

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

**AN ORDINANCE FOR THE
AMENDMENT OF SPECIAL USE
PROCEDURES GIVING THE
PLANNING COMMISSION
INCREASED AUTHORITY,
THE AMENDMENT OF HOME
CHILD CARE ZONING
REGULATION, THE AMENDMENT
OF GARAGE CONVERSION FOR
DWELLING USE ZONING REGULATION,
INCREASE IN MAXIMUM LOT COVERAGE
FOR SR-3, MH-1, AND MH-3 DISTRICTS,
AND THE AMENDMENT OF WRITTEN
PROTEST PROCEDURES**

WHEREAS, the Mayor and City Council desire to have the Planning Commission study proposed changes to the City zoning and development rules and procedures and review processes to address the growing population, economic activity and changing needs of our City; and

WHEREAS, to facilitate interim measures to streamline and better control the zoning procedures during this review process, the Council desires to implement various interim changes to the zoning code, reviewing boards, and processes pending a final recommendation by the Planning Commission of any permanent changes if any from the existing or interim code provisions;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1: Chapter 33, Section 33.09 of the O'Fallon Municipal Code is hereby created to read as follows:

Notwithstanding anything to the contrary in Articles V, VII, and XI of the Zoning Code, the authority for review and decision on special permits and uses shall hereby and hereinafter reside in the Planning Commission with all procedures and appeals relating to such decisions to be otherwise applicable to the Planning Commission as previously applied to the Board of Zoning Appeals for special uses and permits in such articles.

Section 2: Article III, Section 3.25 Home Child Care of the City of O'Fallon Zoning Code of Ordinances is hereby amended to read as follows:

Section 3.25 HOME CHILD CARE

Home child care shall be permitted within an SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District subject to the following restrictions:

- (a) Any residence, which is renter-occupied, shall provide written permission from the property owner approving the use of the residence for home health care.
- (b) Proof of licensure from the State of Illinois Department of Children & Family Services.
- (c) Construction of a permanent, four foot (4') fence around all designated outdoor play areas located on the subject property. All play equipment shall be kept in good repair.
- (d) Minimum of two (2) off-street parking spaces per facility.
- (e) Inspection by City staff when approved for use by state license to ensure adherence to current building codes and fire codes prior to issuance of permit.
- (f) Number of children limited to eight (8) including the family's natural or adopted children and all other persons under the age of twelve (12).
- (g) Hours of operation shall not exceed amounts permitted by the state license.
- (h) When a home child care is in violation of certain covenants and restrictions adopted through a Homeowner's Association, Board of Trustees, or other subdivision governing body, the City does not enforce or take into account private covenants when granting home child care permits.
- (i) Employees are limited to only inhabitants of the residence in accordance with Section 3.02 Home Occupation provisions of this ordinance.

Section 3: Article II, Section 2.05(d) Schedule: Permitted Uses; Accessory Uses; Exceptions; and Special Permits Column C "SR-1B" Single Family Residence District of the City of O'Fallon Zoning Code of Ordinances is hereby amended to omit Conversion of garages to dwelling area from Special Permits (Special Uses).

Section 4: Article II, Section 2.05(d) Schedule: Permitted Uses; Accessory Uses; Exceptions; and Special Permits Column F "MR-1" Two-, Three-, and Four-

Family Residence District of the City of O’Fallon Zoning Code of Ordinances is hereby amended to omit Conversion of garages to dwelling area from Special Permits (Special Uses).

Section 5: Article III, Section 3.26 Garage Conversion for Dwelling Use of the City of O’Fallon Zoning Code of Ordinances is hereby created to read as follows:

Section 3.26 Garage Conversion for Dwelling Use

No garage shall be converted for dwelling use except within compliance of this Section.

- (a) Inspection by City staff to ensure adherence to current building codes and fire codes prior to issuance of permit.
- (b) Not less than one (1) off-street parking space per dwelling unit shall be provided and maintained.

Section 6: Article II, Section 2.04(e) Schedule: Area and Bulk Regulations, Column K “Maximum Lot Coverage in Percent” of the City of O’Fallon Zoning Code of Ordinances is hereby amended to allow thirty percent (30%) coverage in SR-3, MH-1, and MH-2 Districts.

Section 7: Article VIII, Section 8.05 Written Protest of the City of O’Fallon Zoning Code of Ordinances is hereby amended to read as follows:

Section 8.05 WRITTEN PROTEST

In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, if filed with the City Clerk, the amendment shall not be passed except by a favorable vote of at least two-thirds (2/3) of the City Council then holding office.

In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant’s attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Section 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council this _____ day of _____, 2005.

ATTEST:
(seal)

Approved by the Mayor this ____ day
of _____, 2005.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Bequette	Drolet	Grogan	Schmidt	Medford	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Boone	Mouser	Reckamp	Henry	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									