du Drive-thru facilities, Minor Motor Vehicle Service & Repair: 1 acre Other Uses: No minimum lot area	1 acre	1 acre	Dwelling, Upper Level & Multi-family: 1,000 sf/du Nonresidential Uses: No minimum lot area	Single-Family: 5,000sf Two family: 3,750 sf/du Townhouse: 3,000 sf/du Upper Level & Multi Family: 2,200sf/du Non-Residential Uses: 5,000 sf Townhouse, multi family, mixed use development: 100 ft All other uses: 50 ft
Minimum Lot Width	None	None	None	None	4,400 sf
Maximum Building Coverage ²	60%	40%	30%	None	Single-family: 25% All other uses: 40%
Maximum Gross Floor Area per Building	10,000 sq	75,000 sq	None	40,000 sq	10,000 sq
Maximum Building Height	30 ft	40 ft	40 ft	50 ft	40 ft
Front Yard ³	B: Minimum 20 ft P: Minimum 10 ft	B, P: Minimum 20 ft	B, P: Minimum 20 ft	B: Maximum 5 ft/No Minimum P: Minimum 5 ft	B, P: Minimum 5 ft
Side Yards:					
Interior Side Yard	B: Minimum 5 ft P: None	B: Minimum 10 ft P: None	B: Minimum 15 ft P: None	B: If provided, minimum 5 ft P: None	B: Minimum 5 ft P: None
Exterior Side Yard	B: Minimum 20 ft P: Minimum 10 ft	B, P: Minimum 20 ft	B, P: Minimum 20 ft	B: Maximum 5 ft/No minimum P: Minimum 5 ft	B, P: Minimum 5 ft
Minimum Rear Yard	B: 20 ft, P: None	B: 30 ft, P: None	B: 30 ft, P: None	B,P: None	B: 20 ft, P: None

All other residential uses: 2,200 sf/du

4,400 sf

¹ The Lot Area for Two Family, Townhouse and Multi-Family developments with more than one lot may be calculated by adding the land area of all lots and common areas on which one category of dwellings is located, and dividing the total land area by the total number of dwelling units of that category. Common areas may be included in the calculation of land area, except for the area within a public or private street right of way; if no right of way is designated to private streets, the area between the backs of curbs of the private street shall be excluded.

² In the CBD-2 District, if a detached garage is provided in lieu of an attached garage, or if an attached garage is accessed via an alley, a) on lots 65 feet or less in width, 500 square feet of additional Building Coverage is allowed, and b) on lots more than 65 feet in width, 250 square feet of additional Building Coverage is allowed.

³ If an existing parking facility is resurfaced or reconstructed, and the parking facility does not meet the current parking setback requirement, the required set back may be reduced by fifty percent (50%). If the existing parking facility is set back at a distance greater than fifty percent (50%) of the required parking facility set back of the Zoning District, the existing parking facility setback shall not be reduced.

Findings of Fact – General Amendment

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

The Comprehensive Plan calls for the need to promote diverse housing options within residential neighborhoods and downtown, which the proposed amendment would help to accomplish:

- Ch. 3 Goals & Objectives, Residential Areas- Goal 1(p.22): “Maintain the City’s image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods.”
 - Objective 1: “Promote residential development and redevelopment of a variety of housing and dwelling unit types and densities in accordance with the Land Use Plan, and ensure the Zoning Ordinance and other regulatory tools are updated appropriately.”
- C. 3 Goals & Objectives, Commercial & Office Areas- Goal 3 (p.24): “Revitalize Downtown St. Charles as the symbolic “heart” of the community and enhance its role as the City’s primary mixed use pedestrian environment”.
 - Objective 9: “Zoning for the Downtown should be analyzed and amended if necessary to adequately accommodate appropriate new development and establish the desirable physical form of the downtown.”
 - Objective 10: “Undue or inappropriate zoning regulations or procedures should be modified or removed as to eliminate unnecessary barriers to Downtown investment.”
- Chapter 4 Land Use Plan, Residential Land Use Policies (p.43):
 - “Locate new multi-family residential developments in appropriate locations within the City and consider the implications of concentrating units in one location or area of the City.”
 - “Seek opportunities to provide senior housing within the City, consider locations that are within close proximity to recreation, public transit, healthcare and daily goods and services.”
- Chapter 4 Land Use Plan, Commercial Area Policies (p.48):
 - “Continue to promote mixed use development within Downtown while respecting the historic fabric of the community.”

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

The proposed amendment will help to promote reinvestment and redevelopment surrounding the central core of downtown St. Charles, as well as to encourage the provision of a diversity of housing types. As such, the proposed amendment is consistent with many of the stated purposes of the Zoning Ordinance (Ch. 17.02.020), including protecting the character of established residential neighborhoods, maintaining business areas that are economically viable, conserving the value of property, and implementing the goals of the Comprehensive Plan.

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 is more workable than the existing text because it simplifies and standardizes the lot area requirements in the CBD-2 district, and allows for greater flexibility in the types of residential uses that are permitted on a given parcel. The amendment also reflects a change in policy to promote increased housing opportunities around downtown. The *Homes for a*

Changing Region policy document recommends decreasing per unit lot area requirements in the CBD-2 district for this purpose. The amendment also reflects a change in policy to permit certain nonconforming residential properties to continue.

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

The proposed amendment will allow for the creation of higher density around downtown St. Charles, thereby allowing for more types of housing for individuals and families with a variety of needs and preferences. The proposed amendment will also allow a number of nonconforming two-family properties in the RT-4 district and single- and two-family properties in the CBD-2 district to be “grandfathered”, so that they may be reconstructed if destroyed, thereby addressing the issue of disinvestment in nonconforming properties.

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

The proposed amendment will decrease the number of nonconforming properties in the subject zoning district. Currently, 65% of residential parcels in the CBD-2 district comply with the lot area requirements, while 78% will comply as a result of the amendment. This will decrease the number of nonconforming properties by 15.

The proposed amendment will permit existing nonconforming two-family dwellings in the RT-4 district and single- and two-family properties in the CBD-2 district to continue in use and to be reconstructed on undersized lots.

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

The proposed amendment will apply to all property in the City zoned RT-4 and CBD-2.