

Village of St. Charles
Zoning Ordinance



Village of
ST. CHARLES

APRIL 2007

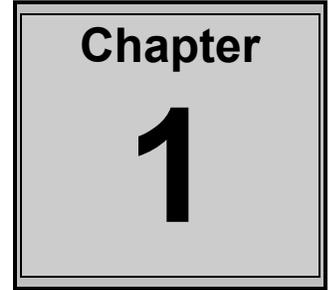
TABLE OF CONTENTS

	Chapter-Page
Chapter 1 - Miscellaneous Provisions	1-1
Section 101. Short Title.....	1-1
Section 102. Purpose and Objectives	1-1
Section 103. Interpretation.....	1-2
Section 104. Severability	1-2
Section 105. Repeal	1-2
Section 106. Effective Date.....	1-2
Chapter 2 - Definitions	2-1
Section 201. Rules Applying to the Text	2-1
Section 202. Definitions	2-1
Chapter 3 - District Regulations	3-1
Section 301. Division of the Village.....	3-1
Section 302. Official Zoning Map	3-1
Section 303. Interpretation of Boundaries	3-1
Section 304. Scope of Regulations	3-2
Section 305. District Regulations Tables.....	3-2
Chapter 4 - General Requirements.....	4-1
Section 401. Nonconformities	4-1
Section 402. Supplementary Use Regulations	4-5
Section 403. Supplementary Dwelling Regulations	4-6
Section 404. Supplementary Parcel Regulations	4-8
Section 405. Supplementary Structure Regulations	4-9
Section 406. Supplementary Off-Street Parking Regulations	4-10
Section 407. Supplementary Off-Street Loading Regulations	4-14
Section 408. Supplementary Environmental Regulations.....	4-15
Chapter 5 - Sign Regulations	5-1
Section 501. Sign Regulations by Zoning District.....	5-1
Section 502. Temporary Signs.....	5-1
Section 503. Exemptions	5-2
Section 504. Nonconforming Signs.....	5-3
Section 505. Prohibited Signs.....	5-3
Section 506. Illumination.....	5-4
Section 507. Structural Requirements.....	5-5
Section 508. Permit	5-5
Section 509. Inspection, Removal, Safety.....	5-5

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Chapter 6 - Special Use Permit Requirements6-1
Section 601. Intent, Purpose and Process6-1
Section 602. Permit Procedures6-2
Section 603. Permit Standards6-5
Section 604. Table of Special Use Permit Standards6-5
Section 605. Group F Uses.....6-7
Section 606. Group I Uses.....6-8
Section 607. Incarceration Facility – Category J6-9
Section 608. Mobile Home Park – Category K6-9
Section 609. Recreational Vehicle (RV) Park, Campground – Category M6-10
Section 610. Soil Resource Extraction – Category N6-11
Section 611. Planned Unit Development (PUD) – Category O6-13

Chapter 7 - Administration, Enforcement and Amendments7-1
Section 701. People Involved in the Zoning Process7-1
Section 702. Administration Processes7-5
Section 703. Administrative Actions by the Zoning Board of Appeals.....7-8
Section 704. Enforcement.....7-12
Section 705. Amendment.....7-13
Section 706. Notice Requirements for Public Hearings7-14
Section 707. Site Plan Review7-17
Section 708. Review of Subdivision Plats7-23
Section 709. Actions Summary Table7-23
Section 710. Conditional Rezoning7-24



Miscellaneous Provisions

Village of St. Charles hereby ordains these regulations for the use of land and structures within the village.

SECTION 101. SHORT TITLE.

This chapter shall be known as the St. Charles Village Zoning Ordinance.

SECTION 102. PURPOSE AND OBJECTIVES.

It is the general purpose of this chapter to promote the public safety, health, morals, convenience and general welfare. To accomplish this purpose, the chapter will address the following objectives.

1. Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
2. Protect the community's quality of life and enhance the social and economic stability of the village.
3. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
4. Guide efforts to provide public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
5. Establish standards to guide physical development of each zoning district and of the village as a whole, and provide for enforcement of such standards.
6. Educate citizens and public officials about their shared responsibilities for wise use of community resources.
7. Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

SECTION 103. INTERPRETATION.

1. The provisions of this chapter shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings. Nor is this chapter intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.
2. Where this chapter imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this chapter shall control. Where provisions of any other ordinance or regulation of the village impose stricter requirements for the use of land or buildings, the provisions of the other ordinance or regulation shall govern.

SECTION 104. SEVERABILITY.

It is the legislative intent that this chapter be liberally construed and should any provision or section of this chapter be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the chapter. It is intended that this chapter shall stand notwithstanding the invalidity of any part thereof.

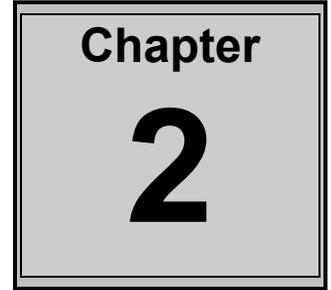
SECTION 105. REPEAL.

The existing zoning regulations of the village, as amended, are hereby repealed. However, such repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed. Nor shall such repeal discontinue, abate, modify or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm or corporation. Nor shall such repeal waive any right of the village under any section or provision of the ordinance hereunder repealed that was existing at the time of the passage and effective date of this chapter.

SECTION 106. EFFECTIVE DATE.

This ordinance was adopted by the Village of St. Charles Council on April 11, 2007 and shall take effect seven (7) days after publication, as required by PA 110 of 2006, as amended.

Secs. 26-7--26-25. Reserved.



Definitions

SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this chapter, certain rules of construction apply to the text, as follows:

1. Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual.
3. The word "structure" includes the word "building."
4. The word "lot" includes the words "plot," "tract," or "parcel."
5. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
6. The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
7. Any word or term not herein defined shall be used with a meaning of common standard use.
8. The term "he" shall be read as he, she or they.

Cross references: Definitions and rules of construction generally, § 1-2.

SECTION 202. DEFINITIONS.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.]

1. **ABUT.** To physically touch or border upon; to share a common property line.
2. **ACCESSORY OCCUPATION.** An accessory occupation is an occupation carried on within the walls of an accessory building and not visible or noticeable in any manner or form from outside the accessory structure.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

3. **ACCESSORY USE.** An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.
4. **ACTIVITY.** See "use.
5. **ADJACENT.** A lot or parcel of land which shares all or part of a common lot line with another parcel of land.
6. **ADULT BUSINESS.** Establishments engaged in the business of adult entertainment including, but not limited to:
 - a. Adult-related businesses.
 - b. Adult book stores.
 - c. Adult motion picture theaters.
 - d. Adult mini motion picture theaters.
 - e. Exotic cabarets.
 - f. Massage parlors.
 - g. Public baths.
 - h. Taxi dance halls.
7. **ALTERATIONS.** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.
8. **AUTOMOBILE CAR WASH.** An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.
9. **AUTOMOBILE SALES AND REPAIR SHOP.** An auto sales or repair business is an establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.
10. **AUTOMOBILE SERVICE STATION.** An auto service business is any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, or performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning or minor repair for automobiles, vans or pickup trucks.
11. **BANK.** See "financial business."
12. **BAR.** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.
13. **BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this chapter [November 8, 1995].

VILLAGE OF ST. CHARLES ZONING ORDINANCE

14. **BASEMENT.** A story having part but not more than one-half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.
15. **BERM.** An earthen buffer that obscures sight, traffic and sound.
16. **BUFFER.** A buffer may be open green space, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.
17. **BUFFER STRIP.** A vegetated area that treats sheet flow and/or interflow by removing sediment and other pollutants. The area may be grass-covered, forested or of mixed vegetative cover, depending on the amount of pollutants to be removed and the size of the buffer strip.
18. **BUILDING.** Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support or enclosure of persons, animals or property of any kind.
19. **BUILDING, FRONT LINE OF.** The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Such line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.
20. **BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip and gambrel roofs.
21. **BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.
22. **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.
23. **BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzene, kerosene or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
24. **BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance and self service storage.
25. **CEMETERY.** Property used for interring of the dead.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

26. **CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
27. **CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending or commercial activities except as required incidentally for the membership and purpose of such club.
28. **COMMERCIAL RECREATION.** Commercial recreational facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.
29. **COMMERCIAL SCHOOL.** A commercial school is a private educational facility not operated as a nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.
30. **COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.
31. **CONDOMINIUM ACT.** MCL Act 59 of 1978, as amended.
32. **CONDOMINIUM, EXPANDABLE.** A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
33. **CONDOMINIUM SUBDIVISION.** See SUBDIVISION, as defined in this chapter.
34. **CONDOMINIUM SUBDIVISION PLAN.** The site, survey, and utility plans, floor plans and sections, showing the existing and proposed structures and improvements.
35. **CONDOMINIUM UNIT.** A portion of a building, or group of buildings, designed for separate ownership. Common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium is differentiated from other dwellings types based on ownership and as such is not regulated as a dwelling unit type.
36. **CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
37. **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

38. **CONVALESCENT OR NURSING HOME.** A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.
39. **CONVENIENCE STORE.** A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhood residents on a day to day basis. Nongrocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.
40. **CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
41. **CONVERTIBLE AREA.** A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
42. **COVERAGE, LOT.** That percent of the plot or lot covered by the building area.
43. **CUL DE SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.
44. **DAY NURSERY.** A private establishment enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.
45. **DEGREE OF NONCONFORMANCE.** A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.
- a. **USE** In the uses table from the district regulations chapter of this chapter, the number of changes in zoning districts required to move from the district in which a use would be permitted as a use by right to the district in which it is located.
 - b. **SETBACK.** The square footage of a building which lies within a required setback area.
 - c. **AREA.** The square footage by which a building or parcel varies from the maximum or minimum area required for its zoning district.
 - d. **WIDTH OR DEPTH.** The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its zoning district.
 - e. **PARKING.** The number of off-street parking spaces which a parcel lacks to conform with the requirements of Section 406, supplementary off-street parking regulations and with the table of off-street parking requirements.
46. **DEPTH.** For the purposes of interpreting the dimensions table, depth is the distance from a property line to a structure.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

47. **DISTRICT REGULATIONS.** Regulations for properties within each zoning district, found in Chapter 3, district regulations.
48. **DOMESTICATED ANIMAL.** An animal that has been housed and fed by a human owner and has learned to depend on human provision so completely that it has little ability to survive if returned to a natural habitat. Typically includes animals like dogs and cats used as pets, and not animals on farms as part of an agricultural or farming operation.
49. **DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations which serve food in disposable containers.
50. **DWELLING.** A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
51. **DWELLING TYPES.** For the purposes of this chapter, dwellings are separated into the following categories:
- a. **SINGLE-FAMILY DWELLING** is a detached building containing one dwelling unit only and complying with the regulations of Chapter 4, Section 403.
 - b. **TWO-FAMILY DWELLING** is a building containing not more than two (2) dwelling units and complying with the regulations of Chapter 4, Section 403.
 - c. **MULTIPLE-DWELLING** is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of Chapter 4, Section 403.
52. **DWELLING UNIT.** One or more rooms including a single kitchen, in a dwelling designed for occupancy by one family for living and sleeping purposes.
53. **ENTERTAINMENT.** For the purposes of this chapter, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.
54. **ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.
55. **EXOTIC PET (OR EXOTIC ANIMAL).** An unusual creature kept as a pet, sometimes for the express purpose of having a pet which is unique. Includes any unique- or wild-looking pet, such as common domestic animals like the ferret and the domestic rat. Alligators, wolves and wolf/dog hybrids, wild cat cubs (lions, tigers, ocelots, etc.), snakes, tortoises, spiders, scorpions, and rare birds are among the species typically considered as exotic pets. The term is also used for a species which is non-indigenous to the owner or prospective owner's locale.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

56. **FAMILY.** An individual or two (2) or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.
57. **FARM.** A tract of land which is directly devoted to agricultural purposes provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping or operating fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with bonafide farm operations on the same contiguous tract of land of not less than ten (10) acres.
58. **FARMING, GENERAL.** The practice of agriculture on a farm as defined above.
59. **FARM ANIMAL, LARGE.** Any four (4) footed creature as livestock which, at maturity, exceeds one hundred (100) pounds. This includes, but is not limited to, the following: Cattle, sheep, hogs and goats. (Large farm animals are not permitted in the village other than horses under a special use permit. Exceptions may be made by the Village Manager for special events.)
60. **FAST FOOD RESTAURANT.** See "drive-in."
61. **FEEDLOT.** A small, confined area for fattening cattle or holding them temporarily for shipment.
62. **FLAG LOT.** A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
63. **FRUIT ORCHARD.** A planting of fruit trees for the purpose of harvesting fruit.
64. **FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
65. **GARBAGE.** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.
66. **GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.
67. **GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet. For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

68. **HOME OCCUPATION.** Any business carried on by one or more members of a family residing on the premises, providing it:
- a. Is operated in its entirety within the principal dwelling;
 - b. Does not have a separate entrance from outside the building.
 - c. Does not involve alteration or construction not customarily found in dwellings;
 - d. Does not use any mechanical equipment, except that which is used normally for purely domestic or household purposes;
 - e. Does not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
 - f. Does not display, or create outside the structure any external evidence of the operation of the home occupation, except for one unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.
69. **HOSPITAL.** An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.
70. **HOUSE TRAVEL TRAILER.** A vehicular portable structure designed as a temporary dwelling for travel, and recreation and vacation uses.
71. **INCARCERATION FACILITY.** Any jail, prison, holding facility, work camp or detention center of any kind.
72. **INCINERATOR.** An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.
73. **JUNK/SALVAGE YARD.** A licensed open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk/salvage yard includes automobile-wrecking yards, and two (2) or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.
74. **KENNEL.** A facility where dogs, cats, or other domestic pets are boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.
75. **LIVESTOCK.** Domesticated animals that may be kept or raised in pens, houses, pastures, or on farms as part of an agricultural or farming operation, whether for commerce or private use.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

76. **LOADING BERTH/SPACE.** An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.
77. **LOT.** A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this chapter. Every lot shall abut upon and have permanent access to a public street.
78. **LOT AREA.** The total horizontal land area within the lot lines of the lot.
79. **LOT: CORNER, INTERIOR AND THROUGH.**
- a. **CORNER LOT** is a lot which has at least two (2) contiguous sides abutting upon a street for their full length, and provided the two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees.
 - b. **INTERIOR LOT** is a lot other than a corner lot.
 - c. **THROUGH LOT** is an interior lot having frontage on two (2) streets which do not intersect at a point contiguous to such lot.
80. **LOT LINES.** The lines abutting a lot as defined herein:
- a. **LOT LINE, FRONT.** That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street.
 - b. **LOT LINE, REAR.** Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.
 - c. **LOT LINE, SIDE.** Any lot line not a front lot line or not a rear lot line.
81. **LOT, WIDTH OF.** The width measured along the front lot line or street line.
82. **LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in a common use by county and community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
83. **LUMBER YARD.** A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.
84. **MANUFACTURED HOMES.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a

VILLAGE OF ST. CHARLES ZONING ORDINANCE

permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

85. **MANUFACTURED HOME SPACE.** A plot or parcel of land within the Manufactured Home Park designed to accommodate one (1) manufactured home.
86. **MANUFACTURING.** An operation in which raw materials or partially finished material is processed. This processing can include stamping, rolling, forging, plating, heat-treating, forming, molding and assembly.
87. **MASTER DEED.** The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.
88. **MASTER PLAN.** A comprehensive long-range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and future land use.
89. **MOBILE HOME.** A detached single-family dwelling unit with all of the following characteristics:
- a. Designed for a long-term occupancy.
 - b. Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
 - c. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
 - d. Arriving at a site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of one thousand fifty (1,050) square feet, and including appliances and furniture and ready for occupancy, except for minor incidental location operations.
90. **MOBILE HOME PARK.** A parcel of land fifteen (15) acres or more intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, gear or equipment permitted and incidental to the residential use. Referred to also as "park."
91. **MOBILE HOME SPACE.** A plot or parcel of land within the mobile home park designed to accommodate one mobile home.
92. **MOBILE HOME STAND.** That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.
93. **MODULAR HOME.** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

94. **MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designated as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar which are designed as integrated units of individual rooms under common ownership.
95. **NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in the village.
96. **NONCONFORMITY.** Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the district regulations for the zoning district in which it is located.
97. **NONCONFORMING USE.** Any use of building, structure or land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district or zone in which it is situated.
98. **OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.
99. **OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building. See "courts."
100. **PARCEL.** A parcel is a continuous piece of land under uniform ownership which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every parcel shall abut upon and have permanent access to a public street. Also "lot."
101. **PARKING SPACE.** An off-street space of at least two hundred (200) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.
102. **PERSONAL SERVICE BUSINESS.** A personal service business primarily serves needs of individual people or families, including, but not limited to, hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair and repair of small appliances, watches or jewelry.
103. **PET GROOMING ESTABLISHMENT.** Personal service establishment that, for a fee, trims, cleans, or curries domestic pets such as dogs or cats and which may sell pet supplies as an incidental use. This term does not include establishments which board pets.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

104. **PLANNED UNIT DEVELOPMENT.** An area of minimum size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
105. **PLANNING COMMISSION.** The officially designated body of the Village enabled under Public Act 285 of 1931 with all the duties and powers described therein.
106. **PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.
107. **PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.
108. **PUBLIC STREET.** Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.
109. **PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.
110. **RECREATIONAL USE, COMMERCIAL.** Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, miniature or putt-putt golf, etc.
111. **RECREATIONAL USE, PRIVATE.** A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee. Examples of this are Putt Putt golf, GO Karts, and similar uses.
112. **RECREATION VEHICLE.** A vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses.
113. **RECREATIONAL VEHICLE, EQUIPMENT.** A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by a State in prominent display to be considered licensed.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

114. **RELIGIOUS INSTITUTIONS.** A church, synagogue, mosque or temple, or other such place of worship and accessory uses commonly found in connection with such institution.
115. **RESTAURANT.** An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.
116. **RESTAURANT WITH ENTERTAINMENT.** Any restaurant, as defined above, with live presentations of any kind.
117. **RETAIL.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
118. **RETAIL, FOOD.** Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.
119. **RIGHT-OF-WAY.** A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.
120. **ROADSIDE STAND.** A "roadside stand" is a structure for the display of agricultural products, with no space for customers within the structure itself.
121. **RUBBISH.** A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.
122. **SALES AREA.** The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.
123. **SANITARY LANDFILL.** A tract of land developed, designed and operated to accommodate general types of solid waste, including, but not limited to, garbage, rubbish, soils and concrete, but excluding hazardous waste.
124. **SECTIONAL HOME.** Two (2) or more units, fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.
125. **S.E.V.** The state equalized valuation of the property in question, as determined by the ownership assessor. This is presumed to be fifty (50) percent of the property's true cash value.
126. **SERVICE BUSINESS.** A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "office business," "financial business," "personal service business."
127. **SETBACK.** A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the rear property line. A side

VILLAGE OF ST. CHARLES ZONING ORDINANCE

setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback.

128. **SIGN.** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building. For the purpose of this chapter the following sign or sign-related terms are defined:
- a. **AREA, OR SURFACE AREA, OF SIGN.** That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
 - b. **BILLBOARD SIGN.** A freestanding outdoor sign which advertises something not located on the immediate premises.
 - c. **CONSTRUCTION SIGNS.** Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.
 - d. **ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
 - e. **ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than twenty (20) seconds. Signs displaying time and temperature only may change messages with a frequency of no less than five (5) seconds.
 - f. **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel.
 - g. **FREESTANDING SIGN.** A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "ground mounted" sign)
 - h. **GROUND LEVEL.** The elevation to be used for computing the height of signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.
 - i. **HIGH PROFILE SIGN.** A freestanding identity sign intended to announce to travelers the existence of a business located near an expressway interchange so they may react in time to exit safely.
 - j. **IDENTITY SIGN.** A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- k. **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
- l. **INSTITUTIONAL BULLETIN BOARD.** A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its services or activities.
- m. **INTEGRAL SIGN.** Names of buildings or farms, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- n. **JOINT SIGN.** A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- o. **LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.
- p. **LOCATION.** A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- q. **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy or awning projecting from and supported by the building.
- r. **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.
- s. **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel.
- t. **PROJECTION.** The distance by which a sign extends over public property or beyond the building line.
- u. **PROJECTING SIGN.** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- v. **PROPERTY RENTAL SIGNS.** Signs on the premises announcing rooms, apartment or house for rent, not to exceed four (4) square feet.
- w. **PUBLIC SIGNS.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- x. **REAL ESTATE SIGNS.** Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.
- y. **ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- z. **ROOF SIGN.** Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
 - aa. **SETBACK.** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A front setback is measured from the edge of the right-of-way of any abutting roadway. A rear setback is measured from the property line opposite the roadway. A side setback is measured from any other abutting property line. Corner lots shall require two (2) front setbacks, but only one rear setback.
 - bb. **SIZE OF SIGN.** The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a three-sided sign equals two (2) signs.
 - cc. **SPECIAL PURPOSE SIGNS.** Any other temporary signs.
 - dd. **STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the county road commission.
 - ee. **TEMPORARY SIGN.** A display, informational sign, banner or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
 - ff. **WALL SIGN, FLAT.** One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
129. **SITE, AREA.** The total area within the property lines excluding rights-of-way, easements, etc.
130. **SITE CONDOMINIUM.** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the Master Deed. A condominium unit is not a lot or a parcel as those terms are used in this Ordinance.
131. **SPECIAL USE.** The term applies to a use which may be permitted by the issuance of a special use permit by the village planning commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of such permit.
132. **STATE LICENSED RESIDENTIAL FACILITY.** A state licensed residential facility is a private residence licensed by the state to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a state licensed residential facility: A nursing home, home for the aged, or hospital as defined by Act

VILLAGE OF ST. CHARLES ZONING ORDINANCE

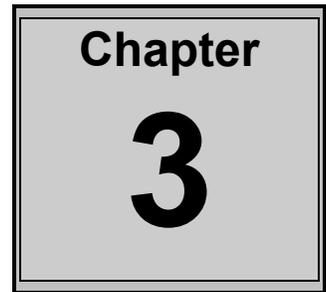
368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; or an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, or a residential facility licensed by the state to care for four (4) or fewer minors.

133. **STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story containing independent apartments or living quarters shall be counted as a full story.
134. **STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.
135. **STREET, FUNCTIONAL CLASSIFICATION.** Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three (3) basic groups include: (1) Arterials primarily for mobility, (2) collectors for both mobility and land access, and (3) locals primarily for land access.
 - a. **PRINCIPAL ARTERIAL.** Serves the major center of activity of the region, the highest traffic volume corridors, and the longest trip desire.
 - b. **MINOR ARTERIAL.** Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
 - c. **COLLECTOR.** Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 - d. **LOCAL.** Serves as direct land access and access to higher systems.
136. **STREET LINE.** The legal line of demarcation between a street right-of-way line and land for service, benefit or enjoyment.
137. **SUBDIVISION.** The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease offer, or development (immediate or future).
138. **TAVERN.** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
139. **TEMPORARY OUTDOOR USE.** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

140. **USE.** The employment or occupation of a building structure or land for service, benefit or enjoyment.
141. **VARIANCE.** A modification of the literal provisions of this chapter, granted by the board of appeals on zoning, when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted.
142. **VETERINARIAN.** One qualified and authorized to treat diseases and injuries of animals.
143. **VISUAL SCREEN.** A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.
144. **WHOLESALE BUSINESS.** A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.
145. **YARD.** An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
146. **YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.
147. **YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.
148. **YARD, SIDE.** A yard between the nearest point of the main building and any side line.
149. **ZONING DISTRICT.** Zoning districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this chapter are the same. Zoning districts are identified by Section 301. Their purposes are outlined in the purposes table, and permitted activities in each zoning district are identified by the uses table. These tables are found in Chapter 3.

Cross references: Definitions and rules of construction generally, § 1-2.
Secs. 26-28--26-35. Reserved.



District Regulations

SECTION 301. DIVISION OF THE VILLAGE.

For the purposes of this chapter, all land within the village, excepting streets and alleys, is divided into the following zoning districts. Generally speaking, the following zoning classifications, for uses permitted by right, are listed in order of most restrictive to least restrictive.

- R-1A Residential: One-family open
- R-1 Residential: One-family
- R-2 Residential: Medium-density
- R-3 Residential: Multiple-family
- B-1 Commercial: Neighborhood
- B-2 Commercial: Intensive
- M Industrial: Light

SECTION 302. OFFICIAL ZONING MAP.

The boundaries of zoning districts are defined and established as shown on a map entitled "Village of St. Charles Zoning Map" which accompanies this chapter. This map, with all explanatory matter thereon, is hereby made a part of this chapter. [See at the end of this chapter.]

SECTION 303. INTERPRETATION OF BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of such roadways.
2. Boundaries indicated as approximately following village boundary lines or property lines shall be presumed to follow such lines.
3. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

SECTION 304. SCOPE OF REGULATIONS.

1. No building or structure or part thereof shall be hereafter erected, moved, constructed or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this chapter, including the regulations for the zoning district in which it is located.
2. The regulations applying to zoning districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.
3. The zoning board of appeals shall have the power to classify a use which is not specifically mentioned by this chapter. Such use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the district regulations of any zoning district.

SECTION 305. DISTRICT REGULATIONS TABLES.

Regulations for all zoning districts are contained together in the following three (3) tables. Each table specifies a set of information for all zoning districts. These tables do not include general requirements of this chapter. Thus, the reader is urged to become familiar with all ordinance provisions before making any decision regarding use of a parcel or structure in the village.

1. **Purposes Table.** This table appears at the end of this chapter. It sets forth the intent and purpose of each of the zoning districts. These brief statements form the objectives to be accomplished by regulations for each of the zoning districts.
2. **Uses Table.** This table appears at the end of this chapter. Each page describes permitted activities for one or more related zoning districts which are identified in the left-hand column of each page. Each zoning district may be host to several types of activity, but only the activities specified for a given zoning district will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this chapter. Uses permitted by special permit are subject to the process described by Chapter 6, special use permits.
3. **Dimensions Table.** This table appears at the end of this chapter. The table specifies parcel dimensions and setback requirements for parcels in each zoning district.

Secs. 26-41--26-50. Reserved.

PURPOSES OF ZONING DISTRICTS

TABLE INSET:

Zoning district	Stated intent and purpose
R-1A Residential: One-family open	This district is intended for more open rural areas which still have potential for urban development. The purpose of this zone is to permit a gradual transition from rural uses to more intensive uses, primarily residential.
R-1 Residential: One-family	This district is intended primarily for single-family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings located on individual lots.
R-2 Residential: Medium-density	The intent and purpose of this district is to provide a variety of housing style, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of somewhat higher density than in the R-1 district, but with equivalent quality.
R-3 Residential: Multiple-family	The R-3 district is intended primarily for multiple-family residential uses together with institutional and other compatible uses under specified conditions.
B-1 Commercial: Neighborhood	It is the intent and purpose of this district to provide neighborhood shopping areas to meet the day-to-day convenience shopping, service and professional needs of village residents.
B-2 Commercial: Intensive	It is the intent and purpose of this district to promote development of businesses which primarily serve the needs of residents and other businesses in a regional market.
M Industrial: Light	This district is intended for light industrial uses with few nuisance characteristics, but also permits nonretail commercial and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging and treatment of products from previously prepared materials. The purpose of this district is to promote industrial areas which are protected from incompatible uses.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS

TABLE INSET:

Zoning district	Type of activity Only activities specifically listed for each zoning district will be permitted therein									
	Agriculture and open space		Residence		Business		Industry		Other uses	
	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)
R-1A One-family open residential	Outdoor plant nurseries not selling at retail on the premises; field crops; horticulture; orchards; vineyards; accessory structures for permitted uses; greenhouses not selling at retail on the premises	Horses when located on parcels greater than five (5) acres	One-family homes; home occupation; accessory structures and uses; state licensed residential facilities	Planned unit development (O)	Home occupations	Roadside stands for selling only produce grown on the premises (A); golf courses (E); driving ranges (D); veterinary hospitals or clinics (B); kennels (B)	None	None	Cemeteries, public buildings; public service installations; schools; outdoor court or field sports	Utility service yards (A); nature preserves (A); churches (B); campgrounds (M); utility substations (A); hospitals or clinics (A); miniature golf (A)
R-1 Residential: One-family	Horticulture; orchards; vineyards	Nonresidential structures accessory to permitted uses (A)	One-family homes and/or accessory structures	None	Home occupations	Golf courses (E); driving ranges (D)	None	None	Group care facilities housing no more than six (6) persons; cemeteries; public service installations	Outdoor court or field sports (I); churches, parks or schools (B); water tower or utility substation located over two hundred (200) feet from any dwelling (A); hospitals (A)
R-2 Residential: Medium density	None	None	One-family or two-family homes and/or accessory structures	Conversion of one- or two-family homes to structures with up to four (4) units (A)	Home occupations; day nurseries	Golf courses (E); driving ranges (D)	None	None	Uses by right as identified for R-1; libraries; museums or galleries; public service installations	Uses by special permit as identified for R-1; private clubs (A); public or private meeting halls (B); nursing homes (A); offices (A); other public buildings (B)
R-3 Residential: Multiple-family	None	None	Uses by right as identified for	Uses by special permit as	Uses by right as identified for R-2	Uses by special	None	None	Uses by right as identified for R-1	Uses by special permit as identified for R-1

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Zoning district	Type of activity Only activities specifically listed for each zoning district will be permitted therein									
	Agriculture and open space		Residence		Business		Industry		Other uses	
	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)
			R-2; multifamily dwellings	identified for R-2; recreational vehicle parks (M); mobile home parks (K)		permit as identified for R-2			and R-2	and R-2
B-1 Commercial: Neighborhood	None	None	Uses by right as identified for R-3*	Multifamily/apartment dwellings (A)	Nonfood retail, personal service, or office under five thousand (5,000) square feet; financial institutions; funeral home	Restaurants - not including drive-ins (A); food stores under five thousand (5,000) feet (A); veterinary hospitals or clinics (A); commercial schools (A); outdoor storage	None	None	Churches; parks; museums or galleries; libraries; hospitals; nursing homes; government offices; police or fire service facilities; public service installations	Public or private meeting halls (B)
B-2 Commercial: Intensive	None	None	Uses by right as identified for B-1*	Multifamily apartment dwellings (A)	Uses by right or special permit as identified for B-1 without size limit; shopping centers; hotels/motels; bingo halls; skating rinks; bowling alleys; arcades; theaters; gas stations; vehicle sales and service; building supply yards; wholesale businesses except fuel dealers; truck stops; business services; retail nursery or greenhouse	Drive-in restaurants (A); bars or night clubs (B); drive-in theaters (I); bus terminals (A); farm equipment sales and service (A); warehouses (A); grain and seed elevators (D); food suppliers (A); industrial, commercial or construction	None	Printing and publishing (A); tool and die shops or machine shops under five thousand (5,000) square feet; all activities must be completely enclosed in a building (A)	Libraries; museums or galleries; public or private meeting halls; private clubs; government offices; police or fire service facilities; public service installations	Arenas or stadiums located over one thousand (1,000) feet from any dwelling (I); miniature golf (A)

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Zoning district	Type of activity Only activities specifically listed for each zoning district will be permitted therein									
	Agriculture and open space		Residence		Business		Industry		Other uses	
	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)	Uses by right	By special permit (category)
						equipment sales and service (B); truck terminals (D); adults-only business (A); outdoor storage				
M-1 Industrial: Light manufacturing	Forestry; sod farming; field crops; horticulture; truck farming; orchards; vineyards	None	None	None	Grain and seed elevators; industrial, commercial or construction equipment sales and service; truck terminals; building supply yards; wholesale businesses except fuel dealers	Rail freight yards (E); fuel dealers (D); oil and gas wells and/or pipelines (A); kennels (B)	Industrial activities not involving any outdoor storage of raw materials, finished products, work in process, waste or scrap, fuel or containers; soil resource extraction	Contractors' yards (A); outdoor storage of materials that are not buoyant, flammable, explosive, subject to dispersal by wind, contaminants, or injurious to humans, plants or animals (A); industrial activities that involve storage of raw materials, finished products, work in process, fuel or containers (D); junk yards (F)	Water treatment and storage facilities; wastewater treatment and disposal facilities; public service installations; police, fire or other public service facilities	Roadway or utility service yards (A)

* Residential development must conform to the dimensional requirements as specified for the R-2 district.

DIMENSIONS (ACCESSORY BUILDING RULES IN PARENTHESES)

TABLE INSET:

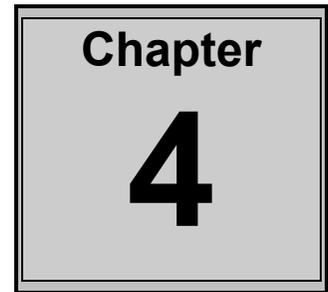
Zoning district	Parcel dimensions		Front yard	Back yard	Side yard		Corner lot yards		Min. sq. ft. tot./grd. floor	Maximum height	Maximum stories	Coverage
	Minimum area	Minimum width	Minimum depth	Minimum depth	Minimum total	Minimum 1 side	Side str. yard min.	Remaining sides min.				Maximum percentage
R-1A One-family open residential	12,000'	100'	30' (30')	40' (5')	20' (12')	10' (6')	(30')	(6')	1,000'	25' (25')	2.0 (1.0)	20%
R-1 Residential	9,000'	100'	25' (25')	30' (5')	25' (12')	10' (6')	(30')	(6')	1,000'	25' (25')	2.0 (1.0)	30%
R-2 Residential one-family two-family or multiple-family	6,000' 9,000'	60' 75'	20' 20'	30' 30' (5')	25' 25' (12')	10' 10' (6')	(30')	(6')	900' 750'	35' 35' 35 (25')	2.5 2.5 (1.0)	30% 35%
R-3 Residential one-family two-family multiple-family	9,000' 11,050' 4,000**	75' 85' 150'	30' 30' 30'	30' 30' 30'	25' 25' 25'	12*** 12' 12' (6')	25' 25' 25'	12' 12' 12' (6')	900' 750' 350' - EFF 550' - 1 br 750' - 2 br 950' - 3 br	40' 40' 40'	3.0*** 3.0 3.0	30% 35% 35%
B-1 Commercial neighborhood	None	None	20' (20')	None (5')	None (12')	(6')	(15')	(6')	None	35' (25')	(1.0)	35%
B-2 Commercial intensive	None	None	20' (40')	None (5')	None (12')	None (6')	(15')	(6')	None	35' (25')	(1.0)	None
M-1 Industrial light	None	None	20'	10% of lot width and depth respectively but need not be > 40'. See Chapter 4, Section 406						35' 35#	3.5 2.5#	35%

* Minimum lot size of 4,000' for the first dwelling unit, plus 2,250' for each additional dwelling unit. For boarding or rooming houses 6,000' for the first living unit, plus 1,200' for each additional group of four occupant accommodations or major fraction thereof.

** Minimum of 20' between adjacent dwelling structures. At least 40% of total of both side yards to be on smaller side yard.

*** Maximum of two stories within 150' of an R-1 or R-2 district.

M-1 height restrictions when abutting residential property.



General Requirements

SECTION 401. NONCONFORMITIES.

1. **Intent.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this chapter. However, it is hereby declared that nonconformance with the provisions of this chapter is contrary to the best interests of the citizens of the village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired or reconstructed only as prescribed by this section.
2. **Historic Properties.** Any nonconforming property in the village which is listed on the state or National Register of Historic Places is specifically excluded from any requirement of this section which would damage the historic character of the property. When any such property is the subject to any administrative decision, the input of the state's historic preservation officer shall be requested in writing not less than thirty (30) days before any regulatory action may take effect.
3. **Legality Of Nonconformities.** Illegal nonconformities are presumed to have existed before the adoption of zoning regulations in the village, or to have been developed in conflict with zoning regulations through oversight or error. Nonconforming properties or uses will be considered to be legal nonconformities if they meet each applicable criterion, listed as "(1)" through "(4)," below. Note that temporary signs are not considered to be legal nonconforming structures.
 - a. The nonconformity existed before the effective date of this chapter.
 - b. The use, parcel, building or structure in question meets one of the following standards.
 - 1) It complied with the district regulations of any previous zoning ordinance.
 - 2) The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
 - 3) It was previously recognized as a "legal nonconforming use."
 - 4) (Applies to nonconforming setback or lot size only.) The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 5) (Nonconforming parcels only.) Area, width and depth of parcel and the number of off-street parking spaces provided, are at least ninety (90) percent of minimum requirements for its zoning district.
 - c. (Applies to nonconforming uses only.) the use has not been discontinued for any six-month period.
 - d. (Applies to nonconforming buildings or structures only.) The building or structure does not extend into a public right-of-way, or over a neighboring property line.
4. **Inventory Of Nonconformities.** The village zoning administrator is hereby required to establish and maintain an inventory of legal nonconformities known to exist in the village. Listed properties shall be arranged in the order of the village assessor's parcel identification numbers. All listed properties shall also be identified on a large scale map of the village which shall be available for public inspection. Properties shall be added to or deleted from the inventory as circumstances change or as village officials become aware of previously unlisted situations. Each listing in the inventory of nonconformities shall include the following information:
- a. Parcel identification number.
 - b. Property address (if one is assigned).
 - c. Current owner(s).
 - d. Property description.
 - e. Parcel dimensions.
 - f. Current zoning district.
 - g. Current use of property.
 - h. Description of all nonconformities.
5. **Reductions Of The Degree Of Nonconformance.** A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
6. **Prior Construction Approval.** Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this chapter, provided that all terms of the permit are fully complied with.
7. **District Changes.** Whenever changes occur in the boundaries of zoning districts, the provisions of this section shall apply to any uses or properties that become nonconforming as a result of the boundary changes.
8. **Elimination Of Nonconformities.** It should be recognized that state laws permit the village council to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the village. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.
9. **Reconstruction And Restoration.** Any lawful nonconforming use that is damaged may be restored, rebuilt or repaired provided that such restoration does not exceed fifty (50) percent

of its appraised value, as determined by the assessing officer exclusive of foundations. Provided, also, that such use be the same or more nearly conforming with the provisions of the district in which it is located.

10. **Repair.** Nothing in this chapter shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
11. **Changing Uses.** If no structural alterations are made, the board of appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
12. **Regulation of Nonconformities.**
 - a. **Table.** The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by village officials.
 - b. **Interpretation.** Should any question arise concerning the interpretation of any provision of the regulation of nonconformities table, or if a situation is encountered which was not anticipated by the table, the question shall be submitted to the zoning board of appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

REGULATION OF NONCONFORMITIES

Determine situation (columns), and type of nonconformity (rows).
The point where they meet lists action to take.

TABLE INSET:

Type	If discontinued for 6 months	If damaged more than S.E.V.	If damaged less than S.E.V.	Change in use (including new buildings)	Expansion of nonconforming use or building	Remodeling, maintenance, code work
Legal nonconforming parcel	Not applicable	Not applicable	Not applicable	Change or construction permitted	Not applicable	Property must be kept in safe condition
Legal nonconforming use of land	May not be resumed	Not applicable	Not applicable	Permitted, but must reduce degree of nonconformance	Requires a variance. All requirements of section 26-118 must be met	Property must be kept in safe condition
Legal nonconforming use of building or structure	May not be resumed	May rebuild if plans meet all other district regulations	May repair to pre-damage status	Permitted, but must reduce degree of nonconformance	Requires a variance. All requirements of section 26-118 must be met.	Permitted so long as use is not expanded
Legal nonconforming dimensions or setback of building or structure	Not applicable	May rebuild, but must reduce degree of nonconformance	May repair to pre-damage status	Change or construction permitted	Permitted, but may not create any greater degree of nonconformance	Permitted, but may not create any greater degree of nonconformance
Illegal nonconforming parcel	Not applicable	Not applicable	Not applicable	Needs variance. All other district regulations apply	Not applicable	Property must be kept in safe condition
Illegal nonconforming use of land	May not be resumed	Not applicable	Not applicable	Must adhere to all district regulations	Not permitted	Property must be kept in safe condition
Illegal nonconforming use of building or structure	May not be resumed	Use must stop and may not be resumed	Repairs allowed if use is not expanded	Must adhere to all district regulations	Not permitted	Permitted so long as use is not expanded
Illegal nonconforming dimensions or setback of building	Not applicable	Building must be rebuilt to fully comply with applicable district regulations	May repair, but must remove any part of building in a right-of-way, over a lot line, or exceeding zoning district coverage limit	New use and new building must adhere to all district regulations	Building must be changed to fully comply with all dimension regulations	Permitted, but may not create any greater degree of nonconformance
Illegal nonconforming dimensions or setback of structure	Not applicable	Structure must be removed	Structure must be rebuilt to comply with all district regulations (may need to be removed)	Structure must be rebuilt to comply with all district regulations (May need to be removed)	Structure must be rebuilt to comply with all district regulations (May need to be removed)	Permitted, but may not create any greater degree of nonconformance

SECTION 402. SUPPLEMENTARY USE REGULATIONS.

1. **Building Permits Required.** Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.
2. **Prior Building Permits.** Any building permit issued prior to the effective date of this chapter [November 8, 1995] shall be valid, even though not conforming to the provisions of this chapter, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one year of the date of issuance.
3. **Occupancy Permit.** Upon completion of a structure and before moving into a building in any district, an occupancy permit, available from the zoning administrator, is required.
4. **Required Water Supply And Sanitary Sewerage Facilities.** No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. All such installations and facilities shall conform with all requirements of the county health department and applicable state agencies.
 - a. All new structures or uses shall be required to hook up with the public system before they may be occupied.
 - b. When public sewer becomes available to a parcel, connection to the public sewer system shall be made within ninety (90) days.
5. **Accessory Uses.** Nothing in this chapter shall be construed to prohibit the following accessory uses.
 - a. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
 - b. Buildings or structures necessary for provision of essential services.
 - c. Gardens, garden ornaments and usual landscape features within required yard space.
 - d. Fences within required yard space, provided they meet the standards cited in subsection (g), below.
 - e. Retaining walls.
 - f. Public playgrounds.
 - g. Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one ton rated capacity.
 - h. Accessory occupations, by special use permit.
 - i. Home occupations.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- j. Use of premises as a voting place.
 - k. The renting of rooms to not more than two (2) nontransient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
6. **Inoperative Or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, in any zoning district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided such storage does not exceed forty-eight (48) hours. Note that the storage period may be extended with written permission of the zoning enforcement officer.
7. **Fences, Walls And Screens.** No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3) feet in any front yard, and must be chain link or constructed in such a way that they can be seen through for the length of the fence in any R-1A, R-1, R-2 or R-3 zoning district. Fences, other than those in front yards, shall not exceed six (6) feet in height in any R-1A, R-1, R-2 or R-3 zoning district. If a fence is within two (2) feet of the property line, the good side must face out.
8. **Storage Of Garbage.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two (2) weeks, or so as to cause hardship, health hazard or annoyance to adjoining properties.
9. **Parking Of Licensed Recreational Equipment.** Parking of recreational equipment including travel trailers, campers, snowmobiles, boats and similar items in any R-1, R-2 or R-3 zoning district must conform to required setbacks for accessory structures and to overall limitations for lot coverage.
10. **Heavy Trucks.** Overnight parking of commercial vehicles in excess of one ton-rated capacity, including all semi-truck tractors and trailers, is prohibited within any R-1, R-2 or R-3 zoning district.
11. **Agricultural Equipment.** Agricultural equipment, motorized or nonmotorized, must be housed in a garage, in an R-1, R-2 or R-3 zoning district.
12. **Chickens.** Chickens (*Gallus gallus*) or any type of domesticated bird raised as a type of poultry are prohibited in all zoning districts.

SECTION 403. SUPPLEMENTARY DWELLING REGULATIONS.

1. **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards," then the state or local standard shall apply.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

2. **Mobile Home Installation.** In the event that a dwelling is a mobile home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Village Building Code and the rules and regulations of the state mobile home commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.
3. **One Single-Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members.
4. **Structures To Be Of Uniform Quality.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
5. **Aesthetically Compatible.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than six (6) inches on all sides and contain steps connected to such exterior door areas where a difference of elevation requires the same. The compatibility of design and appearance shall be determined initially by the village zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to an appeals board. Any determination of compatibility shall be based on the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings, located outside of mobile home parks, and within two thousand (2,000) feet of the subject dwelling where such area has not less than twenty (20) percent of lots developed; or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard home design.
6. **Maintenance.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
7. **Use Of Mobile Home For Temporary Dwelling.** A temporary dwelling may be authorized to house family members as provided in subsection (c) above, to house the owner and immediate family during construction of a single-family home, and to house the owner and immediate family during the repair of a single-family home that has been damaged to the degree that it cannot be occupied. Any mobile home intended for temporary use as a dwelling must meet the standards of this chapter and the Village Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling for any length of time unless authorized by the planning commission by the issuance of a temporary permit as provided for by section 26-52 of this chapter. Temporary dwelling structures may not be occupied by more than one family.
8. **Storage Area.** Every dwelling unit must contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas or a separate structure which meets all requirements of the Village Building Code.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

9. **Foundation.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Village Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
10. **Dimensions.** All single-family dwellings must have a minimum width across any front, side or rear elevation of twenty (20) feet and comply in all respects with the Village Building Code, including minimum heights for habitable rooms.
11. **Roof.** All one- or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6) inches beyond the walls.
12. **Exterior Doors.** Every single-family dwelling must have exterior doors on not less than two (2) sides with steps and porches connected to such doors where required due to a difference in elevation.
13. **Garage/Yard Sales.** Sales of used materials from a single-family dwelling's side yard, rear yard or garage may occur twice a year for a period not to exceed three (3) days for each occurrence.
14. **Auto Repair.** Repair of vehicles not owned by a resident of the parcel on which such activity is occurring is expressly prohibited in any R-1, R-2 or R-3 zoning district.
15. **Garages In Residential Zoning Districts.** Garages for any dwelling unit in any R-1A, R-1, R-2 or R-3 zoning district may provide storage for no more than the number of vehicles noted below.
 - a. **Single-Family Dwellings.** Three (3) vehicles, including not more than one commercial vehicle with a load capacity of no more than one ton.
 - b. **All Other Dwellings.** Two (2) vehicles, including not more than one commercial vehicle with a load capacity of no more than one ton.
16. **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any zoning district is to be used as a dwelling.

SECTION 404. SUPPLEMENTARY PARCEL REGULATIONS.

1. **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line for the required width. "Flag lots" are not permitted.
2. **Access To A Street.** Any parcel created after the effective date of this chapter [November 8, 1995] shall have hard surfaced access to a public street.

3. **Space Used Once.** Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
4. **Additional Front Setback.** Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the appropriate public authority, an additional front yard setback from such street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one-half (1/2) of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this chapter.
5. **Zoning District Boundary Exceptions.** The degree of restrictiveness for the zoning districts proceeds from greatest to least in the following sequence: R-1A, R-1, R-2, R-3, B-1, B-2 and M.

When a zoning district boundary line divides a parcel, any use permitted as a use by right in the less restrictive portion of the parcel may be extended to the entire parcel if both of the following conditions are met:

- a. One-half (1/2) or more of the area of such parcel shall be in the less restrictive zoning district.
- b. Any part of a less restricted use extending into the more restrictive zoning district shall be confined entirely within an enclosed building which conforms to the applicable yard and area requirements of the more restrictive zoning district.

SECTION 405. SUPPLEMENTARY STRUCTURE REGULATIONS.

1. **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the dimensions table of the district regulations chapter, must be adhered to, as well as any requirements listed herein.
 - a. Open porches, paved terraces and patios, provided the following restrictions apply. Note: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
 - 1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - 2) If roofed, a porch is unenclosed, and the roof is no higher than one story.
 - 3) If unroofed, paved areas or porches may have noncontinuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area or porch.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- b. Structural elements such as cornices, sills, chimneys, gutters and similar features projecting a maximum of two and one-half (2 1/2) feet.
 - c. Fire escapes, outside stairways and balconies, if of open construction, projecting a maximum of five (5) feet.
 - d. Signs, subject to provisions of Chapter 5.
2. **Permitted Height Exceptions.** The following exceptions shall be permitted to height limitations in the dimensions table of the district regulations chapter. These permitted exceptions shall not be for human occupancy or dwelling. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.
- a. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any commercial zoning district and sixty (60) feet in any industrial zoning district.
 - b. Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas or microwave relay towers shall be permitted to a maximum height of one hundred seventy-five (175) feet in R-1A and M zoning districts.
 - c. Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150) feet in any zoning district.
 - d. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any residential zoning district. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
 - e. Flagpoles in any B or M zoning district are permitted to a maximum height of sixty (60) feet.

SECTION 406. SUPPLEMENTARY OFF-STREET PARKING REGULATIONS.

1. **Intent.** This section is intended to balance the need to avoid clogging of streets by parked cars with the need to avoid wasteful use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
2. **Table Of Off-Street Parking Requirements.**
 - a. **Calculations.** The included table of off-street parking requirements is used to compute the required number of off-street parking spaces for a parcel. Add the requirements for each activity existing on, or proposed for, the parcel.

TABLE OF OFF-STREET PARKING REQUIREMENTS (see Section 406 also)

Total parking required is the sum of spaces for all land uses proposed on the site, plus employee parking, as defined below.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

TABLE INSET:

Land use	Parking spaces	Per activity unit The following uses may have gravel surface parking:
One- and two-family homes	2	Dwelling unit
Campground/RV park	1	Campsite
Animal boarding	1	Five (5) animals boarded
Riding stable	1	Two (2) horses housed on site
Roadside produce stand	5	Stand
Grain elevator	4	Business
Cemetery	2	Acre
Game area, nature preserve	1	Ten (10) acres
Picnic area	1	Picnic table
Tennis	2	Court
Team sports	12	Court or field
Park, golf course	1	Two (2) acres
Driving range	1	Tee
Gun club	4	Range, skeet or trap house
General aviation	1	Three (3) tie downs, one hangar space
<hr/>		
The following uses must have paved parking:		
Mobile home park, apartments	2	Dwelling unit
Senior citizen housing	1	Three (3) dwelling units
Day nursery	1	Four (4) children, per license
Doctor, dentist, veterinarian	2	Exam or treatment room
Retail, office, service, financial	1	One hundred fifty (150) square feet of public area
Vehicle sales	1	Five hundred (500) square feet of public area
Vehicle service/wash, gas station	3	Wash, stall or fuel pump
Truck stop	5*	Fuel pump (12' x 70'/truck)
Barber shop or beauty salon	2	Chair
Bar or restaurant (not drive-in)	1	Two (2) seats
Drive-in restaurant	1	Twenty (20) square feet gross floor area
Hotel or motel, bed and breakfast	1	Guest room
Meeting or bingo hall, skating rink, community center, gymnasium	1	Four (4) persons allowed in building based on Fire Code rules
Bowling alley	4	Lane
Wholesale, industrial	1	Two thousand (2,000) square feet gross floor area
Church, theater, arena, stadium, auditorium	1	Three (3) seats or six (6) feet of bench or pew seating
Grade school	1	Ten (10) all-day students #

VILLAGE OF ST. CHARLES ZONING ORDINANCE

High school (Excluding stadium, aud.)	1	Five (5) students #
College, technical school	1	Three (3) full-time students #
Hospital, visitor parking	1	Three (3) beds
Hospital, doctors parking	1	Two (2) medical staff members
Nursing home	1	Six (6) beds
Library, museum, gallery, post office	1	Six hundred (600) square feet gross floor area
Private club	1	Two (2) member families
Any employment site**	1	Employee on peak shift

* Spaces must be sized as noted.

** Employee parking surface type shall be same as for the main use.

Per building design capacity.

- b. **Mixed Uses.** In the case of mixed uses, each of which occupies at least twenty (20) percent of the floor area of a building, the total off-street parking requirements for the building shall be reduced to ninety (90) percent of the sum of parking spaces required for the individual uses computed separately.
 - c. **Joint Provision Of Off-Street Parking.** Where two (2) or more abutting parcels in any commercial zoning district provide paved vehicular access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten (10) percent in addition to reductions allowed by other provisions of this section.
 - d. **Reductions For Further Public Benefits.** In any commercial or industrial zoning district, uses on parcels fronting on county primary roads or state highways, and meeting any three (3) of the following conditions, may reduce the number of parking spaces required by ten (10) percent in addition to reductions allowed by other provisions of this section.
 - 1) The parcel has no driveway openings onto the major road.
 - 2) No freestanding signs are located in the required front yard setback area for the building.
 - 3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
 - 4) A portion of the parcel equivalent to at least thirty-five (35) percent of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped, except for landscape plantings.
 - 5) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier-free nonmotorized travel.
3. **Additions.** Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- a. **Uses Not Listed.** Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the zoning administrator.
- b. **Exclusive Use For Parking.** It shall be unlawful to use any off-street parking areas required by this chapter for any purpose other than the parking of licensed vehicles.

4. Site Development And Construction Requirements.

- a. **Handicapped Spaces.** Any off-street parking area larger than twenty-five (25) spaces must include one handicapped parking space, meeting the size requirements outlined below, for each one hundred (100) spaces in the parking area, or fraction thereof. Such spaces shall be located as close as possible to the principal barrier-free entrance to the building and clearly signed for use only by handicapped persons. Curb cuts, ramps or other necessary devices shall be provided to overcome all barriers to access between these parking spaces and the building entrance.
- b. **Drainage.** Stormwater collection, drainage and retention structures shall meet all requirements of the village.
- c. **Hard Surface.** Where the table of off-street parking requirements requires off-street parking areas to be hard-surfaced, they shall comply with either of the following.
 - 1) Six (6) inches of concrete; or
 - 2) Two (2) inches of asphalt surface laid over a six-inch base of compacted crushed stone.

5. Size of Spaces.

- a. **Standard.** Parking spaces constructed to meet the requirements of this chapter shall be nine (9) feet wide by twenty (20) feet long.
 - b. **Handicapped.** Spaces designated for use by handicapped persons shall be twelve (12) feet wide by twenty (20) feet long.
 - c. **Other.** Parking spaces for certain vehicles, such as large trucks or cars with boat trailers, must conform to dimensions as noted in the table of off-street parking requirements.
6. **Driveways And Aisles.** Adequate ingress and egress to the parking areas shall be provided by means of clearly marked and limited driveways and aisles. Driveways and aisles for any off-street parking area built to accommodate over twenty (20) vehicles shall comply with the following requirements:
- a. **Aisle Width.** Aisles in off-street parking areas shall be at least twenty (20) feet wide.
 - b. **Driveway Configuration.** Each driveway shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces,

equivalent to five (5) percent of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety-degree angle.

- c. **Driveway Spacing.** Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line or within fifty (50) feet of a street intersection.
 - d. **Deceleration Lane.** Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveways opening onto such thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.
7. **Lighting.** Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable zoning district and shall be so arranged that light is not directed at adjacent properties or public thoroughfares.
 8. **Setbacks.** Parking and loading areas shall conform to a twenty-foot front yard setback from any street and to side yard setback requirements for accessory buildings. Further, off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.
 9. **Screening For Residential Areas.** Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five (5) feet high and may include a berm.
 10. **Permit.** No parking lot shall be constructed unless and until a building permit therefore has been issued.

SECTION 407. SUPPLEMENTARY OFF-STREET LOADING REGULATIONS.

1. **Intent.** This section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading.
2. **Dimensions Of Loading Spaces.** Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, it must have at least fifteen (15) feet of vertical clearance. Where it is expected that semi-trucks will be making deliveries on a daily basis, or that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.
3. **Hard Surface.** Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.

4. **Location Of Loading Spaces.** Loading spaces must be located within or immediately adjacent to the building to be served and so arranged that queueing or maneuvering of trucks using the space does not take place on a public street.
5. **Spaces Required Per Parcel.** It is presumed that structures which will generate truck traffic will be provided with enough loading area to efficiently serve the building. However, to insure long range usefulness of structures, the following provisions are required.
 - a. **Multifamily Residential.** In buildings where the principal entrances to dwelling units are from a common hallway, one off-street loading space shall be provided for each one hundred (100) dwelling units. Such loading space shall have barrier free access to the ground level common hallway and to an elevator, if one is present.
 - b. **Retail.** Buildings used for retail sales or eating and drinking establishments shall include one off-street loading space for every thirty thousand (30,000) square feet of public area, or fraction thereof.
 - c. **Office.** Each office building taller than two (2) stories shall include one off-street loading space.
 - d. **Wholesale Or Warehouse.** Each building for such uses shall have at least one off-street loading space for every twenty-five thousand (25,000) square feet, or fraction thereof.
 - e. **Industrial.** Each industrial building shall have one off-street loading space for every twenty thousand (20,000) square feet or fraction thereof.
6. **Solid Waste Collection Facilities.** The following rules are intended to prevent unhealthy or unsightly conditions regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.
 - a. **Enclosure.** Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence or masonry wall at least as high as the container. The fourth side of such enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
 - b. **Paving.** Such enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.
 - c. **Siting.** Such enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Such enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

SECTION 408. SUPPLEMENTARY ENVIRONMENTAL REGULATIONS.

1. **Intent.** Several state laws impact the development of environmentally sensitive land and require permits for development in areas under their jurisdiction. Permit processes

VILLAGE OF ST. CHARLES ZONING ORDINANCE

associated with these laws supersede local land use regulations. Therefore, zoning administration must be coordinated with these laws. This section is intended to facilitate compliance with the Flood Plain Control Act of 1968, the Goemaere-Anderson Wetland Protection Act, the Inland Lakes and Streams Act, and the Soil Erosion and Sedimentation Control Act.

2. **Process.** One step in the review process for any zoning permit application (see section 26-117) is to determine whether any sensitive environmental areas will be impacted by the proposed project. The zoning administrator reviews the maps identified by the table of environmental regulations in subsection (c) below, to determine whether a proposed land use involves any of the sensitive areas listed by the table. If it does, an application must be filed with each agency identified by the table. Issuance of a zoning permit will be conditioned upon receipt of the applicable permit(s), unless the table indicates otherwise.

3. **Table Of Environmental Regulations.** This table identifies which actions, in which areas, are subject to special regulation under various state laws. It indicates which permit processes are to be followed, what maps are to be used to identify the areas of concern, and other pertinent information.

TABLE OF ENVIRONMENTAL REGULATIONS

TABLE INSET:

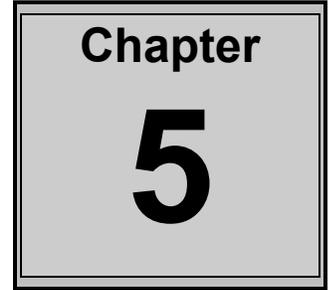
State Act	Actions covered	Areas covered	Map locating such areas	Permit process	Other
Floodplain Reg. Authority Act (245 of 1929) and (167 of 1968)	Any fill or construction	100-year floodplain	FEMA flood hazard boundary maps	DNR joint application	Additional requirements for construction. See section 26-58(e)
Goemaere-Anderson Wetland Protection Act (203 of 1979)	Any dredging, filling, drainage or construction	Wetlands over five (5) acres or contiguous to a lake or stream	National Wetlands Inventory or Michigan Resource Information System Maps	DNR joint application	See section 26-58(f)
Inland Lakes and Streams Act (346 of 1972)	Any dredging, filling or construction; erect, maintain or operate any marina	Bottomland or banks of any lake or stream. (DNR claims jurisdiction over county drains also)	County drain maps	DNR joint application	Zoning administrator may allow upland construction to proceed, but only if no other environmental law is applicable
	Create or alter any lake or stream	Any lake or stream, or within five hundred (500) feet			
Soil Erosion and Sedimentation Control Act (347 of 1972)	Any dredging, filling, grading or construction	Any lake or stream or within five hundred (500) feet	County drain maps	Soil erosion permit from the county soil conservation district	
	Construction which disturbs over one acre	Anywhere	Any local map		
Michigan Drain Code (Act 40 of 1956)	Any dredging, filling, grading or culvert installation	Within the banks of any county drain	County drain maps (open drains only)	County drain commission permit	Zoning administrator may allow construction outside drain easement to proceed, but only if no other environmental law is applicable
	Any construction activity	Within a drain easement	County drain maps		

4. **Maps And Permit Forms.** The zoning administrator shall maintain a set of maps indicating the geographic extent of areas covered by the various laws identified in the table of environmental regulations. These shall be available for public inspection. Permits must be obtained from the state department of natural resources or the soil erosion and sedimentation control enforcement officer before a zoning permit may be issued for activities in such areas. The zoning administrator shall maintain a supply of application forms for such permits and provide copies of them to interested persons.
5. **Provisions For Flood Hazard Areas.** Flood hazard areas are divided into areas known as the floodway and floodway fringe by the flood insurance study for the village. Elevations of the 100- and 500-year floods for various village locations are identified by this study, issued by the Federal Emergency Management Agency.
 - a. **Current Uses Continue.** Land uses in existence before the effective date of this chapter [November 8, 1995] may continue in floodway or floodway fringe areas.
 - b. **New Use Limitations In Floodway.** Structures proposed for location in floodways must first obtain a state permit. They shall not be designed for human occupancy and shall have no, or a very low, flood damage potential. Storage of material or equipment in floodway areas is allowed only if same is readily removable upon flood warning.
 - c. **Use Limitations In Floodway Fringe.** Structures proposed for location in the floodway fringe must first obtain a state permit.
 - 1) **Fill Or Storage.** Nonstructural uses shall not unduly restrict the capacity of tributaries, drainage ditches or other drainage facilities.
 - 2) **Structures To Be Elevated.** Structures located in the floodway fringe must be so constructed that the bottom of the lowest structural member supporting the lowest floor of the structure, or of any mechanical or electrical equipment (including duct insulation that may be subject to water damage), must be located above the base flood elevation. The actual elevation of such structural items shall be certified by an architect or engineer licensed to practice in the state, and a record of this certification shall be maintained by the village and filed with the building permit which authorized the structure.
 - 3) **Structures Parallel To Flood Flow.** Permitted structures shall be erected so as to offer their longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow line as adjoining structures.
 - 4) **Embankments For Homes.** Residential buildings must be placed on fill embankments which extend at or above the 100-year flood elevation for at least fifteen (15) feet on all sides of the building.
 - 5) **Floodproofing For Certain Structures.** If there are compelling reasons why a nonresidential structure can not be built to comply with the preceding paragraphs, it still may be permitted if a civil engineer licensed to practice in Michigan certifies that it will be "flood proof." That is, it must be of watertight construction and capable of resisting hydrostatic and hydrodynamic pressures that would be exerted by floodwaters of a 500-year flood at such location.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 6) **Provisions For Wetlands.** During the review of any zoning permit application, if the zoning administrator determines that the proposed activity will impact regulated wetlands, he or she will provide the applicant with a copy of the DNR joint permit application form and assist with filling it in. The state department of natural resources personnel will determine whether the department actually has jurisdiction over the area in question. Further review of the zoning permit application may proceed, with any approvals conditioned upon receipt of a wetlands permit or waiver of DNR jurisdiction.

Secs. 26-59--26-70. Reserved.



Sign Regulations

SECTION 501. SIGN REGULATIONS BY ZONING DISTRICT.

1. **General.** The following table presents regulations for permanent signs in each zoning district identified by this chapter. Signs which conform to these regulations are a use by right, but each such sign also requires a building permit. Only signs as described herein and as may be described under temporary signs, Section 502 and exemptions, Section 503 will be permitted in each zoning district.
2. **Omissions.** If a new zoning district is created after the enactment of this chapter, no new signs shall be permitted therein until this chapter shall be amended to include such district.
3. **Joint Identity Sign For Commercial Or Industrial Area.** In any commercial or industrial zoning district, a joint sign identifying a commercial or industrial area and/or its occupants may be allowed by special use permit. This sign may be in addition to the maximum number and total area of signs for the parcel, but must comply with the applicable limits for sign size, height and setbacks.
4. **Table Of Regulations.** Please see table at the end of this chapter.

SECTION 502. TEMPORARY SIGNS.

The following temporary signs are allowed anywhere within the village. No permit is required for the display of those temporary signs described in subsections (1) through (5) below. However, signs described in subsections (1) through (3), and (5), shall be confined within private property and shall comply with setback provisions for the zoning district in which they are located.

1. **Construction Signs.** Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 2. **Real Estate Signs.** Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed no more than seven (7) days after the sale, rental or lease.
- 3. **Political Campaign Signs.** Signs announcing candidates for public political office and other data pertinent to an upcoming election, up to an area of thirty-two (32) square feet for each parcel. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
- 4. **Street Banners.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the state department of transportation or the village council. These signs may be displayed during the event being advertised and for no more than fourteen (14) days before and four (4) days after it.
- 5. **Special Purpose Signs.** Any other temporary signs, subject to the restrictions outlined in the following table of special purpose sign regulations and subject to the location restrictions for permanent signs in the applicable zoning district. Each such sign shall require a permit if it is to be posted more than forty-eight (48) hours.

a. **Table Of Special Purpose Signs Regulations.**

TABLE INSET:

Zoning district	Maximum size	Duration of permit	Permits per parcel
Residential (nonprofit organization)	32 sq. ft.	14 days	2 per year
Residential (all other)	32 sq. ft.	2 days	2 per year
Commercial	32 sq. ft.*	30 days	2 per year
Industrial	32 sq. ft.*	30 days	1 per year

* Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as defined by the table of permanent sign regulations.

- b. **Off Premise.** No off premise special purpose signs are allowed.
- c. **Illumination.** Illumination of special purpose signs is permitted, but only in accordance with Section 506 of this chapter.

SECTION 503. EXEMPTIONS.

The following types of signs are exempted from other provisions of this chapter, but must meet the requirements specified below.

- 1. **Public Signs.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 2. **Institutional Bulletin Board.** These signs, defined in Chapter 2, may be located on parcels occupied by nonprofit organizations. They may be up to twenty-four (24) square feet in area and may be illuminated in accordance with Section 506.
- 3. **Private Traffic Direction.** Signs directing traffic movement or giving instructions, located within a parcel, placed in compliance with Section 505, and not directed at traffic on abutting roadways. They may be illuminated in accordance with Section 506.
- 4. **Entrance/Exit.** Signs directing traffic movement to or from a parcel, placed in compliance with Section 505, and not exceeding three (3) square feet. Such signs may be illuminated in accordance with Section 506.
- 5. **Temporary Land Development Project Signs.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel. Such signs are allowed for a period of one year upon issuance of a permit. Such permit may be extended for one additional year. Total number and size of signs allowed shall be controlled according to the following schedule:

TABLE INSET:

Land size	Total no. of signs	Max. area per sign
Less than one acre	1	50 sq. ft.
Over 1 but less than 4 acres	1	100 sq. ft.
Over 4 but less than 20 acres	2	150 sq. ft.
Over 20 acres	3	150 sq. ft.

Such project signs shall comply with height and placement regulations for the zoning district in which they are located, except that in residential districts the maximum height of such signs is twelve (12) feet.

- 6. **Property Rental Signs.** Signs on the premises announcing rooms, apartment or house for rent, not to exceed four (4) square feet.

SECTION 504. NONCONFORMING SIGNS.

Signs not conforming to the provisions of this chapter shall be considered to be nonconforming structures and regulated as described in Section 401. Note that temporary signs are not considered to be legal nonconforming structures.

SECTION 505. PROHIBITED SIGNS.

Signs which violate any of the standards listed below are prohibited in the village. Sign permits may not be issued for such signs, and the zoning enforcement officer shall have authority to order removal of such signs as described in Section 509. Determination of a

VILLAGE OF ST. CHARLES ZONING ORDINANCE

sign's compliance with these standards shall be made by the zoning enforcement officer. Any party feeling aggrieved by the enforcement officer's decision may appeal to the zoning board of appeals.

1. Signs may not contain statements, words or pictures of an obscene, indecent or immoral character, such as would offend public morals or decency.
2. Signs may not contain, or be an imitation of, an official traffic sign or signal, nor shall they contain the words: "stop," "go slow," "caution," "danger," "warning," or similar terms.
3. Signs may not be of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device, nor may signs hide from view any traffic or street sign or signal.
4. Signs may not advertise an activity, business, product or service no longer available on the premises upon which the sign is located.
5. Signs may not move in any manner or have a major moving part. Only minor decorative parts may move.
6. Signs may not swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

SECTION 506. ILLUMINATION.

1. Any electrical illumination of a sign shall be done in full compliance with the National Electrical Code as amended and adopted by the village.
2. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.
3. No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards as defined in Chapter 2.
4. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
5. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
6. No exposed reflective type bulbs, no strobe lights and no incandescent lamps which exceed fifteen (15) watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

SECTION 507. STRUCTURAL REQUIREMENTS.

1. All signs and sign structures shall be designed and constructed to meet the requirements of the Village of St. Charles Building and Electrical Codes, and shall be constructed to withstand a thirty-pound per square foot wind-stress factor. Signs larger than one hundred (100) square feet must be erected on structural or tubular steel supports. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.
2. Any temporary sign must be so constructed that it is not dangerous to the public.

SECTION 508. PERMIT.

Prior to construction or establishment of any sign, except as otherwise specifically noted in this chapter, a permit shall be obtained from the village zoning enforcement officer. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

1. **Replacing Copy.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
2. **Maintenance.** Painting, repainting, cleaning, light bulb replacement and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

SECTION 509. INSPECTION, REMOVAL, SAFETY.

1. **Inspection.** Signs may be inspected periodically by the building official to assure compliance with this and other codes of the village.
2. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
3. **Removal Of Sign.** The zoning enforcement officer may order the removal of any sign erected or maintained in violation of this Code. Such order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it thirty (30) days to remove the sign or to bring it into compliance. Such order shall be served upon the owner of such sign, or to the owner or manager of the building, structure or premises on which such sign is located. The zoning enforcement officer may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the enforcement officer's opinion that the condition of the sign presents an immediate threat to the safety of the public.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

4. **Abandoned Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within one hundred eighty (180) days of the termination of business, the zoning enforcement officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this Code, this removal requirement shall not apply.

5. **Traffic Safety.** No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the zoning enforcement officer may remove such sign to protect traffic. The owner of the property, or business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within twenty-four (24) hours to make it comply with this section.

Secs. 26-80--26-90. Reserved.

PERMANENT SIGN REGULATIONS

TABLE INSET:

Zoning districts	Content	Total sign area	Sign type	Setbacks	Number of signs	Sign size	Height
Open residential district R-1A (Parcels 5 acres or larger only.)	Name and address, farm name, home occupation. Products raised on the premises (not allowed for integral signs)	100 square feet per parcel, except for integral signs.	Ground mounted (free standing)	Front: 10 feet** Side: 10 feet Rear: 10 feet	1 per parcel	100 sq. ft.	12 ft.
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Not applicable Not applicable Not applicable Not applicable	No limit -- -- 1 per parcel	100 sq. ft. Not allowed Not allowed Not allowed No limit	Top of wall -- -- -- Top of bldg.
Residential R-1	Occupant's name and address, home occupation	2 sq. ft. per dwelling, except for integral signs	Ground mounted (free standing)	Front: 10 feet** Side: 10 feet Rear: 10 feet	1 per dwelling	2 sq. ft.	4 ft.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

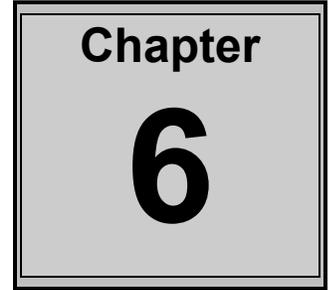
Zoning districts	Content	Total sign area	Sign type	Setbacks	Number of signs	Sign size	Height
Residential R-1 continued			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Not applicable Not applicable Not applicable Not applicable	1 per dwelling -- -- -- 1 per dwelling	2 sq. ft. Not allowed Not allowed Not allowed 10 sq. ft.	Top of wall -- -- -- Top of wall
Residential R-2, R-3	Name of mobile home park or multifamily development	32 sq. ft. per parcel	Ground mounted (free standing)	Front: 10 feet** Side: 10 feet Rear: 10 feet	1 per parcel	32 sq. ft.	4 ft.
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Not applicable Not applicable Not applicable Not applicable	1 per parcel -- -- -- 1 per parcel	32 sq. ft. Not allowed Not allowed Not allowed 10 sq. ft.	Top of wall -- -- -- Top of wall
Commercial B-1, B-2	Identity (required), merchandise or services available on the premises	The largest of: 1.5 sq. ft. per front foot of building, or .5 sq. ft. per front foot of parcel, or 32 sq. ft.	Ground mounted (free standing)	Front: 3 feet** Side: 10 feet Rear: 10 feet	1 per each 150 lineal feet of frontage	32 sq. ft.	35 ft.
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Same as ground Same as ground Not applicable Not applicable	1 per wall 1 per parcel 1 per parcel 1 per parcel 1 per parcel	150 sq. ft. 32 sq. ft. 50 sq. ft. 50 sq. ft. 25 sq. ft.	Top of wall Top of wall* Top of wall* 35 ft. Top of wall

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Zoning districts	Content	Total sign area	Sign type	Setbacks	Number of signs	Sign size	Height
Industrial M	Identity only	The largest of 1 sq. ft. per front foot of building, or .5 sq. ft. per front foot of parcel, or 50 sq. ft.	Ground mounted (free standing)	Front: 10 feet** Side: 10 feet Rear: 10 feet	1 only, of any type, per each street front	150 sq. ft.	24 ft.
			Wall: Marquee: Projecting: Roof: Integral:	Not applicable Same as ground Same as ground Same as ground Not applicable Not applicable	Same as ground Same as ground Same as ground Same as ground Same as ground 1 per parcel	150 sq. ft. 150 sq. ft. 50 sq. ft. 50 sq. ft. 25 sq. ft.	Top of wall Top of wall* 24 ft.* 24 ft. Top of wall

* Must be 10 feet above a sidewalk and 15 feet above a driveway.

** May not obstruct vision of drivers.



Special Use Permit Requirements

SECTION 601. INTENT, PURPOSE AND PROCESS.

1. **Intent.** In contrast to the clear cut and objective process desired for most zoning decisions, the special use permit process is intended to be at least partly subjective. It relies upon the judgment of the planning commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed special use. The special uses which are designated for a particular zoning district are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
2. **Purpose.** This chapter provides procedures and standards for regulating activities identified as uses "by special permit" for each zoning district in the uses table found in Chapter 3 of this ordinance. Special uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any zoning district. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
3. **Process.** Regulation of special uses includes two (2) separate steps. First is the review of the site plan for the proposed use. Second is the decision of whether or not a special use permit will be granted.
 - a. **Standards.** During the special use permit process, various considerations will be explored before approval of the site plan or the special use permit. Some of these are defined in this chapter as additional site plan review standards for various special uses. These standards are intended to reduce the impact of a special use on surrounding properties. They are minimum requirements which must always be met.
 - b. **Conditions.** The planning commission may attach additional conditions to the approval of the site plan or the special use permit. These conditions must be based on requirements or concerns defined by this chapter.
 - c. **Precaution.** No person should conclude that compliance with the standards defined by this chapter automatically grants him the right to establish a special use in a given zoning district. Rather, the privilege of establishing a special use is granted or denied by the planning commission following the process outlined in

VILLAGE OF ST. CHARLES ZONING ORDINANCE

this chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a special use permit. Since special uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the planning commission to consider when deciding whether to allow such uses.

- d. **Permanence.** Note that once a special use permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this chapter, have been violated. Otherwise, the special use permit "runs with the land" and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this chapter does not provide for placement of any time limit on a special use permit, except that the special use permit may expire or be revoked as noted in Section 605.5 and 6.

SECTION 602. PERMIT PROCEDURES.

- 1. **Submission Of Application.** The application package is to be submitted to the village zoning administrator.
 - a. **Contents.** The application package consists of a zoning permit application form completed in full by the applicant, accompanied by a fee as established by the village council and a site plan meeting the requirements of Section 707.2.c.
 - b. **Application Deadline.** The complete application package must be submitted to the zoning administrator at least twenty (20) days before the planning commission meeting at which it will be considered.
- 2. **Simultaneous Consideration Of Rezoning And Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in zoning district designation for the parcel) and a special use permit, both requests may be submitted jointly and considered at a single meeting of the planning commission, subject to the following requirements.
 - a. **Separate.** The rezoning shall be considered separately from the special use permit.
 - b. **Procedures.** The ordinance procedures for each decision shall be followed as specified. However, any special use permit approval must be conditioned upon adoption of the rezoning by the village council.
 - c. **Standards.** All standards required by this chapter shall be observed for each action.
 - d. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and special use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

3. **Planning Commission Review And Hearing.** The special use permit application package shall be the subject of both a site plan review and a public hearing conducted by the planning commission. If the applicant wishes to have the site plan review and special use permit considered at a single planning commission meeting:
 - a. **Site Plan Review.** The planning commission shall conduct a site plan review for the proposed use, using the procedure and standards presented in Section 707 and any specific standards identified for the special use by this chapter. The planning commission may approve the site plan as presented, approve it with conditions, deny it or table approval of it to a specific meeting date.
 - 1) **Public Input.** The site plan review may be completed before public input is heard on the question of granting the special use permit. This is because the site plan review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the planning commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - 2) **If The Site Plan Is Denied.** In the event the site plan is denied, consideration of the special use permit shall still occur, including the public hearing. The special use permit may still be approved with the condition that site plan approval must be obtained before the special use permit is valid.
 - b. **Public Hearing On Special Use.** The planning commission shall hold a public hearing on the application as part of the meeting in which the special use permit is considered.
 - 1) **Notice.** A notice of public hearing shall follow the requirements of Section 706.
 - 2) **Delay At Applicant's Request.** If a site plan for a special use has been denied, the applicant may ask for consideration of the special use permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the village's added cost.
 - c. **Consideration Of Special Use Permit.** Following the public hearing, the planning commission chairman shall accept a motion for approval, conditional approval or denial of the special use permit. Planning commission members shall then discuss the motion and vote upon it.
 - 1) **Open Meeting.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - 2) **Prompt Decision.** In the interest of fairness and a timely response for all concerned parties, the planning commission shall render its decision on the special use permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the special use permit may be tabled to a

VILLAGE OF ST. CHARLES ZONING ORDINANCE

public meeting of the planning commission to be held on a specific date which is identified in the motion to table.

- 3) **Issuance Of Zoning Permit.** Only upon approval of a special use permit by the planning commission may a zoning permit for the proposed use be issued by the zoning administrator.
4. **Reapplication.** An application for a special use permit which has been denied by the planning commission may not be resubmitted for one year after the date of such denial.
5. **Terms Of Permit.** A special use permit issued pursuant to this chapter consists of a zoning permit which specifies the special use which is to be allowed and any conditions which were attached by the planning commission. Validity of this zoning permit, and consequences of any voiding of such permit are described by Section 702.5 and 6. If a use established under a special use permit is discontinued for a period of one year, the special use permit shall expire. To reestablish the use after such expiration will require granting of a new special use permit, starting with a new application.
6. **Revocation.** The privilege of a special use permit is subject to all conditions that have been attached to it during the process described above. Except as noted in subsection (e) above, the permit remains valid as long as all of those conditions are met. However, the planning commission shall revoke any special use permit after it has been proved that the permit conditions have been violated. The special use permit is a condition of the approval of the zoning permit, and revocation of it shall void the zoning permit.
 - a. **First Notice.** The zoning administrator shall send written notice of a violation to the holder of the zoning permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the planning commission will revoke the special use permit and order the use to cease.
 - b. **Considered Nonconforming.** From the time the zoning administrator's notice of violation is issued, until compliance with all special use permit conditions is restored, the use in question shall be treated as an unacceptable nonconforming use. Actions specified by the regulation of nonconformities table in Section 401 of this chapter shall be taken whenever they apply.
 - c. **Planning Commission Action.** The zoning administrator shall notify the planning commission of the violation of conditions of the special use permit at the next regular planning commission meeting, and revocation of the special use permit shall be considered then. The planning commission's meeting will usually occur before the thirty-day period for the first notice has expired. In that case, the resolution to revoke the special use permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the zoning administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- d. **Second Notice And Order.** After expiration of the thirty-day period, the zoning administrator shall notify the permit holder by certified mail that the special use permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
- e. **Enforcement Of Order.** Failure to comply with the order to cease an activity for which a special use permit has been revoked is a violation of this chapter, subject to all penalties thereof.

SECTION 603. PERMIT STANDARDS.

- 1. **Standards Attached To Site Plan Review.** Before approving or denying a special use permit application, the planning commission reviews the site plan for such use to establish that all applicable standards are satisfied. The site plan review shall determine compliance with the applicable district regulations from Chapter 3, the site plan review standards from Section 707, and any applicable standards from this chapter. Standards are included in the table of special use permit standards and in supplementary sections that follow the table.
- 2. **Additional Conditions.** The planning commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this chapter. These may be defined during the site plan review process or during consideration of whether to grant the special use permit. All conditions attached to the approval of the site plan are also conditions of the special use permit. These conditions, and the reasoning behind them, must be documented in the planning commission's minutes and communicated to the applicant in writing.
- 3. **Enforcement Of Conditions.** The breach of any condition shall be cause for the planning commission to revoke a special use permit as described in Section 602.6.

SECTION 604. TABLE OF SPECIAL USE PERMIT STANDARDS.

The following table defines additional standards to be addressed during the site plan review for any proposed special use permit. To determine which additional standards from this chapter are to be applied, locate the use category on this table which corresponds to the category designation for the use by special permit in the uses table from Chapter 3. Read across the row for that use category to identify additional standards that must be applied for the site plan review. For some use categories, additional standards are contained in subsequent sections of this chapter. Those sections are noted in the column labeled "special conditions."

Table Of Special Use Permit Standards

Granting of a special use permit requires a site plan review and a public hearing. This table lists the minimum additional standards to be met for site plan approval. The planning commission may impose other requirements and may choose not to issue a permit.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Remember:

- A special use permit is a privilege granted by the village, not a right.
- If all requirements are observed, a special use permit is permanent.
- The planning commission will revoke a special use permit for failure to maintain compliance with all requirements.
- If the permit is revoked, the activity becomes a nonconforming use.
- Some state laws grant government the right to establish certain uses in spite of the village's refusal of grant a special use permit.

ADDITIONAL REQUIREMENTS FOR SITE PLAN APPROVAL

TABLE INSET:

Use category	Access	These supersede district regulations						Special conditions
		Parcel size	Parcel width	Building setbacks from*			Lot coverage (in %)	
				Street R.O.W.	Prop. line	R-1, R-2		
A	Site plan review for these uses requires only the standard review criteria and district regulations							
B	Paved	1 acre	200'	50'	30'	50'	25	4' visual screen for res.
D	Co. pri/st. hwy.	10 acres	500'	100'	100'	200'	10	6' visual screen for res.
E	Paved road	50 acres	1,000'	200'	100'	200'	5	6' visual screen for res.
F	Co. pri/st. hwy.	20 acres	750'	200'	200'	200'	Dis/regs	See Section 605
G - Airport	Co. pri/st. hwy.	180 acres	1,500'	750' from end of runway			10	State/federal permits
H - Airstrip	No restrictions	30 acres	500'	500' from end of runway			Dis/regs	State/federal permits
I - Drive-in theater	Co. pri/st. hwy.	10 acres	500'	100'	100'	200'	10	See Section 606
J - Incarceration facility	Co. pri/st. hwy.	40 acres	1,250'	200'	200'	500'	25	See Section 607
K - Mobile home park	Co. pri/st. hwy.	20 acres	750'	60'	60'	60'	30	See Section 608
M - RV park and campground	Co. pri/st. hwy.	20 acres	750'	60'	60'	60'	30	See Section 609
N - Soil extraction.	All weather**	10 acres	500'	150***	100***	250***	Dis/regs	See Section 610
O - P.U.D.	Paved road	10 acres	500'	Dis/regs	Dis.regs	Dis/regs	Section 26-101	See Section 611

* Setbacks for on-premise signs, lights and similar structures shall be half the setback for buildings. Accessory buildings require the same setbacks as principal buildings.

** Must be located within one-half (1/2) mile of an all-weather road. (Contact road commission.)

*** These setbacks apply to the outside edge of the excavated area.

SECTION 605. GROUP F USES.

Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses (uses by special permit) in the uses table in Chapter 3. These uses are: Junk yard, type II or type III landfill, incinerator and sewage treatment or disposal facility.

1. **General.** All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
2. **Remote From Residential Subdivisions.** No residential subdivisions with officially filed plats should exist within one-half (1/2) mile of the facility.
3. **Tree Buffer.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than one hundred (100) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
4. **No Hazardous Or Toxic Waste.** No hazardous or toxic wastes, as defined by the department of natural resources, may be deposited or stored by any use in this group.
5. **Truck Access.** Routes for truck movement to and from the site shall be identified by the county road commission and village DPW. Wear on public roads, traffic hazards and encroachment of noise, dust and other nuisances upon adjacent uses must be considered.
6. **Activity Restrictions.** No open burning shall be permitted and all industrial process involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
7. **Fence Requirements.**
 - a. **Around Landfill Or Incinerator.** Berms and fences shall be constructed around any landfill or incinerator as required by the regulations promulgated for PA 641. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
 - b. **Around Junk Yard.** A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard to screen such activity from surrounding property. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area.

- c. **Around Sewage Treatment Or Disposal Facility.** All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
8. **Restoration Of Landfill Sites.** Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards, and be blended with the general surrounding ground form.

SECTION 606. GROUP I USES.

Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses (uses by special permit) in the uses table in Chapter 3. These uses are: Drive-in theater and race track.

1. **All Access From Village Street Or State Highway.** All traffic ingress and egress shall be from a village street or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
2. **Driveways Remote From Intersections.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
3. **Sight Distance.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
4. **Acceleration And Deceleration Lanes.** Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.
5. **Left Turn Lanes.** A left turn lane, at least long enough to accommodate ten (10) cars without hindering through traffic or blocking other driveways, shall be provided on the major thoroughfare at each driveway entrance or exit.
6. **Solid Wall Or Fence.** The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen fence at least eight (8) feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
7. **Ticket Gates.** One ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) percent of the vehicular capacity of the facility.

8. **Screens For Drive-In Theater.** Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

SECTION 607. INCARCERATION FACILITY—CATEGORY J.

1. **Remote From Residential Subdivisions.** No residential subdivisions with officially filed plats should exist within one mile of the facility.
2. **Ambulance And Delivery Areas.** Ambulance and delivery areas shall be obscured from view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
3. **Fences.** The planning commission shall require fences or other methods of secure enclosure which it deems appropriate for the type of facility being considered and for the nature of the area surrounding the site.
4. **State Guidelines.** Applicable guidelines for siting and construction of facilities, from either the state department of corrections or the state department of mental health, shall be carefully followed for any proposed incarceration facility.

SECTION 608. MOBILE HOME PARK—CATEGORY K.

In addition to standards noted in Chapter 3, district regulations, and use category L of the table of special use permit standards, a mobile home park must comply with the following standards. These shall be specified, by reference, as conditions for approval of a special use permit for a mobile home park. Note that the dimensions table in Chapter 3 establishes standards for mobile home lots in the park and for the minimum floor area of each mobile home unit.

1. **Buffer.** A tree buffer should be developed around the park in the required yard areas.
2. **State Permit Required.** All mobile home parks shall comply with all site, development, and other standards and requirements of Act 419 of 1976 and Act 243 of 1959, as amended, proof of which shall be established by presentation of a certified copy of a construction permit issued by the state prior to issuance of a building permit.
3. **Roadways.** All roadways within the mobile home park shall be developed to the standards required by the county road commission for residential subdivision streets.
4. **Sale Of Mobile Homes Prohibited.** The sale, display or storage of mobile homes within any portion of the mobile home park is expressly prohibited. However, a vacant mobile home located on a mobile home lot within the mobile home park, owned by its former resident, connected to utilities and offered for sale or rent shall not be considered to be in violation of this provision.

**SECTION 609. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND—
CATEGORY M.**

1. **Temporary Occupancy Only.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements. Spaces shall be rented by the day or week only, and no occupant of such spaces shall remain in the same park or campground more than sixty (60) days.
2. **Resident Manager.** Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (twenty-four (24) hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
3. **Regulatory Compliance Required.** RV parks or campgrounds must maintain compliance with all regulations of the county health department and the state department of natural resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this chapter, subject to enforcement action as provided by Section 704.
4. **Greenbelt, Fence And Setback.** The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4) feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Such greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6) feet apart. All individual campsites are to be setback at least seventy-five (75) feet from any street right-of-way or neighboring property line.
5. **Access And Circulation.** Each park shall be served by not more than one point of access to each abutting street or road. No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150) feet in each direction on any abutting road and for twenty-five (25) feet on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty-four (24) feet wide for two-way traffic or twelve (12) feet wide for one-way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
6. **Personal Care Facilities.** Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one such structure for each twenty (20) camping or RV sites.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

These facilities shall be kept in good working order and each structure shall be thoroughly cleaned daily.

7. **Other Public Facilities.** Each RV park or campground shall provide at least one public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day accumulation of solid waste with all sites in the park occupied. Such service shall provide pick up of waste at least weekly when the park is operating and frequently enough to insure that such container(s) are never overloaded. Finally, at least fifteen (15) percent of the site, not including the greenbelt and setback areas as defined in subsection (d), shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports or natural areas. This shall not include parking and vehicle circulation areas.
8. **Individual Campsite Requirements.** Each RV parking site or campsite shall be a minimum of two thousand (2,000) square feet in area and shall include the following amenities: An electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, a metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility, and a gravel or hard surfaced parking area of at least four hundred (400) square feet.

SECTION 610. SOIL RESOURCE EXTRACTION—CATEGORY N.

1. **Scope Of Regulations.** This section regulates any extraction, landfilling or repositioning of soil, sand, gravel, clay or other geologic deposit which involves disturbance of more than one thousand (1,000) cubic yards of material. This section does not apply if such a disturbance of soil is the result of construction of a building, structure or parking lot which is regulated by other provisions of this chapter. This also applies to artificial ponds created by excavation, intervention in watercourses, surface drainage or groundwater aquifers, regardless of size. These regulations must be met whether the creation of the pond is an end in itself or whether the pond is a by-product of another activity, such as mining for sand, gravel or clay. Ponds created by embankments or dams across streams or watercourses are not permitted in the village.
2. **Additional Information Required For Site Plan.** The site plan for any activity regulated by this section must include the following items in addition to other required information:
 - a. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five-foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- b. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
- c. A report describing the specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

3. Additional Excavation Site Requirements.

- a. Sites of ecological significance, such as wetlands, should be avoided.
- b. An excavation which will result in creation of a pond should be located to minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
- c. Excavations may not extend closer than fifty (50) feet to a power line.

4. Construction And Operation Requirements.

- a. An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- b. If an excavation results in a pond, its banks shall have a maximum slope of one foot vertical to four (4) feet horizontal extending below the water's surface to a depth of at least eight (8) feet.
- c. Maximum designed water depth of pond must be at least fifteen (15) feet to insure proper aeration and circulation of the water.
- d. Conditions of any required environmental permits as noted by Section 408 shall be obeyed at all times.
- e. Excavated material not removed from the site shall be spread to a height not exceeding three (3) feet above the original surface with the top of fill graded to a continuous slope which does not exceed one foot vertical to three (3) feet horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water in any pond formed by such an excavation.
- f. At the end of each construction season, the completed portion of any excavation, including any area around it, shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties.
- g. No machinery or equipment shall operate, and no trucks, trailers or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- h. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock while a site is being excavated.
- i. When two (2) or more dwellings are located within two hundred (200) feet of the edge of any water body that is formed on an excavation site, such water body shall be enclosed by a fence that includes a gate that can be locked and which is not less than four (4) feet, nor more than six (6) feet, in height.

SECTION 611. PLANNED UNIT DEVELOPMENT (PUD)—CATEGORY O.

1. **Intent.** This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels. It is also intended to achieve economy and efficiency in provision of public facilities and services, and in the use of land, natural resources and energy. Regulations in this section should provide flexibility for developers while maintaining protection of public values.
2. **Applicability.** Planned unit developments are identified as special uses in the R-1A zoning districts. This section provides additional requirements to be addressed during review of the site plan for a planned unit development as part of the special use permit process.
3. **Permitted Uses.** A planned unit development (PUD) may include all uses by right and all special uses listed for the R-1A zoning district and it may include all uses by right and all special uses for the R-1 and R-2 zoning districts immediately preceding it in the uses table found in Chapter 3.
 - a. **Special Use Standards.** When a use is listed only as a special use in the zoning district which applies for a proposed PUD, all special use permit standards must be met by such use.
 - b. **Alternative Standards.** When a use is listed as a special use in the zoning district which applies for a proposed PUD, and as a use by right in another, it may be treated as a use by right for the PUD.
4. **Use Density And Parcel Coverage.** The parcel coverage limits for the zoning district which governs the parcel on which a PUD is to be built must be met overall by the PUD.
 - a. **Residential Density.**
 - 1) **Area Available For Residential Use.** This is calculated as the area remaining after the area devoted to nonresidential uses (including required yards, setbacks, buffers and parking areas) is subtracted from the total site area. It may include street right-of-way, parking areas for residential use, residential yards and area devoted to open space.
 - 2) **Maximum Number Of Dwelling Units Allowed.** For any PUD, the maximum residential density shall be one dwelling unit for every four thousand (4,000) square feet of site area available for residential use.

b. **Reserved.**

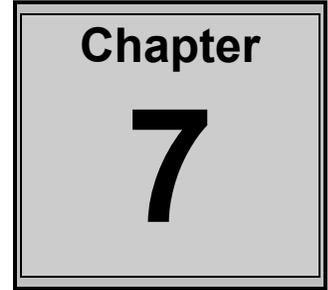
5. **Setbacks, Height Limits And Parking Requirements.** For a PUD in any zoning district, setbacks of all types and height limitations shall conform to the district regulations for the applicable zoning district. Side and rear yard areas between buildings shall be computed as if each building were set back from a lot line between them. Parking requirements for any PUD shall conform to the supplementary parking regulations for the uses involved.
6. **Buffering For Residential Uses.** When a PUD contains a mix of residential and other uses, the following provisions shall be enforced:
 - a. **Separate Buildings.** Where structures devoted to nonresidential use are adjacent to residential structures in a PUD, the required yard areas between the structures shall be developed as landscaped open space which may not be used for parking or circulation of motor vehicles. This area may be counted toward satisfaction of the open space requirement for the PUD.
 - b. **Within Same Building.** When residential and nonresidential uses occupy space in a single building in a PUD, a continuous physical separation must be provided between the spaces devoted to such uses. Access doorways are permitted, but the separation must be sufficient to provide a barrier with at least a one-hour fire rating between residential and nonresidential space.
7. **Residential Access.** Parking areas for any dwelling units in a PUD may not be accessed directly from a major street.
8. **Open Space Areas.**
 - a. **Basic Requirement.** The site plan for every planned unit development must devote a minimum of ten (10) percent of the project site to permanently landscaped open space. Open space on sites with forest, wetland or other unique environmental conditions may be left in a natural state. Crop land may not be included as open space for a PUD. Such open space must be set aside for use either by all residents of the PUD or by the public at large. Yard areas of individual residential lots may not be included as part of the required open space, but yard areas for multifamily or nonresidential uses may be included.
 - b. **Minimum Open Space Per Residential Unit.** When a proposed PUD includes dwelling units, a minimum of one thousand (1,000) square feet of open space is required for each unit. Note that landscaped yards, setbacks and buffers (but not parking areas) for nonresidential uses may be used to satisfy this requirement, but are excluded when computing residential density as described in subsection 4.a.
9. **Signs.** Sign regulations for the applicable zoning district shall apply for any PUD located therein, with the following exceptions:
 - a. **Businesses In Residential Zoning Districts.** Each business located in a PUD is entitled to one sign for each street upon which it fronts. Area, height

VILLAGE OF ST. CHARLES ZONING ORDINANCE

and setback requirements for such signs are as stated in the table of sign regulations in Chapter 5.

- b. **Joint Signs In Residential Zoning Districts.** A multi-tenant commercial building located in a PUD may have one joint sign which identifies the building and up to three (3) tenants. Such sign may be up to sixty-four (64) square feet in area, with height and setback requirements as stated for signs in the table of sign regulations in Chapter 5.

Secs. 26-102--26-115. Reserved.



Administration, Enforcement and Amendments

SECTION 701. PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this chapter shall be carried out by the village planning commission, the zoning board of appeals, the village council, and the village zoning administrator in conformance with applicable state enabling legislation.

1. **Zoning Administrator.** The village council, with the recommendation of the planning commission, shall employ a zoning administrator to carry out day to day administration and enforcement of this chapter. The village council may designate the building inspector as the zoning administrator. Conditions of the zoning administrator's employment, including compensation, shall be established by the village council. Additional staff may be employed, under the supervision of the zoning administrator, to assist with administration and enforcement of this chapter. The zoning administrator's duties shall include the following items and any other tasks that may be assigned by the village council or provisions of this chapter.
 - a. **Accept And Record Applications, Issue And Record Permits.** All applications for zoning permits shall be submitted to the zoning administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this chapter have been met regarding any application, the zoning administrator shall issue a zoning permit for the proposed use. When conditions are not met, the zoning administrator shall consult with the applicant to determine the proper course of action (see review process table at the end of Section 702). The zoning administrator shall maintain a record of all applications and related zoning permits, including documentation for each.
 - b. **Issue Written Denial.** When any application for a zoning permit is denied, the zoning administrator shall provide the applicant with a written denial, stating the reasons for the denial.
 - c. **Notice Of Hearings.** Whenever a zoning matter is the subject of a public hearing before the planning commission or the zoning board of appeals, the zoning administrator shall prepare notices of the hearing and disseminate such notices as described under Section 706.
 - d. **Inspections.** The zoning administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this chapter.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- e. **Record Nonconforming Uses.** The zoning administrator shall record all nonconforming uses existing at the effective date of this chapter [November 8, 1995] for the purpose of carrying out the provisions of Section 401.
 - f. **Record Special Uses.** The zoning administrator shall keep a record of all special use permits issued under the terms of this chapter for the purpose of carrying out provisions of Chapter 6.
 - g. **Record Interpretations Of Ordinance.** The zoning administrator shall maintain a concise record of all interpretations of this chapter rendered by the zoning board of appeals to fulfill requirements of Section 703.3. This record shall be consulted whenever questions arise concerning interpretation of any provision of this chapter to determine whether any applicable precedents have been set.
 - h. **Public Information.** The zoning administrator shall respond to inquiries and dispense information or copies of this chapter to make the public aware of and familiar with the provisions of this chapter. Public awareness and acceptance of the zoning ordinance will help to maintain compliance with it.
 - i. **Respond To Complaints.** The zoning administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this chapter or any permit issued pursuant to it. The zoning administrator shall provide a report at each regular planning commission meeting summarizing the nature and disposition of complaints that have been received.
 - j. **May Not Change Ordinance.** Under no circumstances is the zoning administrator permitted to make changes in this chapter or to vary the terms of this chapter.
2. **Planning Commission.** The village planning commission shall be responsible for the following administrative and enforcement activities under this chapter.
- a. **Site Plan Approval.** The planning commission shall review site plans and issue its approval, conditional approval or denial of same as provided by Section 707.
 - b. **Special Use Permits.** The planning commission shall conduct a public hearing on any application for a special use permit. Following a public hearing, the planning commission shall review and approve or deny such application. The planning commission shall also take any necessary action to revoke a special use permit as provided by Section 602(6).
 - c. **Rezoning Or Amendment.** The planning commission shall conduct public hearings for proposals to rezone property or amend the text of this chapter as provided by Section 703. Following a public hearing, the planning commission shall make its recommendation regarding the proposed rezoning or text change to the village council. The planning commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and village council approval.

3. **Zoning Board of Appeals.**

- a. **Establishment.** The village council, exercising the authority of PA 110 of 2006, as amended, hereby provides that a village zoning board of appeals be established. Upon adoption of this chapter, the zoning board of appeals established under the terms of the previous zoning ordinance shall remain in office, including all members thereof.
- b. **Membership.** The village zoning board of appeals shall consist of five (5) members.

One of the regular members of the zoning board of appeals shall be a member of the planning commission. The remaining regular members, and any alternate members, shall be selected from the electors of the Village of St. Charles residing within the zoning jurisdiction of Village of St. Charles. The members selected shall be representative of the population distribution and of the various interests present in Village of St. Charles. One regular member may be a member of the Village Council but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the Village Council may not serve as a member of the zoning board of appeals.

The Village Council may appoint not more than 2 alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified in the zoning ordinance to serve as a regular member of the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 1 or more consecutive meetings of the zoning board of appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

- c. **Terms Of Office.** Terms shall be for 3 years, except for members serving because of their membership on the planning commission, or Village Council, whose terms shall be limited to the time they are members of the planning commission, or Village Council, respectively, and whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- d. **Per Diem Or Expenses.** The total amount allowed such board of appeals in one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the village council.
- e. **Rules Of Procedure.** The board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its

VILLAGE OF ST. CHARLES ZONING ORDINANCE

function. The board shall annually choose its own chairman, vice-chair and secretary.

- f. **Meetings.** Meetings shall be held at the call of the chairman and at such times as the board of appeals may determine. A simple majority of the membership of the board of appeals shall constitute a quorum and may conduct any items of business brought before the board. All meetings of the board shall be open to the public. The board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance. The chair or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- g. **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the village clerk and shall be public records.
- h. **Decisions.** The zoning board of appeals shall return a decision upon each case within thirty (30) days of the appeal hearing unless a further time is agreed upon by the parties concerned. Any decision of the zoning board of appeals shall not take effect until the expiration of five (5) days after the date of such decision, unless the board of appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No zoning permit authorized by such a decision shall be issued until the decision has taken effect.
- i. **Majority Vote.** The concurring vote of a majority of the members of the zoning board of appeals present at the meeting shall be necessary to decide upon any issue brought before the board.
- j. **Conflict Of Interest.** A member of the board of appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- k. **Duties.** The village zoning board of appeals shall have the power to act on those matters where this chapter provides for an administrative review, interpretation or variance as defined in this section. The board of appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this chapter.
 - 1) **Administrative Review.** The board of appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or by any other official administering or enforcing provisions of this chapter.
 - 2) **Interpretation.** The board of appeals shall have the power to interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of the chapter as defined by Section 703.3.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 3) **Variances.** The board of appeals shall have the power to authorize variances from any quantifiable requirements of this chapter where practical difficulties prevent carrying out the strict letter of this chapter.
- l. **Zoning Board of Appeals Decisions.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court.
- 4. **Village Council.** On recommendation of the planning commission the village council has adopted the zoning ordinance, making it the enforceable policy of village government. Likewise, the village council may amend the text of this chapter or the boundaries of zoning districts (rezoning). The village council shall, by resolution, set fees to be charged for any administrative action under this chapter. The council may also act to waive any fee.

SECTION 702. ADMINISTRATION PROCESSES.

- 1. **Zoning Permit Required.** The issuance of a zoning permit signifies compliance with the requirements of this chapter. A zoning permit must be obtained from the zoning administrator before any of the following activities may legally take place.
 - a. Occupancy and use of vacant land (including parking lot construction).
 - b. Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building which requires issuance of a building permit by the village building inspector. (A zoning permit must be obtained before a building permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate zoning permit.
 - c. Any use of land or a building which would be identified as a use by special use permit by the uses table in Chapter 3, district regulations, for the zoning district in which the parcel is located.
 - d. Any change of a nonconforming use or building.
- 2. **Application For Zoning Permit.** Application for a zoning permit shall be made at least ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material:
 - a. **Application Form.** Applicants for a zoning permit shall submit a zoning application form with all requested information completely filled in.
 - b. **Submission With Building Permit Application.** When a building permit is also required, application for a zoning permit may be made at the same time. If the village building inspector also acts as zoning administrator, the inspector may elect to accept information submitted for a building permit without duplicating it on the zoning application form.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- c. **Property Information.** The zoning application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel on the village assessor's property maps. When the applicant is anyone other than the property owner identified by the assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.
 - d. **Plot Plan.** The zoning application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The zoning administrator may also require any other information deemed necessary for the proper enforcement of this chapter.
3. **Application Review Process.** On submission of an application for a zoning permit, the zoning administrator will review the application material as described by the review process table which accompanies this section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the zoning administrator shall issue a zoning permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options, based on the information in the review process table. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a zoning permit. The review will address each question identified by the review process table in order, moving through each column in the question from left to right.
4. **Record Maintained.** The zoning administrator shall keep a record of each application for a zoning permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.
5. **Validity Of Zoning Permit.** A zoning permit remains in effect for a period of one year from the date it is issued. By that time, the activity authorized by the zoning permit must have begun. This means that any use of land or of an existing building must be underway, or a building permit for any new construction must have been issued and construction commenced. The validity of a zoning permit may be extended by the zoning administrator not more than one time, for a period not to exceed one additional year. Such extension must be requested in writing by the permit holder before the expiration of the initial permit period.
6. **Voiding Of Zoning Permit.** If the permit holder fails to initiate the activity authorized by the zoning permit by the end of the one year extension, the zoning permit is automatically null and void. Any additional rights associated with the zoning permit which have been granted by the planning commission or the zoning board of appeals, such as special use permits or variances, expire together with the zoning permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the village which were to be covered by the guarantee. If any amount of the guarantee remains after such costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Reissuance of a zoning permit which has expired requires a new zoning application form to be filed with the zoning administrator and processed without consideration of any previous action.

7. Review Process Table.

ZONING PERMIT APPLICATION--INITIAL REVIEW PROCESS

Question	Refer to	If all standards are met, next step	If any standards are not met		
			Situation	Applicant's options	Next step
#1 Is proposed activity permitted in this zoning district?	Chapter 3-- District regulations: Uses table	Activity is a use by right: Go to question #2 or activity is a special use: Go to actions table: Special use permit. (Refer to Chapter 6) Continues to question #2	Activity is permitted in a different zoning district	Request a rezoning	Actions table, Chapter 7: Rezoning
			Activity is not listed for any zoning district	Request an interpretation	Actions table: Interpretation
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
			Any situation	Withdraw	Denial letter
# 2 Does the parcel meet standards for this zoning district?	Chapter 3-- District regulations: Dimensions table - "Lot Size"	Go to question # 3	Any situation	Request a variance	Actions table: variance
				Withdraw	Denial letter
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
# 3 Does existing or proposed structure or building meet yard and area standards?	Chapter 3-- District regulations: Dimensions table	Go to question # 4	Existing facility violates standards	Request a variance	Actions table: Variance
				Continue with process as is	Section 401, nonconformities
			Proposed facility will violate standards	Request a variance	Actions table: Variance
				Amend application to meet all standards	Go to question # 4
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
Any situation	Withdraw	Denial letter			

VILLAGE OF ST. CHARLES ZONING ORDINANCE

# 4 Will proposed activity meet parking requirements?	Chapter 4-- Parking table and Section 406, supplementary off-street parking requirements	Go to question # 5	Existing facility violates standards	Request a variance	Actions table: Variance			
				Continue with process as is	Section 401, nonconformities			
			Proposed facility will violate standards	Request a variance	Actions table: Variance			
				Amend application to meet all standards	Go to question # 5			
			Withdraw	Denial letter				
Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal						
# 5 Will proposed activity meet all supplementary regulations?	Chapter 4-- Supplementary regulations	Go to question # 6	Proposed activity will violate measurable standards	Request a variance	Actions table: Variance			
				Amend application to meet all standards	Go to question # 6			
				Withdraw	Denial letter			
			Proposed activity will violate nonmeasurable, written standards	Request a text change	Actions table: Text change			
				Amend application to meet all standards	Go to question # 6			
				Withdraw	Denial letter			
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal			
			# 6 Has permit fee been paid?	Village fee schedule	Issue permit	Fee represents a serious hardship to applicant	Request a fee waiver	Actions table: Fee waiver
							Withdraw	Denial letter

SECTION 703. ADMINISTRATIVE ACTIONS BY THE ZONING BOARD OF APPEALS.

The review process table identifies alternative courses of action to be pursued if standard requirements of this chapter are not met by a proposed activity. Some of these actions, described in this section, provide flexibility to address situations which are likely to arise. Other situations may suggest changes in the text of this chapter or the boundaries of the zoning districts. Procedures for amending this chapter are provided in 705. Various requirements for each administrative action are presented by the actions table at the end of this chapter.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

1. **Variance.** The zoning board of appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this chapter which can be expressed in terms of numbers may be brought before the zoning board of appeals to be considered for a variance. The board of appeals may grant any variance it deems reasonable, subject to the rules outlined in subsection (5).
2. **Administrative Review.** The zoning board of appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this chapter. The board is not empowered to overturn decisions of the planning commission regarding special use permits. The board may not overturn the denial of a site plan in connection with any special use permit proceedings. However, the board may reverse site plan denials by the zoning administrator or the planning commission in other instances, subject to the rules outlined in subsection (5) and site plan review standards.
 - a. **Requests For Administrative Review.** An administrative review by the zoning board of appeals may be requested by any person aggrieved, or by any officer, department or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the zoning administrator's decision. The request shall be filed with the zoning administrator and shall specify the grounds for the review. The zoning administrator shall immediately transmit to the chairman of the board of appeals any papers constituting the record upon which the action being reviewed was taken.
 - b. **Stay.** An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If zoning administrator certifies in writing to the zoning board of appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the zoning board of appeals or by court action.
 - c. **Public Hearing.** Upon receipt of a written request seeking an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the appeal of an administrative decision not less than 15 days before the public hearing. In addition, if the request for an appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
3. **Interpretation.** The zoning board of appeals may interpret provisions of this chapter as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this chapter, whenever an interpretation question arises which has been addressed previously by the zoning board of appeals, the earlier interpretation shall apply without requiring further action by the board. The zoning administrator

VILLAGE OF ST. CHARLES ZONING ORDINANCE

shall keep a concise record of all interpretations made by the zoning board of appeals to facilitate such reference.

- a. The board may determine the precise location of the boundary lines between zoning districts.
 - b. The board may classify any activity which is not specifically mentioned in the uses table in Chapter 3 (district regulations) for any zoning district as a use by right or special use within at least one zoning district, provided that such classification shall be consistent with the classification of similar uses and with the purpose and intent of each zoning district.
 - c. The board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 4, Section 406.
 - d. The board may interpret any portion of this chapter when the zoning administrator is unable to clearly determine its intent or effect.
 - e. Upon receipt of a written request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
4. **Fees.** A fee as established by the village council shall be paid to the zoning administrator at the time of filing application with the board of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the board of appeals in connection with the appeal.

5. Rules For Zoning Board Of Appeals Actions.

- a. A public hearing must be held by the zoning board of appeals prior to making a decision on a variance, site plan review, or before any administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given per the requirements of Section 706.
- b. Any decision by the zoning board of appeals must not be contrary to the public interest or to the intent and purpose of this chapter.
- c. In no way may a variance, site plan approval or finding of an administrative review be construed to allow the establishment within a zoning district of any use which is not permitted by right or by special use permit within that zoning district. The zoning board of appeals may only expand the list of permitted uses for any zoning district as a result of an interpretation regarding a use that is not listed anywhere in the uses table in Chapter 3, district regulations.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- d. In making any decision, the zoning board of appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the zoning district in which the subject property is located.
- e. Any action brought before the zoning board of appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for zoning board of appeals action.
- f. Approval by the zoning board of appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is not an objective of this chapter.
- g. Any request which has been denied wholly or in part by the zoning board of appeals may not be resubmitted for a period of one year from the date of the last denial. However, if new evidence or changed conditions are found, the board may elect to rehear a case, subject to all notice requirements defined by the actions table.
- h. The board of appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate any zoning permit granted pursuant to the zoning board of appeals action. When it attaches any conditions to the approval of a request, the board of appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed. Such bond shall not exceed five thousand dollars (\$5,000).
- i. A variance or site plan approval may be necessary to overcome practical difficulties which prevent carrying out the strict letter of this chapter. These difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land, and the following:
 - 1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - 2) That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created).
 - 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- j. When a variance or site plan approval is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this chapter.
 - k. A variance or site plan approval granted under the provisions of this chapter becomes a condition of the zoning permit granted pursuant to the variance or approval. If a zoning permit issued pursuant to such action is allowed to expire under the provisions of Section 702.5., any rights granted by the action expire together with the zoning permit.
 - l. The minutes of the zoning board of appeals meeting at which any decision was made regarding a variance, site plan approval, administrative review or interpretation shall include the grounds used by the board in making such decision, and any conditions that may have been attached to authorization for issuance of a zoning permit.
 - m. If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the board of appeals, the board shall suggest a general regulation for such conditions for the planning commission's consideration.

SECTION 704. ENFORCEMENT.

1. **Responsibility.** The zoning administrator shall enforce the provisions of this chapter.
2. **Violations And Penalties.** Violations of any provisions of this chapter are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this chapter, and which are observed by or communicated to a village official or employee, shall be reported to the zoning administrator.
 - a. **Inspection Of Violation.** The zoning administrator shall inspect each alleged violation he or she observes or is made aware of, and shall order, in writing, correction of all conditions found to be in violation of this chapter.
 - b. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the zoning administrator shall determine necessary and appropriate.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- c. **Action By Village Attorney.** A violation not corrected within this period shall be reported to the village attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the village attorney, any legal action which the attorney deems necessary to restore compliance with all terms and conditions of this chapter is hereby authorized.
 - d. **Penalties.** Every person, whether as principal agent, servant, employee or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this chapter shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this chapter, shall be guilty of maintaining a nuisance per se, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the court. For each and every day the violation continues beyond the correction period identified by Section 704.2.b., a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this chapter.
 - e. **Cumulative Rights And Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
3. **Conflicting Regulations.** In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by this chapter are more stringent than any other law or ordinance, then the provisions of this chapter shall govern, provided also that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, the provisions of such other law or ordinance shall govern.

SECTION 705. AMENDMENT.

1. **Village Council May Amend.** The regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning district map may be amended, supplemented or changed by ordinance by the village council in accordance with the applicable enabling legislation of the state.
2. **Initiation Of Amendments.** Proposals for amendments, supplements or changes may be initiated by the village council of its own action, by the planning commission or by petition of one or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
3. **Amendment Procedure.**
 - a. **Petition To Village Clerk And Payment Of Fee.** Each petition by one or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the village clerk. A fee as established by the village council shall be paid at the time of application to cover costs of necessary advertising for

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- public hearings and processing of the amendment request. The village clerk shall transmit the application to the planning commission for recommended action.
- b. **Recommendation.** The planning commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The planning commission may recommend any additions or modifications to the original amendment petition.
 - c. **Public Hearing.** Before voting on any proposed amendment to this chapter, the planning commission shall conduct a public hearing, with notice being given as specified by Section 706.
 - d. **Notice Requirements For Public Hearing.** Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the village zoning administrator.
 - e. **Amendment To Conform With Court Decree.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the village council and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this chapter.
 - f. **Village Council Adoption.** Upon receipt of the planning commission's recommendation, the village council shall review such recommendation. The village council shall grant a hearing on the proposed amendment to any party who has filed with the village clerk a written request to be heard. Such request must be received prior to the meeting at which the proposed amendment would first be considered by the village council. The planning commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing shall follow the requirements of Section 706. If the village council deems advisable any changes to the amendment recommended by the planning commission, it shall refer these changes back to the planning commission for a report thereon within thirty (30) days. The village council may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the council's standard procedures for adoption of ordinances.
 - g. **Resubmittal.** No application for a rezoning which has been denied by the village council shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the village council, are found to be valid.

SECTION 706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

Public Notice. All applications for development approval requiring a public hearing shall comply with the Zoning Act and the other provisions of this section with regard to public notification.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

1. Responsibility: When the provisions of this Ordinance or the Zoning Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of St. Charles and mailed or delivered as provided in this section.
2. Content: All mail, personal and newspaper notices for public hearings shall:
 - a. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and Mailed Notice
 - a. General: When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - 1) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - 2) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Village of St. Charles. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial

VILLAGE OF ST. CHARLES ZONING ORDINANCE

area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.

All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 706.4.b., Registration to Receive Notice by Mail.

- 3) Other governmental units or infrastructure agencies within one mile of the property involved in the application.
 - b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Zoning Act, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 - b. Registration to Receive Notice by Mail:
 - 1) General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 706.3.a.(2), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - 2) Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.

SECTION 707. SITE PLAN REVIEW.

Various provisions of this chapter require review of site plans before certain types of administrative approval may be granted. The village zoning administrator conducts a review of site plans each time a zoning permit is issued. The zoning board of appeals conducts such reviews before granting various types of requests. However, for certain activities, a formal site plan review process is required. This section defines the procedures and standards to be used for such a review.

1. **Situations Requiring A Formal Site Plan Review.** The village planning commission must review and approve site plans before granting approval to special use permits, including those for planned unit developments, or subdivision plats. In addition, a site plan review before the village planning commission is hereby required for any zoning permit application meeting two (2) or more of the following conditions:
 - a. Any adjoining parcel is in a more restrictive zoning district.
 - b. The proposed project will have more than four (4) resident users (dwelling units, offices, stores or other uses).
 - c. The proposed project is in a commercial zoning district.
 - d. The proposed project is located in an industrial redevelopment district, a downtown development authority district, or a tax increment finance district.
 - e. The proposed project will require fifty (50) or more parking spaces as determined by the table of off-street parking requirements in Chapter 4.
 - f. The project site is larger than five (5) acres.
 - g. The project involves expansion of an acceptable nonconforming use, building or structure.

At no time shall a site plan review be required as a part of the decision process for a rezoning. This is because the decision to rezone property should be based on consideration of its effects on long range plans for the village, and on the merits of the proposed zoning district, and the uses it would allow, as they relate to the subject property and surrounding area.

2. **Site Plan Review Process.**

- a. **Application Deadlines.** If a zoning application requires a site plan review by the planning commission pursuant to subsection (1), a complete application package must be received at least fifteen (15) days before the date of a planning commission meeting in order to be reviewed at such meeting. If a site plan review is being conducted for a special use permit or subdivision plat, the application timetable specified for that process will apply.
- b. **Application Material.** Applications requiring site plan review, in addition to meeting the requirements of Section 702.2, must be accompanied by a fee as

VILLAGE OF ST. CHARLES ZONING ORDINANCE

established by the village council and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.

- c. **Site Plan Requirements.** Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the planning commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the zoning permit issued pursuant to site plan approval, and is subject to the enforcement provisions of Section 704 of this chapter.
- 1) **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (50) feet for sites of three (3) acres or less, or one inch equals two hundred (200) feet for larger sites.
 - 2) **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
 - 3) **Property Information.** The site plan must accurately depict the subject property and land adjacent to it and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.
 - 4) **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
 - 5) **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays and refuse pickup stations.
 - 6) **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 7) **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences and decorative walls.
 - 8) **Supplementary Material.** The site plan shall be complemented by any additional information which, in the zoning administrator's discretion, is important for the site plan review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors or fire hazards.
- d. **Staff Review Of Site Plan.**
- 1) **Persons Involved.** Before the site plan is reviewed by the planning commission, the village building inspector, public works director and fire chiefs or their designees, shall be given an opportunity to review and comment upon it. In addition, the zoning administrator may submit the site plan to any other department of village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the zoning administrator at least five (5) days before the planning commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the zoning administrator shall recommend to the planning commission what action should be taken.
 - 2) **Standards To Be Used.** Reviewers shall address the considerations identified by the review standards in subsection (3). If a site plan review is being conducted for a proposed special use permit, the additional special use permit review standards listed for the particular use and zoning district in Chapter 6 shall be considered also.
- e. **Planning Commission Review Of Site Plan.** The planning commission shall conduct their site plan review at a public meeting. A public hearing will be held only if any party submits a written request to the village clerk prior to the planning commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the planning commission acts upon the site plan. However, a site plan review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the planning commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the planning commission must take one of the following actions at the meeting during which the site plan review is conducted:
- 1) **Approval.** An affirmative vote of the majority of planning commission members present at the meeting is necessary to approve a site plan. Once

approved, the site plan becomes a condition of any zoning permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by subsection (2)g.

- 2) **Conditional Approval.** The planning commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one or more requirements of this chapter, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any zoning permit granted for the project. Deviations from the conditions will only be permitted as outlined by Section (2)g.

Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of such other approvals. This shall include any variances which must be issued by the village zoning board of appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the planning commission.

- 3) **Denial With Explanation.** Failure to comply with one or more of the review standards listed by subsection (3) is the only justification for denial of a site plan. The vote of a majority of planning commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the review standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the planning commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- f. **Appeal To Zoning Board Of Appeals.** If a site plan for a project has been denied, the applicant shall have the option of submitting the site plan to the zoning board of appeals. The zoning board of appeals is to review the record and decision of the planning commission and determine whether the record supports the conclusion that was reached, in light of the requirements of this chapter. The board is not to start the site plan review over without consideration of the planning commission's action.

The zoning board of appeals must adhere to all rules, procedures and standards of this chapter, and should uphold the planning commission's decision unless the record clearly shows that the planning commission failed to consistently apply the rules, procedures or standards, or that the planning commission erred in some fashion, such as by relying on false information.

If a site plan has been denied by the zoning board of appeals, it may not be resubmitted for planning commission review for a period of one year unless the planning commission determines that substantial changes have been made in the nature and scope of the project.

- g. **Deviations From Approved Site Plan.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the zoning administrator determines that all site plan review standards have been complied with. These deviations shall be documented as described in subsection (2)h.

However, if the zoning administrator finds that a deviation from the approved site plan does not comply with the review standards, he or she shall immediately notify the permit holder, the village building inspector, and the planning commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the building inspector, affecting that portion of the project which is not in compliance with the site plan review standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the review standards, or of restarting the site plan review process. When the issue has been resolved, the zoning administrator shall send a written notice to the permit holder, the building inspector and the planning commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the review standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the zoning administrator before the building inspector issues final approval for the project and before any performance guarantee attached to the zoning permit may be fully refunded.

- h. **Record To Be Maintained.** The record relating to any approved site plan shall be maintained by the zoning administrator together with the records pertaining to the zoning permit for such project. This record shall include an official copy of the final site plan as it was approved by the planning commission, dated and signed by the permit holder, the planning commission chairman and the zoning administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the zoning administrator.
3. **Site Plan Review Standards.** All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, such lack is sufficient justification for denial of a site plan.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- a. **District Regulations.** The project must comply with the applicable district regulations regarding use, dimensions, off-street parking and any other aspects. (When the site plan review is being conducted as part of the consideration process for a special use permit or a planned unit development, the use of the site will be addressed after the site plan review. Therefore, it must be presumed for this purpose that the use of the site will conform to the district regulations.)
- b. **Supplementary Regulations.** The project must comply with any and all of the supplementary regulations which may apply to it, as identified by Chapter 4 of this chapter.
- c. **Special Use Standards.** If the site plan review is being conducted for a proposed special use permit, any special use standards relating to the proposed use, as identified by Chapter 6, also must be satisfied.
- d. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the county road commission shall be sought.
- e. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- f. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current tri-township fire department personnel and equipment must be sufficient to serve the project. Finally, location, number and capacity of fire hydrants must be adequate to serve fire suppression needs.
- g. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining properties or help to control erosion, contain stormwater runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the state department of natural resources, the county health department or other agencies.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- h. **Consistency With Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this chapter, as stated in Section 102, and with the purpose of the zoning district in which the subject parcel is located, as expressed in the purposes table in Chapter 3, district regulations.

SECTION 708. REVIEW OF SUBDIVISION PLATS.

1. **Zoning.** All plats shall be subject to the use provisions of the zoning district in which they are located. Any zoning district changes which may be necessary to accommodate a proposed plat's use or uses shall be made according to the amendment procedure prescribed in Section 705.
2. **Lot Standards.** No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within the plat equal or exceed the minimum size and width requirements and all other applicable provisions of this chapter.

SECTION 709. ACTIONS SUMMARY TABLE.

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

ACTIONS--PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

TABLE INSET:

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s) - Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Variance	Applicant or administrator	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or administrator	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal of administrative decision	Any aggrieved party or any state, county or village officer, board, bureau or department	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Site plan approval	Applicant or administrator	Planning commission	If requested by any party	Not required	Not required	Not applicable
Appeal of site plan denial	Applicant	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Special use permit	Applicant or administrator	Planning commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Planned unit	Applicant or	Planning	Yes	Not less than	Not less than	Circuit court

VILLAGE OF ST. CHARLES ZONING ORDINANCE

development	administrator	commission		15 days	15 days	
Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s) - Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Rezoning	Applicant, planning commission or village council	Step 1: Planning commission recommends to village council	Yes	Not less than 15 days	Not less than 15 days	No action until after village council decision
		Step 2: Village council	If requested by any party	Not less than 15 days	Not less than 15 days	Subject to protest petition
Text change	Applicant, planning commission or village council	Step 1: Planning commission recommends to village council	Yes	Not less than 15 days	Not required	No action until after village council decision
		Step 2: Village council	If requested by any party	Not less than 15 days	Not required	Subject to protest petition
Fee waiver	Applicant	Village council	No	Not required	Not required	Circuit court

SECTION 710. CONDITIONAL REZONING.

The Village of St. Charles will not require nor imply that conditional rezoning or zoning agreements are a necessity or a condition for approval.

1. A request for conditional rezoning or a zoning agreement shall be submitted, in writing, to the Zoning Administrator, Chair of the Planning Commission and the Village President. The request shall be required prior to any application for rezoning or appearance before the Planning Commission.
2. Upon receipt of the request, the Zoning Administrator will prepare a memo to the Planning Commission and the Village Council detailing that a request has been received, from whom and the area proposed for rezoning. The applicant will receive a copy as well. The Zoning Administrator and the Village President will arrange for an informal meeting with the developer to discuss the specific request or requests.
3. **Informal Review Process**
 - a. An informal meeting will be held with the Zoning Administrator and the Village President and Chair of the Planning Commission and the proposed developer or developers.
 - b. During the meeting the developer should be prepared to provide the following information, in writing:

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- 1) The zoning district desired.
 - 2) The specific use proposed.
 - 3) A sketch of the proposed development (hand sketch is fine; no full site plan is required at this point.)
 - 4) Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
- c. From this meeting, the Village will provide a follow-up letter to the developer and copied to the Planning Commission and Village Council which details the following:
- 1) The proposed use of the parcel and the desired zoning district.
 - 2) A discussion of all related zoning requirements included within the existing zoning ordinance.
 - 3) A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
 - 4) A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
 - 5) An overview of the discussion, including any relative buffering or other such items which may be considered by the Planning Commission in terms of surrounding uses, intensity of surrounding uses and the purpose and intent of the zoning regulations and the adopted Master Plan and any other policy documents or guide so adopted by the Village.

4. Formal Review Process

- a. Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional rezoning or zoning agreement shall be:
- 1) A rough site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - 2) An elevation of the proposed structure.
 - 3) Conversely, if a developer so chooses, they may submit the full drawings and request a site plan approval concurrently.
 - 4) The rezoning request must be submitted in accordance with the Village's rezoning policy, Section 705.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- * It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as represented to the Village at this point may result in a loss of the status of the conditional rezoning.
- b. All public notifications, reviews and hearings will be scheduled and advertised as set forth in the Zoning Ordinance and as typically practiced in the Village for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
- c. The Village Attorney will draft a zoning agreement for execution by the Village and the developer.
- d. Any and all conditions imposed as part of the conditional rezoning or zoning agreement process and proposed approval must meet the following criteria:
 - 1) Conditions such as building appearance, landscaping, setbacks in an amount more than what is required; additional screening requirements, etc., shall be directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding property owners or properties in general.
 - 2) Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
 - 3) Conditions limiting the specific use of the property are permitted, however, the Planning Commission and Village Council should be mindful of being too specific. For example, limiting a use to a "professional office" may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
 - 4) The Planning Commission will forward their recommendations to the Village Council for consideration.
- e. If the Planning Commission recommends, and the Village Council approves, a conditional rezoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case and the zoning approval and specific conditions.
- f. A final zoning agreement, drafted and reviewed by the Village Attorney, will be executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement. These costs shall be passed through from the Village Attorney.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

- g. The developer, the Chair of the Planning Commission and the Village Clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the Village.
- h. A copy will be recorded at the Register of Deeds.

5. Enforcement

- a. By approving the conditional rezoning or zoning agreement, the Village grants rezoning and then, subsequently or concurrently, site plan approval. The specific conditions imposed and agreed to by the Developer and the Village become part of the approval.
- b. Should the developer not meet the conditions as specified, they will be considered in violation of the Village Zoning Ordinance and will be pursued as such.
- c. Any change to the conditions shall require a rezoning.
- d. Should the developer not complete the proposed project within eighteen (18) months, the property shall revert to the previous zoning classification.
- e. Should the developer abandon the specific use and it is vacant and/or abandoned for a period of 18 months, the parcel shall convert to its previous zoning classification.
- f. A property that reverts from conditional rezoning will be considered a non-conforming use and subject to all applicable zoning regulations.
- g. Reversion of the subject property shall require:
 - 1) The original developer, the current property owner (if different) and the occupant(s) of the property to be notified of the pending reversion by registered mail by the Village Clerk. The Village Council and Planning Commission shall receive the same notice. The notice will provide a thirty (30) day period for which the developer/owner can seek an extension of the time frame or begin construction.