

Village of St. Charles

Zoning Ordinance



Village of
ST. CHARLES

Adopted May 10, 2023

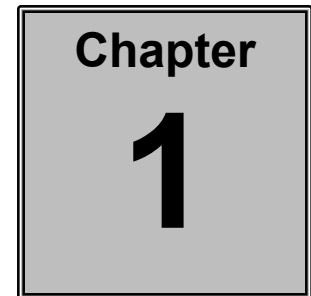
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CHAPTER 1 MISCELLANEOUS PROVISIONS

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

SECTION 101. SHORT TITLE.

This Ordinance 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.

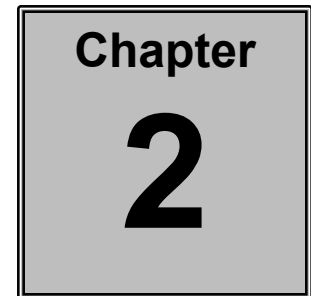
It is the legislative intent that this Chapter be liberally construed and should any provision or section of this Chapter be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the Chapter. It is intended that this Chapter shall stand notwithstanding the 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 May 10, 2023 and shall take effect seven (7) days after publication, as required by PA 110 of 2006, as amended.



CHAPTER 2 DEFINITIONS

SECTION 201. RULES APPLYING TO THE TEXT.

The purpose of this Chapter is to establish rules for the interpretation of the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Chapter, but which have special application may be defined in other chapters to which they apply. For the purpose of this Ordinance, certain rules of construction apply to the text, as follows:

1. All words and phrases used in this Chapter shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
3. The word "person," "proprietor," "property owner," and "operator" shall include any recognized form of legal entity.
4. The word "structure" includes the word "building."
5. The word "lot" includes the words "plot," "tract," "parcel," "real estate," "premises," and "land" and shall be interpreted to mean real property as delineated and described by legal documents and instruments.
6. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
7. 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."

8. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - c. "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
9. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the village or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
10. The term "he" shall be read as "he," "she," or "they".
11. Any word or term not herein defined shall be used with a meaning of common standard use.
12. If the meaning of this Chapter is unclear in a particular circumstance, the Zoning Board of Appeals (ZBA) shall construe the provision to carry out the intent of this Chapter if such can be discerned from other provisions of this Chapter or law.

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. Definitions A-D
 - a. **ABUT.** To physically touch or border upon; to share a common property line.
 - b. **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.
 - c. **ACCESSORY BUILDING.** A building structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.

- d. **ACCESSORY STRUCTURE.** A structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.
- e. **ACCESSORY USE.** An accessory use 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.
- f. **ACTIVITY.** See "use".
- g. **ADJACENT.** A lot or parcel of land which shares all or part of a common lot line with another parcel of land, or another feature such as a right-of-way, river, etc. that shares a common boundary with a lot or other feature.
- h. **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.
- i. **BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Chapter.
- j. **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 5 feet or is used for business or dwelling purposes.
- k. **BERM.** An earthen buffer that obscures sight, traffic, and sound.
- l. **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.
- m. **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.
- n. **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.
- o. **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.

- p. **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.
- q. **BUILDING LINE.** A line defining the minimum front, side, or rear yard requirement outside of which no building or structure may be located.
- r. **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.
- s. **BULK STATION.** A place where crude petroleum, gasoline, naptha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than 6,000 gallons.
- t. **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.
- u. **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.
- v. **CONDOMINIUM ACT.** MCL Act 59 of 1978, as amended.
- w. **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.
- x. **CONDOMINIUM SUBDIVISION.** See “subdivision”, as defined in this Chapter.
- y. **CONDOMINIUM SUBDIVISION PLAN.** The site, survey, and utility plans, floor plans and sections, showing the existing and proposed structures and improvements.
- z. **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 dwelling types based on ownership and as such is not regulated as a dwelling unit type.
- aa. **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.

- bb. **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.
- cc. **CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- dd. **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.
- ee. **COVERAGE, LOT.** That percent of the plot or lot covered by the building area.
- ff. **CUL DE SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

2. Definitions D-F

- a. **DEGREE OF NONCONFORMANCE.** A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.
 - 1) **USE.** In the uses table from the District Regulations chapter of this Ordinance, 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.
 - 2) **SETBACK.** The square footage of a building which lies within a required setback area.
 - 3) **AREA.** The square footage by which a building or parcel varies from the maximum or minimum area required for its zoning district.
 - 4) **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.
 - 5) **PARKING.** The number of off-street parking spaces which a parcel lacks to conform with the requirements of SECTION 308, supplementary off-street parking regulations and with the table of off-street parking requirements.
- b. **DEPTH.** For the purposes of interpreting the dimensions table, depth is the distance from a property line to a structure.

- c. **DISTRICT REGULATIONS.** Regulations for properties within each zoning district, found in Chapter 3, District Regulations.
- d. **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.
- e. **DWELLING.** A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
- f. **DWELLING UNIT.** Independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- g. **ENTERTAINMENT.** For the purposes of this ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.
- h. **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.
- i. **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 six (6) persons, who need not be related, living together in a single dwelling unit in a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment or is otherwise not intended to be of a permanent nature.
- j. **FARM.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- k. **FAST FOOD RESTAURANT.** See "drive-in."
- l. **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.

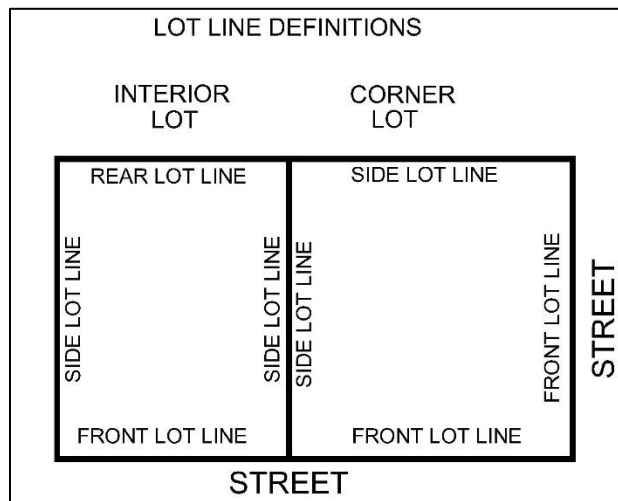
3. Definitions G-I

- a. **GARBAGE.** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.
- b. **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 6 feet.

4. Definitions J-L

- a. **LOADING SPACE.** An off-street space at least 10 feet wide, 25 feet long, and 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.
- b. **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.
- c. **LOT AREA.** The total horizontal land area within the lot lines of the lot.
- d. **LOT: CORNER, INTERIOR AND THROUGH.**
 - 1) **CORNER LOT** is a lot which has at least two (2) contiguous sides abutting upon a street and provided the two (2) sides intersect at an angle of not more than 135 degrees.
 - 2) **INTERIOR LOT** is a lot other than a corner lot.
 - 3) **THROUGH LOT** is an interior lot having frontage on two (2) streets which do not intersect at a point contiguous to such lot.
- e. **LOT LINES.** The lines abutting a lot as defined herein:
 - 1) **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.
 - 2) **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. The determination of which lot line is to be considered the rear lot line shall be at the discretion of the property owner. 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 20 feet long, lying farthest from the front lot line and wholly within the lot.

- 3) **LOT LINE, SIDE.** Any lot line not a front lot line or not a rear lot line.



- f. **LOT, WIDTH OF.** The width measured along the front lot line or street line
- g. **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.
- h. **LOT, ZONING.** One or more lots of record used to for a principal purpose and for compliance with the lot requirements of this Ordinance.

5. Definitions M-O

- a. **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.
- b. **MASTER PLAN.** A comprehensive long-range plan intended to guide the growth and development of a community developed under the authority of PA 33 of 2008, the Michigan Planning Enabling Act. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities, and future land use.
- c. **MOBILE HOME.** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

- d. **MOBILE HOME PARK.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
- e. **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.
- f. **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.
- g. **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.
- h. **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.
- i. **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.
- j. **OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building.

6. Definitions P-R

- a. **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. See also "lot."
- b. **PARKING SPACE.** An off-street space suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.
- c. **PLANNING COMMISSION.** The officially designated body of the village enabled under Public Act 33 of 2008 with all the duties and powers described therein.
- d. **PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.
- e. **PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

- f. **PUBLIC STREET.** A public thoroughfare which affords the principal means of access for abutting property.
- g. **PUBLIC UTILITY.** Any person, firm, corporation, municipal department, or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, cable, internet, or water service.
- h. **RECREATIONAL VEHICLE.** A vehicular 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.
- i. **RELIGIOUS INSTITUTIONS.** A church, synagogue, mosque, temple, or other such place of worship and accessory uses commonly found in connection with such institution.
- j. **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.
- k. **RIGHT-OF-WAY.** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or utilities.
- l. **RUBBISH.** A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments, and institutions.

7. Definitions S-U

- a. **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.
- b. **S.E.V.** The state equalized valuation of the property in question, as determined by the ownership assessor. This is presumed to be 50 percent of the property's true cash value.
- c. **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 setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback.
- d. **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

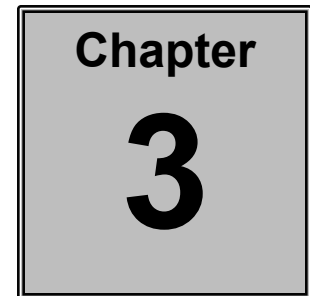
and which is intended to direct attention to an object, product, place, activity, person, institution, organization, or business. However, a "sign" shall not include a sign located completely within an enclosed building. See Chapter 5 for additional definitions related to signs.

- e. **SITE, AREA.** The total area within the property lines excluding rights-of-way, easements, etc.
- f. **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.
- g. **SOLAR ENERGY COLLECTOR.** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.
- h. **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.
- i. **SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered anal region, buttock, female breasts below a point immediately above the top of the areole, human genitals, pubic region, or human male genitals in a discernible turgid state, even if completely and opaquely covered.
- j. **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 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.

- k. **STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 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.
- l. **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.
- m. **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.
- n. **PRINCIPAL ARTERIAL.** Serves the major center of activity of the region, the highest traffic volume corridors, and the longest trip desire.
- o. **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.
- p. **COLLECTOR.** Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas, and industrial areas.
- q. **LOCAL.** Serves as direct land access and access to higher systems.
- r. **STREET LINE.** The legal line of demarcation between a street right-of-way line and land for service, benefit, or enjoyment.
- s. **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).
- t. **USABLE FLOOR AREA.** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator, or stair bulkheads or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.
- u. **USE.** The employment or occupation of a building structure or land for service, benefit, or enjoyment.

8. Definitions V-Z

- a. **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.
- b. **VISUAL SCREEN.** A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.
- c. **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.
- d. **YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.
- e. **YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.
- f. **YARD, SIDE.** A yard between the nearest point of the main building and any sideline.
- g. **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.



CHAPTER 3 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 is available for viewing at the village office. This map, with all explanatory matter thereon, is hereby made a part 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. See SECTION 1302.3.b.

SECTION 305. DISTRICT REGULATIONS TABLES.

Regulations for all zoning districts are contained together in the following four (4) 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 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. Table of Uses. This table identifies the zoning districts in which each use is permitted, either by right or by special land use. Uses permitted by right may be allowed upon meeting all other requirements identified in the Table of Use Requirements, and other provisions of this Ordinance. Uses permitted by special permit are subject to the process described by Chapter 10.
3. Table of Use Requirements. This table provides a definition, parking requirement, and design standard for each use listed in the Table of Uses.
4. Dimensions Table. The table specifies parcel dimensions, setback requirements, and other dimensional requirements for parcels in each zoning district.

SECTION 306. PURPOSES OF ZONING DISTRICTS.

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.

SECTION 307. TABLE OF USES FOR ZONING DISTRICTS.

Village of St. Charles - Table of Uses		Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)						
Uses by Category		R-1A	R-1	R-2	R-3	B-1	B-2	M-1
Residential uses								
Accessory dwelling unit	SLU	SLU	SLU	SLU	SLU			
Adult foster care family home	P	P	P	P	P			
Adult foster care small group home (7-12)	SLU				SLU			
Adult foster care large group home (13-20)	SLU				SLU			
Adult foster care small group home (1-6)	P	P	P	P	P			
Apartments						SLU	P	
Structures with three (3) or four (4) units				SLU	SLU			
Family day care home	SLU	SLU	SLU	SLU	SLU			
Group day care home	SLU	SLU	SLU	SLU	SLU			
Home occupation	P	P	P	P	P			
Home-based business	SLU	SLU	SLU	SLU	SLU			
Mobile home parks					SLU			
Multi-family dwellings					P	SLU	SLU	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses	Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)							
Uses by Category	R-1A	R-1	R-2	R-3	B-1	B-2	M-1	
Planned unit development	SLU							
Recreational vehicle parks and campgrounds	SLU							
Senior citizen housing	SLU	SLU	SLU	SLU	SLU	SLU		
Single-family dwelling	P	P	P	P	P	P		
Telecommuting	P	P	P	P	P	P	P	
Temporary dwelling	SLU	SLU	SLU	SLU				
Two-family dwelling			P	P	P	P		
Commercial uses								
Adult entertainment uses						SLU	SLU	
Bar						SLU		
Bed and breakfast	SLU	SLU	SLU	SLU				
Bingo halls						P		
Building supply or lumber yard						P	P	
Bus terminals						SLU	P	
Business services					P	P	P	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses		Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)								
Uses by Category		R-1A	R-1	R-2	R-3	B-1	B-2	M-1		
Child Care Center						SLU	P			
Club						P	P			
Commercial recreation						P	P			
Convenience store						P	P			
Drive-in						SLU	SLU			
Drive-through						SLU	SLU			
Driving ranges		SLU	SLU	SLU	SLU					
Dry Cleaner						SLU	SLU	SLU		
Farm equipment sales and service							SLU	P		
Financial institution						P	P			
Funeral home and mortuary						P	P			
Gas station						SLU	SLU			
Golf courses		SLU	SLU	SLU	SLU					
Grain and seed elevators							SLU	P		
Greenhouse, commercial								SLU		

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses	Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)							
Uses by Category	R-1A	R-1	R-2	R-3	B-1	B-2	M-1	
Grocery store					P	P		
Hotel or Motel					P	P		
Equipment sales and service						SLU	P	
Kennel	SLU						SLU	
Mini-storage						SLU	P	
Mixed use structure					SLU	P	P	
Nursing home			SLU	SLU	P			
Office			SLU	SLU	P	P		
Outdoor storage					SLU	SLU	P	
Personal service business					P	P		
Private club			SLU	SLU		P		
Recreational use, commercial					SLU	P	P	
Restaurant					P	P		
Retail sales establishment					P	P		
Service business					P	P		

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses		Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)						
Uses by Category		R-1A	R-1	R-2	R-3	B-1	B-2	M-1
Shopping center							P	
Theaters							P	
Truck terminals							SLU	P
Vehicle sales						SLU	SLU	SLU
Vehicle sales and service						SLU	SLU	SLU
Vehicle service business						SLU	SLU	SLU
Vehicle service-wash						SLU	SLU	SLU
Veterinary hospitals or clinics	SLU					SLU	SLU	
Warehouses							SLU	P
Wholesale business								P
Industrial uses								
Contractors' establishment								SLU
Hazardous materials storage								SLU
Heavy industry and manufacturing								SLU
Incinerator								SLU

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses		Zoning Districts (P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)							
Uses by Category		R-1A	R-1	R-2	R-3	B-1	B-2	M-1	
Junk yards									SLU
Light industry and manufacturing						SLU	SLU	P	
Institutional uses									
Cemeteries	P	P	P	P	P				
Clinic	SLU	SLU	SLU	SLU	SLU	P	P		
College or technical school						SLU	SLU	SLU	
Community center	SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Hospital	SLU	SLU	SLU	SLU	SLU	P			
Incarceration facility	SLU							SLU	
Library				P	P	P	P		
Museums or galleries				P	P	P	P		
Post office						P	P	P	
Private or parochial school	P	SLU	SLU	SLU	SLU	SLU	SLU		
Public building	P			SLU	SLU	P	P		
Public or charter school	P	P	P	P	P	P	P		

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses	Zoning Districts							
	(P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)							
Uses by Category	R-1A	R-1	R-2	R-3	B-1	B-2	M-1	
Public safety facilities					P	P	P	
Religious institutions	P	P	P	P	P			
Wastewater treatment and disposal facilities							SLU	
Water treatment and storage facilities							SLU	
Other uses								
Accessory structures	P	P	P	P	P	P	P	
Accessory use	P	P	P	P	P	P	P	
Arenas or stadiums	SLU					SLU		
Accessory solar energy collector, building-mounted	P	P	P	P	P	P	P	
Accessory solar energy collector, ground-mounted	P	P	P	P	P	P	P	
Essential services	P	P	P	P	P	P	P	
General aviation airport						SLU	SLU	
Nature preserves	P							
Marihuana uses	PR	PR	PR	PR	PR	PR	PR	
Park	P	P	P	P	P	P		

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Uses	Zoning Districts								
	(P= Permitted Use SLU= Special Land Use PR= Prohibited Uses)								
Uses by Category	R-1A	R-1	R-2	R-3	B-1	B-2	M-1		
Public or private meeting hall			SLU	SLU	SLU	P			
Swimming pool	P	P	P	P					
Telecommunications antenna	P	P	P	P	P	P	P		P
Telecommunications tower	SLU								SLU
Temporary outdoor use					SLU	SLU			
Wind energy conversion system	SLU	SLU	SLU	SLU					SLU

SECTION 308. TABLE OF USE REQUIREMENTS.

Village of St. Charles - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Residential Uses			
Accessory dwelling unit	A structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use, that houses a separate dwelling unit that is utilized by another member of the primary resident's family. An accessory dwelling unit may not be rented or leased.	N/A	Must meet all standards for accessory structures.
Adult foster care family home	A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than 6 to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	2 spaces	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required.
Adult foster care small group home (7-12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 7 but not more than 12 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	3 spaces	Proof of state license required.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Adult foster care large group home (13-20)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	5 spaces	Proof of state license required.
Adult foster care small group home (1-6)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than 6 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	2 spaces	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required.
Apartment	A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family. An apartment may be one of many contained in a multi-family dwelling or a single apartment located in a building that contains other uses.	1.5 spaces per dwelling unit	Parking areas must be screened from adjacent residential uses or districts by a greenbelt area or screening fence or wall. Apartments located in the B2 zoning district must be located on the second floor or above, unless they are a part of a multi-family dwelling, in which case apartments may be located on the ground floor.
Structures with three (3) or four (4) dwelling units	A single building with three (3) or four (4) apartments located on a single lot.	1.5 spaces per dwelling unit	Parking areas must be screened from adjacent residential uses by a greenbelt area or screening fence or wall that meets the requirements of Chapter 8.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Family day care home	A private dwelling in which one to seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year.	2 spaces	Proof of state license required. A seventh child is only permitted if the day care home complies with necessary requirements in the Child Care Licensing Act, as amended (PA 116 of 1973).

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Group day care home	A private dwelling in which seven to fourteen minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.	2 spaces plus 1 space per 4 children of licensed capacity	<ol style="list-style-type: none"> 1) Proof of state license required. 2) Is located not closer than 500 feet to any of the following: <ol style="list-style-type: none"> a. Another licensed group child care home. b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523. d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3) Has appropriate fencing for the safety of the children in the group child care home as determined by the Planning Commission. 4) Maintains the property consistent with the visible characteristics of the neighborhood. 5) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m. 6) A thirteenth or fourteenth child are only permitted if the day care home complies with necessary requirements in the Child Care Licensing Act, as amended (PA 116 of 1973).

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Home occupation	An occupation or business carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.	N/A	<p>Home occupations shall:</p> <ol style="list-style-type: none"> 1) Be operated in its entirety within the principal dwelling; 2) Not have a separate entrance from outside the building; 3) Not involve alteration or construction not customarily found in dwellings; 4) Not use any mechanical equipment, except that which is used normally for purely domestic or household purposes; 5) Not use more than 10 percent of the total actual floor area of the dwelling; <p>Home occupations shall not display or create any external evidence of the operation of the home occupation, except for one unanimated, nonilluminated, wall sign having an area of not more than 2 square feet.</p>
Home-based business	An accessory use of a single-family or two-family dwelling or accessory structure which does not meet the definition of a home occupation, but complies with the other requirements of this Ordinance. A home-based business should consist of service-oriented or small manufacturing or production uses and typically be more intense than a home occupation, due to factors such as intensity of use or clients coming to the residence.	N/A	<p>Home-based businesses shall not generate significant noise, odors, light, glare, increased traffic, or other nuisances. External evidence of the operation shall be incidental and temporary, except for one unanimated, nonilluminated wall sign having an area of no more than 4 square feet.</p>

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Mobile home parks	A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.	2 spaces per dwelling unit	State Permit Required. All mobile home parks shall comply with all site, development, and other standards and requirements of The Mobile Home Commission Act, Act 96 of 1987, 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.
Multi-family dwellings	A building or portion thereof containing three (3) or more dwelling units.	1.5 spaces per dwelling unit	The site must be screened from adjacent residential uses by a greenbelt area or screening fence or wall. The minimum gross floor area of each unit in a multi-family dwelling must meet the following standard. 1) Efficiency unit: 350 square feet 2) One-bedroom unit: 550 square feet 3) Two-bedroom unit: 750 square feet 4) Three-bedroom unit: 950 square feet
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.	As determined by Planning Commission during site plan review.	See SECTION 401.11.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Recreational vehicle parks and campgrounds	Any lot or parcel of land upon which two or more recreational vehicle or camp sites are located, established, or maintained for occupancy for a fee by recreational vehicles, tents, and similar temporary structures of the general public as temporary living quarters for recreation or vacation purposes.	1 space per site	See SECTION 803.5
Recreational vehicles	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.	N/A	See SECTION 402.13
Senior citizen housing	A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older or others with need for assisted living including memory care. The facility may include medical facilities or care. Senior housing shall typically consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.	1 space per 3 dwelling units	The site must be screened from adjacent residential uses by a greenbelt area or screening fence or wall.
Single-family dwelling	A detached building containing one dwelling unit only.	2 spaces per dwelling unit (may be grave)	Shall comply with the regulations of SECTION 402.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Telecommuting	An arrangement between an employer and employee for performing work at a location other than the primary work location, such as in the dwelling of an employee or in a satellite office, and sending and receiving material by phone, email, or other electronic means.	N/A	No exterior evidence of the use, including signs are permitted. See Home Occupation.
Temporary dwelling	A recreational vehicle or similar structure or building utilized for dwelling purposes while a primary dwelling is being renovated or repaired.		Temporary dwellings may be permitted for a period of up to six months during construction on a primary dwelling, with the opportunity for one six-month renewal approved by the Zoning Administrator. Temporary dwellings shall be connected to an approved potable water supply and sanitary sewage system and shall comply with the setback requirements for a principal structure.
Two-family dwelling	A building containing not more than two (2) dwelling units.	2 spaces per dwelling unit (may be gravel)	Shall comply with the regulations of SECTION 402.
Commercial Uses			
Adult entertainment uses	A business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas. This includes but is not limited to: <ul style="list-style-type: none"> • Adult bookstores. • Adult motion picture theaters. • Adult mini motion picture theaters. • Exotic cabarets. • Massage parlors. • Public baths. • Taxi dance halls. 	1 space per 2 seats OR 1 space per 300 square feet of usable floor area	See SECTION 401.13.

VILLAGE OF ST. CHARLES ZONING ORDINANCE**Village of St. Charles - Table of Use Requirements**

USE	DEFINITION	PARKING	DESIGN STANDARD
Bar	A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink which may also serve food to customers. Bars include taverns, night clubs, and similar facilities.	1 space per 2 seats	
Bed and breakfast	A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.	1 space per guest room	A screening fence or wall is required to screen any parking areas from an adjacent residential district or use. See SECTION 803.5 – SECTION 803.7. Bed and breakfasts shall provide accommodations for no more than five guest rooms and serve breakfast to overnight guests only.
Bingo halls	A facility used primarily for the conduct of bingo games, open to the public and not in a subsidiary nature to another use.	1 space per 4 persons allowed in building based on fire code rules	
Building supply or lumber yard	A business which emphasizes the sale of building materials, tools, lumber and wood products, and other related materials that may be stored or displayed in the principal building or in accessory shed-type structures.	1 space per 300 square feet of usable floor area	
Bus terminals	Any premises for the transient housing or parking of buses, and the loading and unloading of passengers.	1 space per employee on the largest shift	A screening fence or wall is required for bus loading/unloading areas when located adjacent to residential or commercial districts.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Business services	A commercial establishment which 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.	1 space per employee on the largest shift	
Child Care Center	A facility other than a private residence in which one or more minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian. Group day care centers do not include a Sunday school, vacation bible school, or religious instructional class or a program that supervises children participating in a specific subject matter, artistic or recreational activity for less than 3 hours per day.	2 spaces plus 1 space per 4 children of licensed capacity	Proof of state license required. See SECTION 401.14.
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.	1 space per 4 persons allowed in building based on fire code rules	
Commercial recreation	Commercial recreational facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, arcades, roller rinks, miniature golf, and similar uses.	1 space per 4 persons allowed in building based on fire code rules	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
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.	1 space per 300 square feet of usable floor area	
Drive-in	A business establishment so developed that its retail or service character is dependent on providing a 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.	1 space per 20 square feet usable floor area	
Drive-through	A business establishment so developed that its retail or service character is dependent on providing a driveway approach 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-thru service.	See SECTION 401.14	See SECTION 401.14.
Driving ranges	An outdoor area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro shop but excludes miniature golf courses and "putt-putt" courses.	1 space per tee	Must include a screening fence or wall <u>and</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5. Driving ranges must provide a setback of 100 feet from side and rear property lines along with safety netting or fencing that protects adjacent properties from hazards.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Dry cleaner	An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.	1 space per 300 square feet of usable floor area	Shall not be permitted in areas of the village sensitive to groundwater contamination. Site plans must demonstrate measures taken to prevent contamination of soil and groundwater, and processes for appropriate storage and disposal of any hazardous materials.
Farm equipment sales and service	Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.	1 space per 400 square feet of usable floor area	
Financial institution	An establishment where the principal businesses is the receipt, disbursement, or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.	1 space per 150 square feet of public area	See "Drive-through".
Funeral home and mortuary	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.	1 space per 4 persons allowed in building based on fire code rules	
Gas station	Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental, where no more than two abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as accessory uses.	3 spaces per wash, stall, or fuel pump	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Golf courses	An area or course for playing golf, consisting of at least nine holes, except miniature golf, within which the playing area is not artificially illuminated.	1 space per employee on largest working shift plus 2 spaces per hole	Must include a greenbelt when located adjacent to any residential district or use, a screening fence or wall may be required by the Planning Commission as well during site plan review. See SECTION 803.5.
Grain and seed elevators	A building for elevating, storing, discharging, and sometimes processing grain.	4 spaces per business (may be gravel)	
Greenhouse, commercial	A commercial retail operation which sells plants and planting material including material not grown or produced on site.	1 space per 500 square feet of usable floor area	
Grocery store	A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.	1 space per 300 square feet of usable floor area	
Hotel or 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.	1 space per guest room	
Equipment sales and service	Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. This includes the incidental storage, maintenance, and servicing of such equipment.	1 space per employee on the largest shift, plus one space per 400 square feet of usable floor area	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Kennel	A facility where more than four (4) of any combination of domestic pets, including dogs, cats, and other domestic pets are boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.	1 space per 5 animals boarded	Any kennel on a property that shares a boundary with residentially zoned property must provide for a 6-foot-high wall, fence, or greenbelt / landscaped area pursuant to specifications of SECTION 803. Kennels shall comply with the Village of St. Charles noise ordinance.
Mini-storage	A building or group of buildings of a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customers' goods or wares.	1 space per 5 storage units	Mini-storage facilities shall be screened from adjacent residential districts or uses, consistent with the requirements of SECTION 803.5.
Mixed use structure	A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses.	In the case of mixed uses, each of which occupies at least 20 percent of the floor area of a building, the total off-street parking requirements for the building shall be reduced to 90 percent of the sum of parking spaces required for the individual uses computed separately.	
Nursing home	A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.	1 space per 6 beds	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
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, 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.	1 space per 300 square feet of usable floor area, but not less than 3 spaces	
Outdoor storage	The storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.	N/A	Outdoor storage of any kind shall be screened from adjacent properties, consistent with the requirements of SECTION 803.5.
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, laundromat, millinery or tailoring, tattoo parlor, shoe repair and repair of small appliances, watches or jewelry, and other related uses not otherwise defined.	2 spaces per service station (i.e., per "chair") or 1 space per 200 square feet of usable floor area, whichever is greater	
Private club	Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business.	1 space per 2 member families	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
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, racetracks, arcades, indoor driving ranges, miniature or putt-putt golf, etc.	1 space per 4 persons allowed in building based on fire code rules. Additional parking may be required for outdoor activities.	
Restaurant	An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.	1 space per 3 seats	See "Drive-through".
Retail sales establishment	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.	1 space per 300 square feet of usable floor area	
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.	1 space per 200 square feet of usable floor area	
Shopping center	A group of more than three (3) commercial spaces planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian facilities on the property as an integral part of the unit.	Ninety (90) percent of the sum of parking spaces required for the individual uses computed separately.	

VILLAGE OF ST. CHARLES ZONING ORDINANCE**Village of St. Charles - Table of Use Requirements**

USE	DEFINITION	PARKING	DESIGN STANDARD
Theaters	An outdoor or indoor area, building, part of a building, structure, or defined area utilized primarily showing motion pictures, or for dramatic, dance, musical, or other live performances. Such establishments may include related services such as food and beverage sales and other concessions. Theaters include auditoriums and other similar performance-related uses.	1 space per 3 seats or 6 feet of bench or pew seating	
Truck terminals	The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.	1 space per employee on the largest working shift working on-site	
Vehicle sales	An establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, or pickup trucks.	The greater of 5 spaces, or 1 space per 500 square feet of usable floor area	
Vehicle sales and service	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.	1 space per 500 feet of usable floor area for sales and 3 spaces per garage or stall for vehicle services	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

Village of St. Charles - Table of Use Requirements				
USE	DEFINITION	PARKING	DESIGN STANDARD	
Vehicle service business	Any establishment engaged in the direct retail sale 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.	5 spaces, plus one space per employee on the largest working shift		
Vehicle service-wash	An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and other vehicles using production line methods.	The greater of 5 spaces, or 1 space per 500 square feet of usable floor area	See "Drive-through".	
Veterinary hospitals or clinics	A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital or clinic use.	2 spaces per exam or treatment room		
Warehouses	An establishment engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment. The presence of outdoor storage or hazardous materials storage may occur simultaneously.	1 space per employee on the largest working shift		
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.	1 space per employee on the largest working shift		
Industrial Uses				
Contractors' establishment	An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials.	1 space per employee on the largest shift	See "Outdoor storage" if it is included in the use.	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Hazardous materials storage	Materials that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.	N/A	
Heavy industry and manufacturing	Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy Industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, solid waste, or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage that require outdoor storage.	The greater of: 1 space per 2,000 square feet of usable floor area OR 1 space per employee on the largest shift	
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.	N/A	See SECTION 401.15.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Junk yards	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 or salvage yard includes automobile-wrecking yards and two (2) or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of junk or salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as junk yards.	1 space per employee on the largest working shift.	See SECTION 401.16.
Light industry and manufacturing	Any operation which assembles, improves, treats, compounds, or packages goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building in which the activity takes place, which does not require outside storage or goods or materials, and which does not generate significant truck traffic.	The greater of: 1 space per 2,000 square feet gross usable floor area OR 1 space per employee on the largest shift	
Institutional Uses			
Cemeteries	Property used for interring of the dead.	2 spaces per acre	Additional uses may be present on the site such as religious institutions, public structures, or public or private meeting halls. Those uses must be considered separately.
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.	2 spaces per exam or treatment room	

VILLAGE OF ST. CHARLES ZONING ORDINANCE**Village of St. Charles - Table of Use Requirements**

USE	DEFINITION	PARKING	DESIGN STANDARD
College or technical school	A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges, trade, or vocational schools that grant associate or bachelor's degrees or certificates of completion in business or technical fields.	1 space per 3 all-day students	
Community center	A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.	1 space per 4 persons allowed in building based on Fire Code rules	
Hospital	An institution for the diagnosis, treatment, or care of aged, sick, or injured people. The term "hospital" shall include sanatorium, rest home, and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.	1 space visitor parking per 3 beds; 1 space doctors parking per 2 staff members	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Incarceration facility	Any jail, prison, holding facility, work camp, or detention center of any kind.	1 space per employee on the largest working shift.	<ol style="list-style-type: none"> 1) Remote From Residential Subdivisions. No residential subdivisions with officially filed plats should exist within 1 mile of the facility. 2) Ambulance and Delivery Areas. Ambulance and delivery areas shall be obscured from view by a solid masonry wall 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. 5) Connect to Municipal Utilities. Incarceration facilities must connect to municipal sewerage and water to protect public health and safety.
Library	A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.	1 space per 600 square feet gross usable floor area	
Museums or galleries	An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.	1 space per 600 square feet gross usable floor area	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Post office	A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.	1 space per 600 square feet gross usable floor area	
Private or parochial school	An educational institution other than a public school which offers instruction in the several branches of learning and study required to be taught in public schools.	1 space per 10 all-day students Additional parking requirements if gymnasiums, theaters, or stadiums are included.	Must include a screening fence or wall <u>or</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5 – SECTION 803.7.
Public building	Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.	1 space per 600 square feet usable floor area	Must include a screening fence or wall <u>or</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5 – SECTION 803.7.
Public or charter school	A public school offering instruction at the elementary, middle, or high school levels in the branches of learning and study required to be taught in schools within the state.	1 space per 10 all-day students Additional parking requirements if gymnasiums, theaters, or stadiums are included.	Must include a screening fence or wall <u>or</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5.
Public safety facilities	A public or private facility for public safety and emergency services, including a facility that provides police or fire protection, ambulance service, and related administrative facilities.	1 space per 600 square feet usable floor area	Must include a screening fence or wall <u>or</u> a greenbelt when located adjacent to any residential district or use. SECTION 803.5.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Religious institutions	A church, synagogue, mosque, temple, or other such place of worship and accessory uses commonly found in connection with such institution.	1 space per 3 seats or 6 feet of bench of pew seating	
Wastewater treatment and disposal facilities	The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes.	1 space per employee on the largest working shift	See SECTION 401.17.
Water treatment and storage facilities	An establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts, or distribution mains. The water may be used for drinking, irrigation, or other uses.	1 space per employee on the largest working shift	Must include a screening fence or wall <u>and</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5.
Other Uses			
Accessory solar energy collector, building-mounted	A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, window, or other element, in whole or in part, of a building.	N/A	<ol style="list-style-type: none"> 1) A building mounted solar energy collector shall not extend more than 4 feet above the surface to which it is affixed. 2) No solar energy collector may protrude beyond the edge of the roof. 3) A building permit and electrical permit shall be required for installation of building-mounted solar energy collectors. 4) All other accessory structure standards apply.
Accessory solar energy collector, ground-mounted	A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.	N/A	<ol style="list-style-type: none"> 1) A building permit and electrical permit shall be required for installation of ground-mounted solar energy collectors. 2) Ground mounted solar energy collectors shall not exceed 6 feet in height. 3) All other accessory structure standards apply.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Accessory structures	A structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.	N/A	Accessory structures must be setback at least 5 feet from any rear lot line and 6 feet from any side lot line. Front yard setbacks for accessory structures shall be equal to the setback required in the applicable zoning district.
			Permitted yard encroachments, see SECTION 404.1.
Accessory use	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.	N/A	
Arenas or stadiums	A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.	1 space per 3 seats or 6 feet of bench or pew seating	See SECTION 401.18.
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.	N/A	When the essential service includes a building or structure as part of an overhead or underground system, a screening fence or wall and a greenbelt shall be required when located adjacent to any residential district or use. See SECTION 803.5.
General aviation airport	Any publicly- or privately-owned airport licensed as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.	1 space per 3 tie downs, 1 hanger space	
Nature preserves	Sites with environmental resources intended to be preserved in their natural state.	1 space per 10 acres	
Marihuana uses	Uses authorized under the Medical Marihuana Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.	N/A	¹⁾ These uses are prohibited in the Village of St. Charles until such time as the Village Council approves licensing of such uses.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Park	An open space with natural vegetation and landscaping; may include recreational facilities. Parks may also include team sports facilities and other associated uses.	1 space per 2 acres	
Public or private meeting hall	A building designed for public assembly, containing at least one room designed to host gatherings of people.	1 space per 4 persons allowed in building based on fire code rules	1) Must include a screening fence or wall <u>or</u> a greenbelt when located adjacent to any residential district or use. See SECTION 803.5 – SECTION 803.7.
Swimming pool	A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.	N/A	See “accessory structures”.
Telecommunications antenna	Any exterior transmitting or receiving device mounted on a tower, building or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, radar signals, wireless communications signals, or other communication signals.	N/A	Subject to the same requirements as other accessory structures.
Telecommunications tower	A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.	N/A	See SECTION 401.19.
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.	1 space per 4 occupants or customers	

VILLAGE OF ST. CHARLES ZONING ORDINANCE

Village of St. Charles - Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Wind energy conversion system	A device for generating electric power from wind that is an accessory use that is intended to primarily serve the needs of the consumer at that site, typically a dwelling or business.	N/A	<ol style="list-style-type: none">1) Property Set-back. The distance between an on-site wind energy conversion system (WECS) and the owner's property lines shall be equal to the total height of the WECS including the top of the blade in its vertical position.2) The distance between a WECS and any structure on an adjacent residential lot shall be equal to twice the total height of the WECS including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than the required setback in the respective zoning district.3) A building permit and electrical permit shall be required for installation of any wind energy system.4) A WECS shall not exceed 66 feet in height.

VILLAGE OF ST. CHARLES ZONING ORDINANCE
SECTION 309. DIMENSIONS

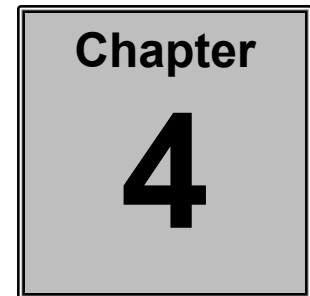
Zoning district	Zoning Lot dimensions		Front yard*	Back yard	Side yard		Corner lot yards		Min. total square feet	Maximum height	Maximum stories	Maximum lot coverage
	Minimum area	Minimum width	Minimum depth	Minimum depth	Minimum total	Minimum 1 side	Side str. yard min.	Remaining sides min.				
R-1A One- family open residential	12,000'	100'	30'	40'	20'	10'			1,000'	25'	2.0	20%
R-1 Residential	7,000'	100'	25'	30'	25'	10'			1,000'	25'	2.0	30%
R-2 Residential	7,000'	75'	20'	30'	25'	10'			750'	35'	2.5	35%
R-3 Residential	7,000'	75'	30'	30'	25'	12**	25'	12'	750'	40'	3.0***	35%
B-1 Commercial neighborhood	None	None	20'	None	None				None	35'		None
B-2 Commercial intensive	None	None	20**	None	None	None			None	35'		None
M-1 Industrial light	None	None	20'	10% of lot width and depth respectively but need not be > 40'.						35' 35'#	3.5 2.5#	None

* No front yard setback is required for properties with a front yard adjacent to S. Saginaw Street between Water Street and Hosmer Street.

** 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.



CHAPTER 4 GENERAL REQUIREMENTS

SECTION 401. SUPPLEMENTARY USE REGULATIONS.

1. **Zoning 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 and Zoning Permits.** Any building permit and zoning permit issued prior to the effective date of this Chapter (May 10, 2023) shall be valid, even though not conforming to the provisions of this Chapter, provided that construction is commenced within 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 (1) 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, verifying compliance with the zoning permit and, 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 90 days.
5. **Fences, Walls, and Screens.** No fence, wall, or hedge plantings shall exceed a height of 3 feet within 20 feet of any street right-of-way line. Fences, walls, or structural screens shall not exceed 4 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 6 feet in height in any R-1A, R-1, R-2, or R-3 zoning district. On any fence erected, the good side must face out towards the adjacent property.

6. **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.
7. **Heavy Trucks.** Overnight parking of commercial vehicles plated for 24,000 pounds or more and requiring commercial plates, including all semi-truck tractors and trailers, is prohibited within any R-1, R-2, or R-3 zoning district.
8. **Agricultural Equipment.** Agricultural equipment, motorized or nonmotorized, must be housed in a garage in an R-1, R-2, or R-3 zoning district.
9. **Farm Animals.** Farm animals are prohibited in all zoning districts, provided the prohibition in any particular circumstance is consistent with the Right to Farm Act.
10. **Waste Receptacles.** Waste receptacles, including dumpsters and compactors, shall be required in all multiple-family and nonresidential developments unless the Planning Commission determines one is not necessary for the use. All waste receptacles must be located within an enclosure meeting the following standards. These requirements do not apply to single-family residences.
 - a. Waste receptacles shall have an enclosing lid or cover and shall be enclosed on three sides with a gate on the fourth side. The enclosure shall be constructed of fencing, brick, or decorative masonry block material consistent with the principal building with a maximum height of six feet or at least one foot higher than the waste receptacle and spaced at least three feet from the waste receptacle. Chain-link fencing with vinyl or wood strips is not acceptable screening material.
 - b. Waste receptacle enclosures shall be located in the rear yard or side yard, at least 10 feet from any nonresidential property line, combustible walls, or combustible roof eaves and in no case be less than 20 feet from any residential district.
 - c. Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
 - d. The waste receptacle enclosure base shall be at least nine feet by six feet, constructed of six inches of reinforced concrete pavement. The base shall

extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

- e. No refuse or trash shall be permitted to be stored higher than the waste receptacle enclosure.

11. Planned Unit Developments.

- a. 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 the Table of Uses found in SECTION 307.
- b. 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.
- c. 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.
- d. 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.
- e. Parking areas must be screened from adjacent residential uses by a greenbelt area or screening fence or wall.
- f. Buffering for Residential Uses. When a PUD contains a mix of residential and other uses, the following provisions shall be enforced:
 - 1) 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.
 - 2) 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.

12. Recreational Vehicle Parks and Campgrounds.

- a. 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 60 days.
- b. 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 (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least 1,000 square feet of living area for the manager's family.
- c. Greenbelt, Fence and Setback. The entire perimeter of any RV park or campground shall provide a landscaping screen, consistent with SECTION 803.5.
- d. 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 150 feet in each direction on any abutting road and for 25 feet on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least 24 feet wide for two-way traffic or 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 10 miles per hour.
- e. 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 20 camping or RV sites. These facilities shall be kept in good working order and each structure shall be thoroughly cleaned daily.
- f. Other Public Facilities. 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 pickup of waste at least weekly when the park is operating and frequently enough to ensure that such container(s) are never overloaded. Finally, at least 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.

- g. Individual Campsite Requirements. Each RV parking site or campsite shall be a minimum of 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 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 400 square feet.

13. Adult Entertainment Uses.

- a. Adult entertainment uses are uses defined in this ordinance and are regulated to protect the community from the negative secondary effects of these uses, including increased crime from an excessive concentration of these uses, and the blighting affect these uses have on residential property values. Therefore, adult uses are permitted by special use permit provided the parcel on which the use is located is:
 - 1) Located at least 200 feet from a residential zoning district.
 - 2) Located at least 1,000 feet from another adult use.
 - 3) Located at least 1,000 feet from all churches, convents, temples, and similar religious institutions.
 - 4) Located at least 1,000 feet from all public, private, or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - 5) Located at least 1,000 feet from all day care organizations.
 - 6) Located within a freestanding building. A shared or common wall structure or a shopping center is not considered to be a freestanding building.
 - 7) Located so that all access to the site is from a county primary roadway.
- b. In addition to the locational criteria above, the building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any vehicle or pedestrian on a public right-of-way or from an adjacent land use.

14. Drive-Throughs.

- a. Any drive-through facility shall include an off-street waiting space with a minimum width of 10 feet and a minimum length of 20 feet and shall not include the use of any public space, street, alley, or sidewalk.
- b. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobile by means of a service window or similar arrangements where the automobile engine is not turned off, there shall be provided off-street waiting spaces as follows:

USE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window
Vehicle Service-Wash	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas
Child Care Centers	One (1) vehicle per 15 children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Personal Service Business	Four (4) vehicles per lane inclusive of the vehicle at the window
Vehicle Service Business	Four (4) vehicles per lane inclusive of vehicle being serviced
Pharmacy	Three (3) vehicles per lane inclusive of the vehicle at the window
Convenience Store	Three (3) vehicles per lane inclusive of the vehicle at the window
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon

USE	MINIMUM STACKING REQUIREMENTS (PER LANE)
	analysis presented by the applicant, and reviewed by the Zoning Administrator.

- c. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- d. Drive-through lanes shall have a minimum centerline radius of 25 feet.
- e. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated, and shall require a by-pass lane with minimum width of 14 feet.
- f. A greenbelt and screening fence or wall shall separate all drive-through lanes and loading areas from adjacent residential districts or uses.
- g. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.

15. Incinerators.

- a. 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.
- b. Remote From Residential Subdivisions. No residential subdivisions with officially filed plats should exist within 1/2 mile of the facility.
- c. Tree Buffer. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than 100 feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. No Hazardous or Toxic Waste. No hazardous or toxic wastes, as defined by the applicable State of Michigan agency, may be deposited, or stored by any use in this group.
- e. 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.
- f. Activity Restrictions. No open burning shall be permitted and all industrial process involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

16. Junk Yards.

- a. 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.
- b. Remote From Residential Subdivisions. No residential subdivisions with officially filed plats should exist within 1/2-mile of the facility.
- c. Tree Buffer. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than 100 feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. 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.
- e. 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.
- f. 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.
- g. Fence Requirements. A solid fence or wall at least 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.

17. Wastewater Treatment and Disposal Facilities.

- a. 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.

- b. Remote From Residential Subdivisions. No residential subdivisions with officially filed plats should exist within 1/2 mile of the facility.
- c. Tree Buffer. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than 100 feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. 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.
- e. 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.
- f. Fence Requirements. All operations shall be completely enclosed by a wire link fence not less than 6 feet high.

18. Arenas or Stadiums.

- a. Stadiums or arenas shall be located at least 1,000 feet from any residential dwellings.
- b. Must include a screening fence or wall and a greenbelt when located adjacent to any residential district or use. See SECTION 803.5 through SECTION 803.7.
- c. All Access from a Village Major 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.
- d. Driveways Remote from Intersections. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) streets or highways.
- e. Sight Distance. All vehicles shall have clear vertical and horizontal sight distance approaching a public street within 100 feet of the street for a sight distance of 500 feet in either direction along the street.
- f. Acceleration And Deceleration Lanes. Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.
- g. 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.

- h. Ticket Gates. One ticket gate shall be provided for each 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 30 percent of the vehicular capacity of the facility.

19. Telecommunications Towers.

- a. Wireless communication towers, antennas, accessory buildings, and cabinets housing operating equipment shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding buildings and uses.
- b. New towers shall not exceed 120 feet in height. Existing towers shall not be modified so as to exceed 120 feet in height.
- c. All new towers shall be designed and constructed to accommodate the colocation of additional antennas.
- d. Buildings and cabinets housing operating equipment shall not exceed 12 feet in height.
- e. New towers, as well as buildings and cabinets housing operating equipment, shall be set back 100 feet from the lot line that separates the lot on which the facility is located from any lot in a residential zoning district, or a distance equal to the height of the tower, whichever is greater.
- f. Driveways for service vehicles shall be provided and paved in accordance with the regulations of this Ordinance and other applicable village standards.
- g. Wireless communication towers may be located as individual uses on individual lots, or as an additional use on a leased portion of a lot provided that compliance with the provisions of this Ordinance can be attained. The division of a lot for the purpose of siting a tower is permitted subject to the lot size, lot width, and other applicable zoning district regulations.
- h. Roof-mounted buildings and cabinets housing operating equipment shall be designed or screened so as to be architecturally compatible with the building on which they are located.
- i. Advertising signs shall not be allowed on antennas, towers, or on the exterior of buildings or cabinets housing operating equipment or on fences enclosing antenna or tower facilities.
- j. The owner shall provide a description of the security to be posted at the time of receiving a building permit for the telecommunication tower to ensure removal of the structure when it has been abandoned or is no longer needed. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter

of credit, or an agreement in a form approved by the Village Attorney and recordable at the office of the Saginaw County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the township in securing removal.

- k. Wireless communication facilities shall be removed by their owners within six months of the date on which such facilities are no longer used, or which become obsolete for the purpose or purposes for which they were granted special use.
- l. Prior to receiving site plan approval, applicant must demonstrate that there are no existing towers or structures that would be suitable for a telecommunications antenna as an alternative to constructing a tower.

SECTION 402. 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. In the case of a mobile home outside a mobile home park, if 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.
- 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 State 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 as authorized by Special Use Permit for Temporary Dwelling in the Table of Uses and Table of Use Requirements.
- 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.

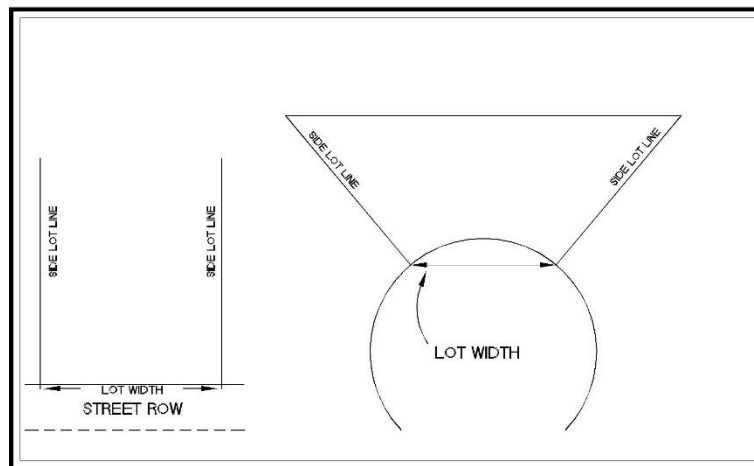
5. **Aesthetically Compatible.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than 6 inches on all sides and contain steps connected to such exterior door areas where a difference of elevation requires the same. 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 a majority of residential dwellings, located outside of mobile home parks, and within 2,000 feet of the subject dwelling where such area has not less than 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. **Storage Area.** Every dwelling unit must contain a storage area equal to 10 percent of the square footage of the dwelling or 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 State Building Code.
8. **Foundation.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the State Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
9. **Dimensions.** All single-family dwellings must have a minimum width across any front, side, or rear elevation of 20 feet and comply in all respects with the State Building Code, including minimum heights for habitable rooms.
10. **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 (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than 6 inches beyond the walls.
11. **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.
12. **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.

13. **Recreational Vehicles.** In all residential districts, the following provisions shall be met for recreational vehicle parking or storage for more than 48 hours.
- Vehicles shall be parked behind the front face of the principal building and no closer than 3 feet to any side or rear lot line. Vehicles may be parked in any legal garage or accessory structure so long as they can be parked completely within the structure.
 - Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned or leased by the occupant.
 - Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water, or gas.
 - Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e., engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle or equipment.

SECTION 403. 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. In the case of lots on cul-de-sacs or curvilinear streets, the lot width is straight line between the points where the side lot lines intersect the street right-of-way. (See Figure 4-1). "Flag lots" are not permitted.

Figure 4-1



2. **Access to a Street.** Any parcel created after the effective date of this Chapter, May 10, 2023, 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 appropriate public authority shall be the village in all cases except for property adjacent to M-52, in which case the public authority shall be the Michigan Department of Transportation. 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.

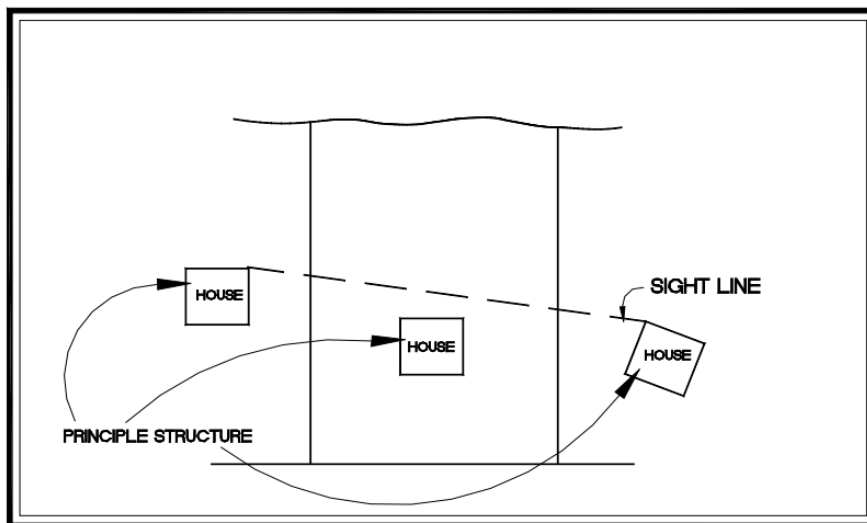
SECTION 404. SUPPLEMENTARY STRUCTURE REGULATIONS.

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 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 6 feet high and not enclosing more than 1/2 the perimeter of the paved area or porch.
 - b. Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of 2 1/2 feet.
 - c. Fire escapes, outside stairways, and balconies, if of open construction, project a maximum of 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 55 feet in any commercial zoning district and 60 feet in any industrial zoning district.
 - b. Special structures, such as chimneys or smokestacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of 175 feet in R-1A and M zoning districts.
 - c. Water towers or standpipes shall be permitted to a maximum height of 150 feet in any zoning district.
 - d. Residential television antennas or flagpoles shall be permitted to a maximum height of 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 15 feet.
 - e. Flagpoles in any B or M zoning district are permitted to a maximum height of 60 feet.
 3. **Permitted Side Yard Setback Exceptions.** If a legal nonconforming lot is narrower than the minimum lot width allowed in the zoning district it is located in, the minimum side yard setback requirement is reduced by the same percentage as the lot width does not conform to the minimum lot width requirement. For example, if a parcel is in a zoning district with a 100-foot lot width requirement but is only 80 feet wide and is legally nonconforming, then the side yard setback is reduced to 80 percent of the normally required setback. In no case shall a side yard setback be reduced to less than 5 feet under the provisions of this exception.

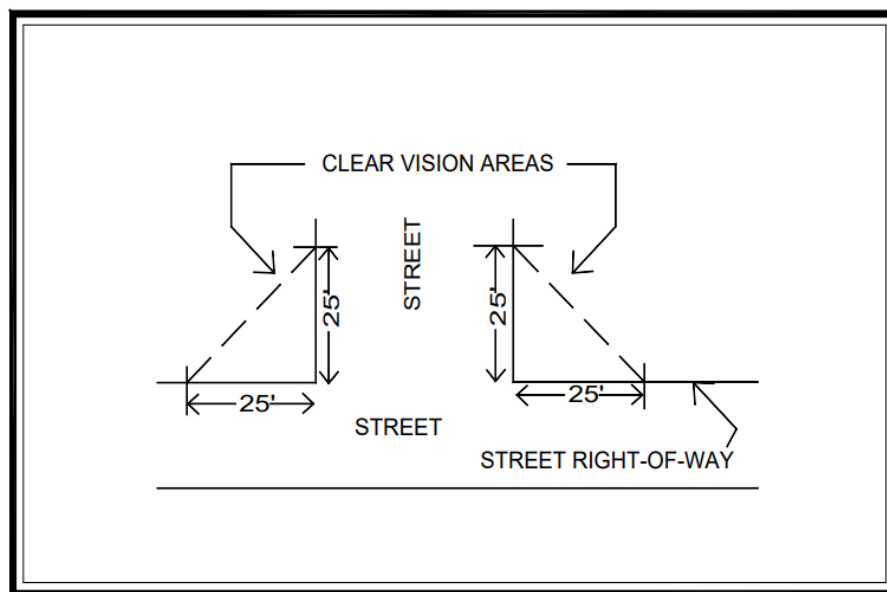
4. **Permitted Maximum Lot Coverage Exceptions.** If a legal nonconforming lot has less lot area than required in the zoning district it is located in, the maximum lot coverage requirement is increased by the percentage that the lot area does not conform to the minimum lot area requirement. For example, if a parcel is in a zoning district with a minimum lot area of 10,000 square feet but is only 8,000 square feet and is legally nonconforming, then the maximum lot coverage requirement is increased by 20 percent ($10,000 - 8,000 / 10,000 = .20$). In no case shall total lot coverage be increased to a total of more than 60 percent under the provisions of this exception.
5. **Permitted Rear Yard Setback Exceptions.** If a lot abuts an alley on its rear property line, the rear yard setback for principal structures shall be measured from the center line of the alley.
6. **Setbacks from River Edge.** All principal or accessory buildings shall be required to be located at least 50 feet from the edge of a river or stream.
7. **Sight Line.** On any lot or parcel touching a river, no structure or barrier in excess of 30 inches in height shall be erected beyond the sight line. The sight line shall be defined as a line across the width of a river front lot which connects the point closest to the river on the foundation of the principal structure on either side of the lot or parcel of land upon which proposed structure is to be constructed (see Figure 4-2). If there are no principal structures located on contiguous properties to the lot or parcel upon which the proposed structure is to be constructed, the sight line will be established from the point closest to the riverbank on the foundation of the next principal structure within 300 feet on either side. If there is not a principal structure within 300 feet on either side of the lot on which the proposed structure is to be built, the Zoning Administrator will establish a sight line intended to provide adequate protection of the view of the river for future development in the area.

Figure 4-2



8. **Structure Completion.** All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials such as wood, brick or brick veneer, shingle, concrete, or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.
9. **Corner Clearance.** No building, sign or other structure, fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established, or maintained on any corner lot above the height of 30 inches within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection. Nor shall a parking area be established or maintained within this corner clearance area. This shall not prohibit the establishment of shrubbery 30 inches or less in height from ground level (see Figure 4-3)

Figure 4-3



SECTION 405. 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 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 Natural Resources and Environmental Protection Act (PA 451 of 1994) including Part 303 Wetlands Protection, Part 337 Flood Drainage and Beach Erosion Control, Part 301 Inland Lakes and Streams, and Part 91 Soil Conservation, Erosion and Sedimentation Control.

2. **Process.** One step in the review process for any zoning permit application (see SECTION 1207) 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 (3) 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

State Act	Actions covered	Areas covered	Map locating such areas	Permit process	Other
Part 337 of PA 451 of 1994	Any fill or construction	100-year floodplain	FEMA flood hazard boundary maps	EGLE joint application	
Part 303 of PA 451 of 1994	Any dredging, filling, drainage, or construction	Wetlands over 5 acres or contiguous to a lake or stream	National Wetlands Inventory or Michigan Resource Information System Maps	EGLE joint application	
Part 301 of PA 451 of 1994	Any dredging, filling, or construction; erect, maintain, or operate any marina	Bottomland or banks of any lake or stream. (EGLE claims jurisdiction over county drains also)	County drain maps	EGLE 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 500 feet			
Part 91 of PA 451 of 1994	Any dredging, filling, grading, or construction	Any lake or stream or within 500 feet	County drain maps	Soil erosion permit from the Saginaw County Publics Works Commissioner	
	Construction which disturbs over 1 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 floodplain or Special Flood Hazard Areas 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 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 Special Flood Hazard Area must first obtain a state permit. Any work must also comply with the floodplain requirements of the State Building Code.

SECTION 406. LOT GRADES.

1. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures. The balance of yard spaces shall be graded, and adequate drainage provided where necessary to deflect drainage of surface from said premises and away from neighboring properties.
2. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems and shall be approved by the Building Inspector and other such authorities having jurisdiction over such systems.
3. Grades shall not be altered so as to cause a change to the natural flow of surface waters in either location or amount.
4. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be

used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and to prevent the flow of surface water onto adjoining property.

SECTION 407. EXCAVATIONS OR HOLES.

The construction, maintenance, or existence within the village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this Section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the county, the village, or other governmental agency.

SECTION 408. EXTERIOR LIGHTING.

All lighting must comply with the following standards:

1. Freestanding Pole Lighting

- a. All parking lots shall be illuminated. Photocells or other approved equipment are required on all fixtures. No wiring shall be exposed. Wiring shall be UL listed for wet locations.
- b. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, shoebox fixtures shall be used.
- c. Lighting intensities shall average 1 foot-candle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 foot-candles measured at the ground surface. At any property line abutting a residential use, the maximum intensity shall be 0.1 foot-candle.
- d. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- e. The maximum height of parking lot light fixtures shall be 20 feet, except that the Planning Commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.

- f. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.

2. Building-Mounted Lighting

- a. Commercial and industrial buildings are required to have adequate lighting at sides of the building with entries and exits.
- b. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, shall be used in an effort to maintain a unified lighting standard throughout the city and prevent “sky glow.”
- c. The intensity of light within a site shall not exceed 10 foot-candles within any site nor 1 foot-candle at any property line, except where it abuts a service drive or other public right-of-way. Foot-candles abutting a residential district or use can be a maximum of 0.5 foot-candles at the property line.
- d. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- e. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along roof eaves and around windows, etc. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

3. Window Lighting

- a. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- b. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Chapter 5.

4. Other Lighting

- a. The internal illumination of building-mounted canopies is prohibited.
- b. Indirect illumination of signs, canopies, and buildings is permitted provided a maximum 125-watt bulb is utilized and there is no glare.
- c. Ground lighting (up-lighting) used for the purpose of illuminating signs, landscaping, and architectural details shall be shielded away from public view, directed solely at the object to be lit, and screened with landscaping as necessary.

- d. The use of a laser light source, search lights, or any similar high-intensity light for outdoor advertisement or entertainment is prohibited.
 - e. Lighting shall not be of a flashing, moving, or intermittent type.
 - f. Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of Chapter 5.
5. **Exemptions.** The following are exempt from the lighting requirements of this Section except that the Planning Department may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety, and welfare of the public:
- a. Sports field lighting, in use no later than 10:00 p.m. Other sports field lighting may be approved by the Planning Commission after a determination that compliance with the standards in this Section have been met to the greatest extent possible.
 - b. Swimming pools.
 - c. Holiday decorations.
 - d. Window displays without glare.
 - e. Shielded pedestrian walkway lighting.
 - f. Residential lighting with no off-site glare.
 - G. Street lights.

SECTION 409. SCREENING OF MECHANICAL EQUIPMENT.

Support equipment including air conditioning and heating devices, water, and gas meters, but not including plumbing or exhaust vents or chimneys, when located outside of a building, are to be screened to the height of the particular piece of equipment, as follows:

- 1. **Roof-Mounted Equipment.** To be screened by architectural features from the view of abutting streets and parcels.
- 2. **Equipment at Grade.** When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall, or fencing from the view of the street or surrounding properties.

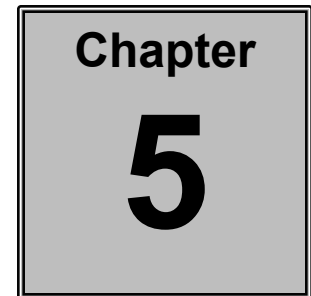
SECTION 410. PERFORMANCE STANDARDS.

Any use established in any zoning district shall not be permitted to carry on any activity or operation or use of land, building, or equipment that produces irritants to the sensory

perceptions greater than the measures listed below which are hereby determined to be the maximum permissible hazard to humans or human activity:

1. **Noise.** Uses shall comply with the provisions of Article IV Section 14.82-14.100 of the Village of St. Charles Code of Ordinances related to noise regulations.
2. **Vibration.** Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of 1 inch as measured at the property line.
3. **Odor.** The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.
4. **Dust, Dirt, and Fly Ash.** Discharges into the air from furnaces, open burning, etc. shall be managed so that the quantity of gas born, or airborne solids generated shall not exceed 0.2 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.
 - a. **Method of Measurement.** For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
5. **Smoke.** It shall be unlawful to discharge into the atmosphere for any single source of emission whatsoever any smoke for any source for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
 - a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascoppe readings of smoke densities may be used when correlated with the Ringelmann Chart.
 - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.
6. **Glare and Heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

7. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Village of St. Charles, and with all state rules and regulations, and as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended.
8. **Gases.** The scope of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO₂ gas, as measured at the property line shall not exceed an average of 0.3 parts per million (ppm) over a 24-hour period; H₂S shall not exceed 1 ppm; fluorine shall not exceed 0.1 ppm; nitrous fumes shall not exceed 5 ppm; and CO₂ shall not exceed 15 ppm.
9. **Electromagnetic Radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
10. **Drifted and Airborne Matter.** The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and shall be summarily caused to be abated.



CHAPTER 5 SIGN REGULATIONS

SECTION 501. INTENT.

The purpose of this Ordinance is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting maximum latitude for creative and effective advertising and identification. Signs may be erected or maintained in the Village of St. Charles only as permitted by this Ordinance and subject to all restrictions contained herein. These sign standards are adopted in order to:

1. Prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses.
2. Keep the number of signs and sign messages at a level reasonably necessary to identify a business and its products.
3. Limit sign sizes within a reasonable scale with respect to the buildings to which they relate.
4. To prevent off-premise signs from conflicting with business, residential, and public land uses.
5. To keep an area adjacent to streets clear of signs which might obstruct or distract the view of motorists.
6. To reduce the visual and physical obstructions to motorists entering or leaving streets.

SECTION 502. SUBSTITUTION CLAUSE.

Any sign authorized to be displayed by this Ordinance may contain a non-commercial message.

SECTION 503. DEFINITIONS.

1. **BILLBOARD SIGN.** A freestanding outdoor sign which advertises something not located on the immediate premises.
2. **ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
3. **ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously.
4. **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel.
5. **FREESTANDING SIGN.** A sign which is affixed to a permanent foundation, but not attached to the building proper. Freestanding signs may be illuminated or include an electronic message board.
6. **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.
7. **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.
8. **IDENTITY SIGN.** A sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement.
9. **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
10. **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).
11. **JOINT SIGN.** A freestanding sign which gives direction and identification to a group of adjacent businesses located within a Shopping Center (see SECTION 308) or similar property, whether or not under single management.
12. **LOCATION.** A lot, premise, building, wall, or any place whatsoever upon which a sign is located.
13. **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
14. **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel.

15. **PROJECTION.** The distance by which a sign extends over public property or beyond the building line.
16. **PROJECTING SIGN.** A sign, other than a wall sign, which projects more than 12 inches from a wall and is supported by a wall of a building or structure.
17. **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.
18. **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.
19. **ROOF SIGN.** Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
20. **SETBACK.** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted.
 - a. A front setback is measured from the edge of the right-of-way of any abutting roadway.
 - b. A rear setback is measured from the property line opposite the roadway.
 - c. A side setback is measured from any other abutting property line. Corner lots shall require two (2) front setbacks, but only one (1) rear setback.
21. **SURFACE DISPLAY AREA.** The entire area within a single rectangular continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Both sides or all faces of a sign shall be included in calculating surface display area.
22. **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.
23. **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.
24. **WALL SIGN.** A sign 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 12 inches at all points. Wall signs shall not extend onto or above the roof-line of any building or structure.

SECTION 504. SIGN REGULATIONS BY ZONING DISTRICT.

1. **General.** The table in SECTION 512 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 503) and exemptions (SECTION 505) will be permitted in the Village of St. Charles.
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. **Table of Regulations.** Please see table located in SECTION 512.

SECTION 505. EXEMPT SIGNS.

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

1. **Temporary Signs.**
 - a. **Time Limits.** Temporary signs may be located on a parcel for 60 days or less during any 120-day period. Temporary signs shall be removed from display promptly following the expiration of the 60-day time limit.
 - b. **Sale or Lease.** Temporary signs located on real property that is for sale or lease may remain as long as the property is for sale or lease.
 - c. **Size.** The total combined display area of temporary signs on a parcel in residential districts will be no more than 32 square feet. In commercial and industrial districts, the total combined display area of temporary signs on a parcel will be no more than 64 square feet.
 - d. Any temporary sign must be so constructed that it is not dangerous to the public.
 - e. **Location.** Temporary signs will meet the following locational criteria:
 - 1) Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 - 2) Temporary signs shall not be erected in such a manner that interferes with, obstructs, confuses, or misleads traffic.
 - 3) Temporary signs shall not be placed or constructed so as to create a hazard of any kind.

- 4) Temporary signs shall comply with the sign setback requirements for freestanding signs in SECTION 512 and shall be subject to the requirements of SECTION 511.
- 5) **Lighting.** Temporary signs shall not be illuminated.
2. **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.
3. **Private Traffic Direction.** Signs directing traffic movement or giving instructions, located within a parcel, placed in compliance with SECTION 511, and not directed at traffic on abutting roadways. They may be illuminated in accordance with SECTION 508.
4. **Entrance/Exit.** Signs directing traffic movement to or from a parcel, placed in compliance with other elements of this Chapter and not exceeding 3 square feet. Such signs may be illuminated in accordance with SECTION 508.

SECTION 506. NONCONFORMING SIGNS.

Signs not conforming to the provisions of this Chapter shall be considered to be nonconforming structures and regulated as described in Chapter 7. Temporary signs are not considered to be legal nonconforming structures.

SECTION 507. 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 Administrator shall have authority to order removal of such signs as described in SECTION 511. Determination of a sign's compliance with these standards shall be made by the Zoning Administrator. Any party feeling aggrieved by the Zoning Administrator'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.

VILLAGE OF ST. CHARLES ZONING ORDINANCE

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.
7. Signs may not utilize search lights, laser lights, strobe lights, or other lights of a similar nature.
8. Billboard signs are prohibited.

SECTION 508. 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 this Chapter.
 - a. Electronic message boards shall have a frequency of message change that is appropriate for the message and not distracting or hazardous to public safety. The Zoning Administrator shall determine appropriate frequency of message change timing.
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 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 509. 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 30-pound per square foot wind-stress factor. Signs larger than 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.

SECTION 510. PERMIT.

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Chapter, a zoning permit shall be obtained from the village zoning enforcement officer. A zoning 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 permit:

1. **Replacing Copy.** The changing of the advertising copy of an approved painted or printed sign or on a 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. Maintenance shall not include structural changes or changes to the character of the sign that would violate provisions of this Chapter.

SECTION 511. INSPECTION, REMOVAL, AND SAFETY.

1. **Inspection.** Signs may be inspected periodically by the Zoning Administrator 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 Administrator may order the removal of any sign erected or maintained in violation of this Ordinance. Such order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it 30 days in the case of a permanent sign and 7 days in the case of a temporary sign 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 Administrator 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.
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 180 days of the termination of business, the Zoning Administrator, 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, and has not received a zoning permit, the Zoning Administrator 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 24 hours to make it comply with this Section.
6. **Clear Vision Triangle.** No sign shall be placed in a triangular area formed by measuring 20 feet from the right-of-way line from any public street and a driveway, or at the corner to two public streets.

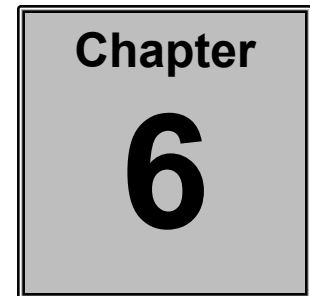
SECTION 512. PERMANENT SIGN REGULATIONS.

Zoning District(s)	Sign Type	Setbacks	Number of signs	Surface Display Area	Height*
Residential R-1A	Free-standing	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per parcel	100 sq. ft.	12 ft.
	Wall, Roof, Integral	--	1 per parcel		--
Residential R-1	Free-standing	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per dwelling	4 sq. ft.	4 ft.
			1 per principal non-single family residential use	64 sq. ft.	4 ft.
	Wall, Integral	--	1 per dwelling	4 sq. ft.	--
Residential R-2, R-3	Free-standing	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per dwelling	4 sq. ft.	4 ft.
			1 per principal non-residential use	64 sq. ft.	4 ft.
	Wall, Integral	--	1 per parcel	64 sq. ft.	--
Commercial B-1, B-2	Free-standing	Front: 3 feet Side: 10 feet	1 per street frontage	32 sq. ft.	24 ft.

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Zoning District(s)	Sign Type	Setbacks	Number of signs	Surface Display Area	Height*
	Joint	Rear: 10 feet		48 sq. ft.	24 ft.
	Wall	--	1 per wall or 1 per business	150 sq. ft.	--
	Projecting			48 sq. ft.	No higher than the roof-line.
	Marquee			32 sq. ft.	--
	Roof	--	1 per building	48 sq. ft.	--
	Integral			25 sq. ft.	--
Industrial M	Free-standing, Joint	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per street frontage	150 sq. ft.	24 ft.
	Wall, Marquee, Projecting, Roof	--	1 per wall or 1 per business	150 sq. ft. total	--
	Integral	--	--	25 sq. ft.	--

*Height is measured from the lowest grade directly below the sign to the top of the sign structure.



CHAPTER 6 PARKING / LOADING

SECTION 601. 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 parking space requirements for each use are in the Table of Use Requirements in Chapter 3. These requirements do not apply to uses fronting on S. Saginaw Street between M-52 and Hosmer Street.
 - b. **Mixed Uses.** In the case of mixed uses, each of which occupies at least 20 percent of the floor area of a building, the total off-street parking requirements for the building shall be reduced to 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 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 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 100 feet from the major road right-of-way.
 - 4) A portion of the parcel equivalent to at least 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 whenever a use changes that requires additional parking. The parking requirements will be the total of the new parking requirements, not just in proportion to any increase in floor area, change in use, or expansion of a building's use capacity.
- 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 in those cases where the change in use is approved by the Zoning Administrator and by the Planning Commission when it involves a site plan approved by the Planning Commission.
 - b. **Exclusive Use for Parking.** It shall be unlawful to use any required off-street parking areas required by this Chapter for any purpose other than the parking of licensed vehicles.
 - c. **Fractional Spaces.** When the calculation of parking requirements results in a fractional space, fractions under $\frac{1}{2}$ are rounded down and those $\frac{1}{2}$ and greater are rounded up.
 - d. **Deferred Spaces.** When an applicant for site plan approval is able to document that their parking space requirements may be less than the numbered required under this Ordinance due to some unique characteristic of the use, the Planning Commission may grant the applicant preliminary approval for the reduced number of spaces provided enough room is provided on the site for the total number of spaces otherwise required and the Planning Commission reserves the right to require some or all of the additional spaces if they determine that demand for spaces warrants them.
 - e. **Bench Seating.** When the parking requirement is based on seating and the seating consists of benches, pews, or similar seating, the number of seats will be based on the ratio of 1 seat per 18 inches of bench or pew length.
 - f. **Floor Area.** When the parking requirement is based on floor area, the requirement shall specify whether the requirement is based on gross floor area (GFA) or useable floor area (UFA).

4. Site Development and Construction Requirements.

- a. **Handicapped Spaces.** Any off-street parking area larger than 25 spaces must include handicapped parking spaces, meeting the size requirements outlined below, based on the table below. 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.

Total Number of Parking Spaces Required	Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 spaces over 1,000

- 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 6-inch base of compacted crushed stone.

5. Size of Spaces and Access Aisles.

- a. **Standard.** Parking spaces and access aisles constructed to meet the requirements of this Chapter shall meet the dimensional requirements on Figure 6-1.

b. **Handicapped.**

Spaces designated for use by handicapped persons shall be 12 feet wide by 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 20 vehicles shall comply with the following requirements:

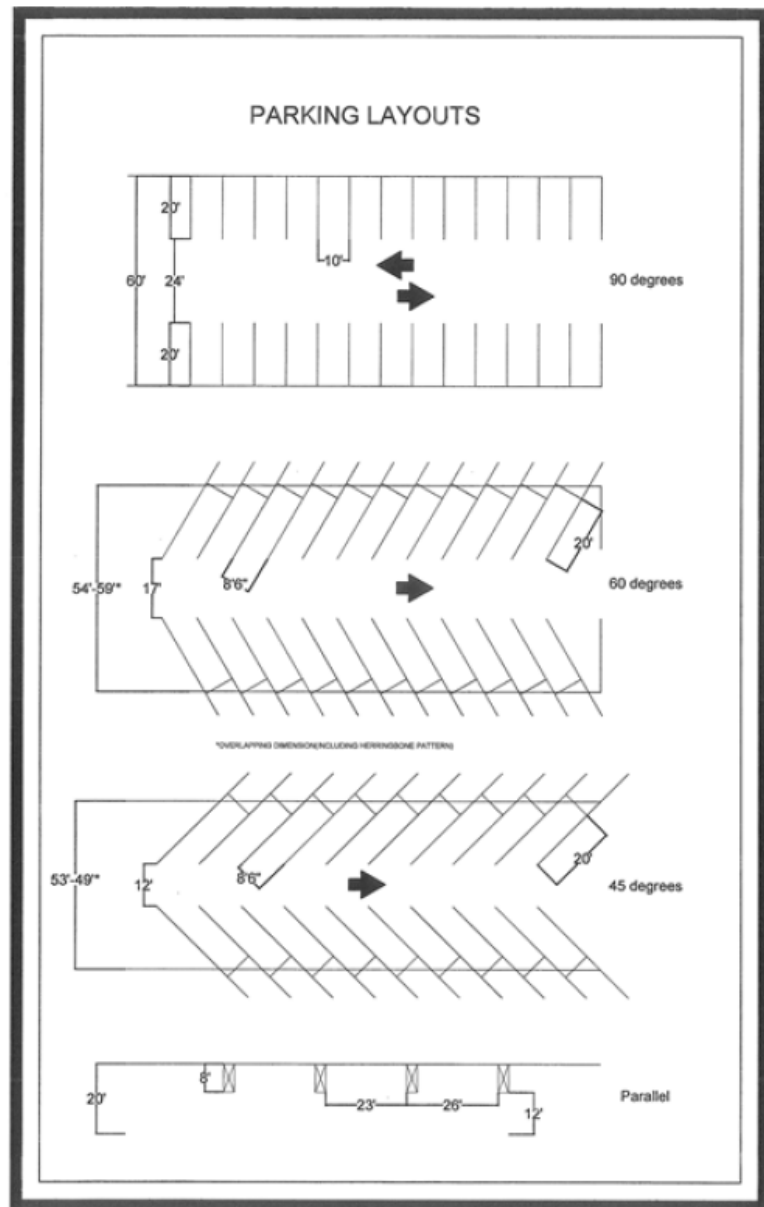
- a. **Aisle Width.** Aisles in off-street parking areas shall be at least 20 feet wide.

b. **Driveway**

Configuration. Each driveway shall be a minimum of 15 feet and a maximum of 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 5 percent of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a 90-degree angle.

- c. **Driveway Spacing.** Each parcel shall have no more than one (1) driveway entrance and exit opening to an abutting public thoroughfare for each 300 feet of frontage, or fraction. Where more than one (1) driveway is allowed, the driveways

Figure 6-1



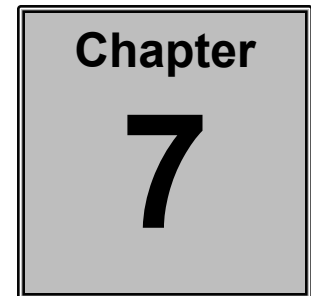
shall be located at least 150 feet apart. No driveway shall be located within 30 feet of a neighboring property line or within 50 feet of a street intersection.

- d. **Deceleration Lane.** Where the speed limit posted for a public thoroughfare is in excess of 30 miles per hour, driveways opening onto such thoroughfare must be served by a right turn deceleration lane at least 200 feet long in advance of the driveway unless the entity with jurisdiction over the roadway (Michigan Department of Transportation or the village) waives or modifies this requirement.
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 the requirements for lighting in SECTION 408 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 20-foot front yard setback from any street and to side yard setback requirements for accessory buildings, unless the parking spaces are be shared by adjacent parcels, in which case they can have zero (0) setbacks. Further, off-street parking areas shall be no closer than 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 in compliance with the screening requirements for the M Industrial: Light District in SECTION 803.5.2)
10. **Permit.** No parking lot shall be constructed unless and until a zoning permit therefore has been issued.
11. **Drainage.** Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
12. **Parking Lot Marking.** All parking spaces must be marked with stripes.
13. **Applicability.** The standards in SECTION 601.12 above apply to any new parking spaces other than those for single-family or duplex residences unless otherwise specified.

SECTION 602. 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 10 feet wide and 25 feet long. If roofed, it must have at least 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 (1) hour at any time, the loading space must be at least 60 feet long.
3. **Hard Surface.** Loading spaces must be paved with a surface providing the equivalent load strength of 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 ensure 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, 1 off-street loading space shall be provided for each 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 30,000 square feet of gross floor area, or fraction thereof.
 - c. **Office.** Each office building shall include one off-street loading space for every 30,000 square feet of gross floor area, or fraction thereof.
 - d. **Wholesale or Warehouse.** Each building for such uses shall have at least 1 off-street loading space for every 25,000 square feet, or fraction thereof for the first 100,000 square feet and 1 for every 100,000 square feet thereafter.
 - e. **Industrial.** Each industrial building shall have 1 off-street loading space for every 20,000 square feet or fraction thereof for the first 100,000 square feet and 1 for every 100,000 square feet thereafter.



CHAPTER 7 NONCONFORMITIES

SECTION 701. INTENT.

It is the intent of this Chapter 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 and any nonconforming lot or parcel may be used only as prescribed by this Section.

SECTION 702. 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 30 days before any regulatory action may take effect.

SECTION 703. LEGALITY OF NONCONFORMITIES.

Illegal nonconformities are presumed 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 below. Note that temporary signs are not considered to be legal nonconforming structures.

1. The nonconformity existed before the effective date of this Chapter.
2. The use, parcel, building, or structure in question meets one of the following standards.
 - a. It complied with the district regulations in effect at the time it was established.

- b. The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
 - c. It was previously recognized as a "legal nonconforming use."
 - d. (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.
 - e. (Nonconforming parcels only.) Area, width, and depth of parcel and the number of off- street parking spaces provided, are at least 90 percent of minimum requirements for its zoning district.
- 3. (Applies to nonconforming uses only.) The use has not been abandoned as determined per SECTION 712.
 - 4. (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.

SECTION 704. INVENTORY OF NONCONFORMITIES.

The Village Zoning Administrator is hereby required to establish and maintain an inventory of legal nonconformities that they identify during the course of their duties. 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 parcel identification number and description of all identified nonconformities.

SECTION 705. REDUCTION IN THE DEGREE OF NONCONFORMANCE.

See definition in SECTION 202.2.a. 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 and the change is approved by the ZBA per SECTION 711 of this Ordinance.

SECTION 706. 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.

SECTION 707. ZONING CHANGES.

Whenever changes occur in the boundaries of zoning districts, or the requirements of the zoning ordinance change through a text amendment, the provisions of this Section shall apply to any uses or properties that become nonconforming as a result of the boundary or text changes.

SECTION 708. 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.

SECTION 709. RECONSTRUCTION AND RESTORATION.

Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired provided that such restoration does not exceed 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.

SECTION 710. 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 30 percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.

SECTION 711. CHANGING USES.

If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use following a public hearing with notice meeting the requirements of SECTION 1204 and a finding that the change meets the standards below. 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.

1. The similarity of zoning districts each use is permitted in and whether they are permitted by right or by special land use (SLU).

2. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust, or odors or general intensity of the proposed use.

SECTION 712. DETERMINING ABANDONMENT.

Abandoned nonconforming uses may not be reestablished. If a nonconforming use is discontinued, the Zoning Administrator may request a review by the Zoning Board of Appeals to determine if the use has been abandoned. The Zoning Board of Appeals shall hold a public hearing, following notice as outlined in SECTION 1204 of this Ordinance. The Zoning Board of Appeals shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

1. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
2. Disconnection of utilities.
3. Evidence that the use was relocated to a new site.
4. Evidence of a “going out of business” sale.
5. Signs advertising the business has been removed.
6. The use has been discontinued for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
7. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
8. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
9. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use.

SECTION 713. REGULATION OF NONCONFORMITIES.

1. **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.
2. **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

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Board of Appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

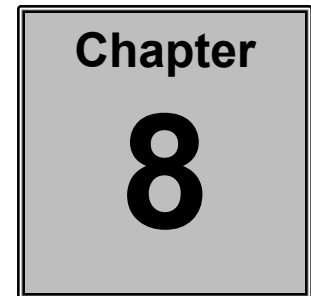
- 3. Regulation of Nonconformities.** Determine situation (columns), and type of nonconformity (rows). The point where they meet lists action to take.

Type	If it is determined the non-conformity was abandoned	If damaged more than S.E.V.	If damaged less than S.E.V.	Change in use (including new buildings)	Expansion of non-conforming 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 comply with the provisions of SECTION 711.	Requires a variance. All requirements of SECTION 1302.1 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 1302.1 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 non-conformance	May repair to pre-damage status	Change or construction permitted	Permitted, but may not create any greater degree of non-conformance	Permitted, but may not create any greater degree of non-conformance
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

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Type	If it is determined the non-conformity was abandoned	If damaged more than S.E.V.	If damaged less than S.E.V.	Change in use (including new buildings)	Expansion of non-conforming use or building*	Remodeling, maintenance, code work
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 non-conformance
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 non-conformance

*If two or more nonconforming lots are under the same ownership, they must be treated as one lot if treating them as separate lots would increase the nonconformity, nor can changes be made to one lot that decreases the nonconformity of one lot while increasing the nonconformity of another.



CHAPTER 8 LANDSCAPING

SECTION 801. PURPOSE.

The purpose of this Section is to promote the public health, safety, and welfare by establishing minimum standards for the amount, design, installation, and maintenance of landscaping.

Landscaping is considered by the village to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the village. In addition to the enhancement of property values, landscaping serves a public purpose by:

1. Acting as a buffer between adjacent land uses.
2. Creating privacy between neighboring lots.
3. Reducing noise pollution, air pollution, and glare.
4. Reducing stormwater runoff by providing opportunities for infiltration and detention of stormwater.

The landscape standards of this Section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

SECTION 802. APPLICABILITY.

The standards contained in this Section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

1. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this Section insofar as practical. The Planning Commission shall have the authority to decrease or otherwise modify the landscaping requirements of this Section.

SECTION 803. REQUIREMENTS.

The standards contained in this Section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

1. **Minimum Landscaping Requirement.** All Parcels. Any area not occupied by buildings, parking, driveways, or similar improvements shall at a minimum be landscaped with grass that is maintained in compliance with village ordinances.
2. **General Landscaping Requirements.** The following additional landscaping requirements shall be met:
 - a. No landscape area shall be used for parking or display purposes.
 - b. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
 - c. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public right-of-way shall have a slope no greater than 3:1 unless designed as part of a retaining wall.
 - d. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
 - e. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
 - f. Landscaping plans shall be submitted as part of the site plan review process
 - g. Whenever an existing site is nonconforming with regards to these requirements, the site will be brought into compliance whenever changes are made to the site that require site plan approval.
3. **Prohibited Trees.** The following trees are not permitted for use as required landscaping during the site plan review process, as they split easily; their wood is brittle and breaks easily; they bear fruit or seed pods that can stain vehicles, drives, and sidewalks; and they are unusually susceptible to disease or insect pests.
 - a. Boxelder
 - b. Red Maple
 - c. Silver Maple
 - d. Horse Chestnut
 - e. Hickories

- f. Catalpa
- g. Hawthorns
- h. Black Walnut
- i. Mulberry
- j. Poplars
- k. Willows
- l. American Elm
- m. Siberian Elm
- n. Slippery Elm, Red Elm
- o. Ash

4. Minimum Standards for Installation and Maintenance. The following are the minimum standards for installation and maintenance of required landscaping.

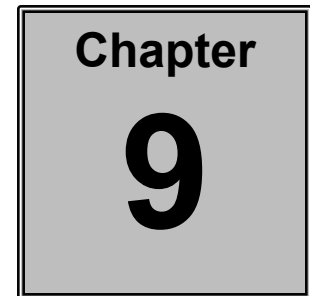
- a. Installation. Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.
- b. Material Removal. Tree stakes, guy wires, and tree wrap are to be removed by the applicant after one year.
- c. Maintenance. Greenbelt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat, and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within 30 days of written notice from the village or within an extended time period as specified in said notice.

5. Screening Requirements by District And Use.

- a. The following districts require a wall, fence, or greenbelt / landscaped area on sides of properties whose lot lines abut or are adjacent to a residential property or district, unless modified by the Planning Commission during site plan review when it determines that the level of landscaping required is unnecessary due to existing

screening, differences in elevation or other site specific characteristics allows for relaxation of these requirements.

- 1) B-1 and B-2 District. A minimum 6-foot-high wall, fence, or greenbelt / landscaped area pursuant to specifications of this Section.
 - 2) M District. A minimum 6- foot-high wall or fence, plus a row of evergreen trees a minimum of 6-foot-high at planting spaced not less than 30 feet on center.
 - 3) Other uses that specifically require such screening or when the Planning Commission makes such screening a condition of a Special Land Use permit.
6. **Greenbelt/Landscape Area Requirements.** When a greenbelt / landscape area is chosen as the screening option, it shall consist at a minimum of an area at least 10 feet wide planted with two (2) deciduous canopy trees and four (4) large shrubs, or (1) canopy tree, one (1) evergreen tree and four (4) large shrubs per each twenty-five linear feet along the property line. All property line distances shall be rounded upward to the nearest foot.
7. **Screening Fence or Wall Requirements.** When a wall or fence is chosen as the screening option, the wall and fence shall meet the following requirements.
- a. Walls or fences shall be located so as to abut the applicant's property line except where underground utilities interfere or where this Ordinance requires conformance with yard setback lines.
 - b. Walls or fences must be maintained in good condition by the property owner.
 - c. The finished side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line. Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.
 - d. Fences may be composed of wood or vinyl and with minimum openings to ensure its effectiveness in providing screening. Chain link fences with plastic slats are not permitted as required screening fencing.
 - e. Walls shall be composed of brick. Poured concrete or concrete block walls are not allowed as required screening walls.
 - f. Minimum height for required screening fencing or walls is 6 feet. A height over 6 feet but no greater than 8 feet may be allowed for commercial and industrial parcels. Outdoor storage that is being screened may not be stacked above the height of the screening fence or wall.



CHAPTER 9 CONDOMINIUMS

SECTION 901. PURPOSE.

The intent of this Section is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

SECTION 902. REVIEW REQUIREMENTS.

In order to ensure compliance with this Ordinance, all condominium developments including developments consisting solely of single-family or duplex residences, which may otherwise not be required to prepare a site plan, shall be required to submit a site plan pursuant to Chapter 11. In addition to the information required in Chapter 11, all applicants for condominium site plan review shall submit the following information.

1. A copy of the proposed condominium master deed.
2. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
3. A copy of the proposed condominium by-laws.

SECTION 903. ZONING ORDINANCE STANDARDS.

Zoning ordinance lot size and setback requirements are applied differently when considering a convention condominium versus a site condominium

1. **Lot Size.** In conventional condominium developments, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet

the minimum lot size requirements for the zoning district in which the parcel is located.

2. **Setbacks.** In conventional condominium developments, the buildings must be setback from the site's boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area and shall be consistent with the setbacks for principal structures in the zoning district in which they are located. (See Figure 9-1 and Figure 9-2)

Figure 9-1

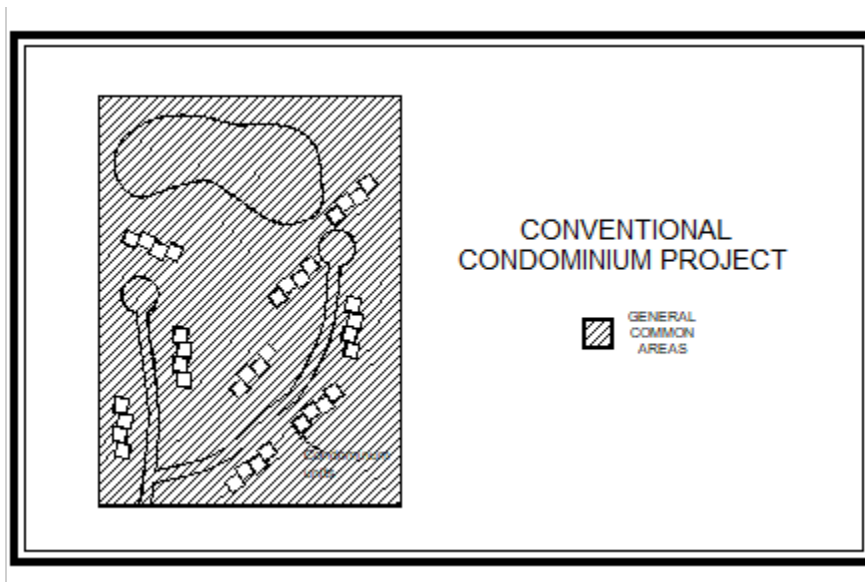
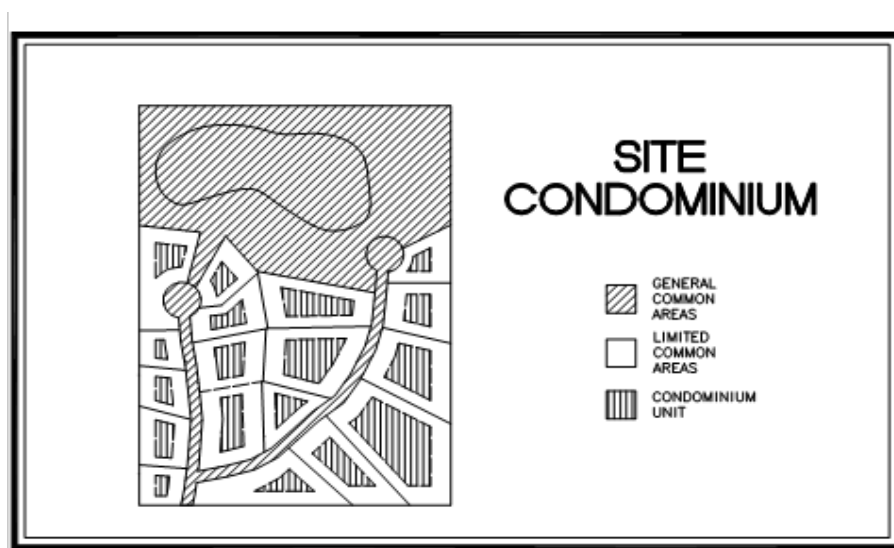


Figure 9-2



SECTION 904. CONDOMINIUM DESIGN REQUIREMENTS.

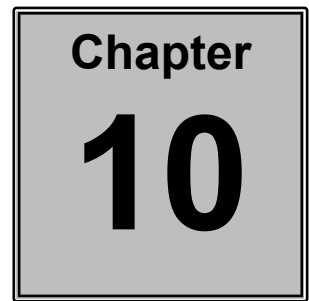
Conventional and site condominium developments shall comply with all applicable design standards in the Village of St. Charles zoning ordinance. Street standards shall be consistent with the standards adopted by the Village of St. Charles. In addition, site condominiums shall comply with the design standards contained in the Village of St. Charles Subdivision Control Ordinance.

Conventional condominiums shall comply with the monumenting requirements contained in the state rules associated with the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angle's points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. The corner of each area consisting of a unit and the associated limited common area reserved for that unit and treated as a "lot" under this Ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or by other approved markers.
8. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the village, cash or a certified check, or irrevocable bank

letter of credit running to the village, whichever the proprietor selects, in an amount not less than \$200.00 per monument and not less than \$800.00 in total, except that lot corner markers shall be at the rate of not less than \$100.00 per markers. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the village shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

CHAPTER 10 SPECIAL USE PERMIT REQUIREMENTS



SECTION 1001. INTENT, PURPOSE, AND PROCESS.

1. **Intent.** 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 to minimize potential negative impacts on nearby uses and the community as a whole.
2. **Purpose.** This Chapter provides procedures and standards for regulating activities identified as uses “by special use permit” for each zoning district in SECTION 307. Special uses represent a middle range between uses that are clearly permitted and uses that are clearly prohibited 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 review of the special use application by the Planning Commission consistent with the requirements of this Chapter. The Zoning Administrator and other village staff may also review and provide comments on the special use to the Planning Commission for consideration. Once review of the special use application is complete, the Planning Commission will proceed with site plan review site plan relative to the standards and process provided in Chapter 11.
4. **Standards.** During the special use permit process, the following standards will be reviewed prior to review of the site plan. To be approved, a special land use must meet all four standards.
 - a. Does the proposed use meet the standards identified in SECTION 308 and the Table of Dimensions for the zoning district in which it is located?
 - b. Do public services and facilities affected by the proposed use have the necessary capacity to accommodate the use?
 - c. Is the proposed use compatible with adjacent land uses and zoning districts?
 - d. Does the proposed use present risks to the natural environment or natural resources more than those presented by other uses in the area?
5. **Conditions.** The Planning Commission may attach conditions to the approval of the special use permit. These conditions must be based on standards defined by this Chapter and follow the requirements for conditions provided in SECTION 1205.

6. **Precaution.** No person should conclude that compliance with the standards defined by this Chapter automatically grants 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 this Chapter, prior to the use proceeding through the site plan review process. 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.
7. **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 1002.7.

SECTION 1002. 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 special use 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 1001.4.
 - b. **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which it will be considered.
2. **Simultaneous Consideration of Conditional Rezoning and Special Use Permit.** In the event that a conditional rezoning also requires 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 conditional 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 conditional rezoning by the Village Council.

- c. **Standards.** All standards required by this Ordinance 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.
3. **Planning Commission Review and Hearing.** The special use permit application package shall be the subject of a public hearing conducted by the Planning Commission. If the applicant wishes to have both the site plan review and special use permit considered at a single Planning Commission meeting:
- a. **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 1204.
 - 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.
 - b. **Consideration of Special Use Permit.** Following the public hearing, the Planning Commission chairman shall accept a motion for approval, conditional approval, denial, or postponement of action on a 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 postponed to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion postpone.
 - 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.
 - c. **Site Plan Review.** The Planning Commission shall conduct a site plan review for the proposed use, using the procedure and standards presented in Chapter

11 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 postpone a decision to a specific meeting date.

- 1) **Public Input.** The site plan review may be completed before a public hearing is held 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.
4. **Reapplication.** An application for a special use permit which has been denied by the Planning Commission may not be resubmitted for six months 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 1202.5 and SECTION 1202.6.
 - a. **Abandonment.** If a use established under a special use permit is discontinued for a period of one (1) year, the special use permit shall be considered abandoned.
 - 1) **Determination.** The Zoning Administrator shall identify when a use has been discontinued and provide the Planning Commission with clear evidence to document abandonment of the special use.
 - 2) **Public Hearing and Notice.** Prior to determining a special use abandoned, the Planning Commission shall hold a public hearing and provide notice consistent with SECTION 1204 of this Ordinance.
 - 3) **Standards.** The Planning Commission shall utilize the standards outlined in SECTION 712 to determine whether a special use has been abandoned.
 - 4) **Reestablishment.** A new special use permit, starting with a new application will be required to reestablish a special use after abandonment.
 - b. **Expiration.** Substantial progress must be made toward implementing a special use permit within one (1) year of the permit being issued. If substantial progress is not made within one (1) year, the permit shall expire. The Planning Commission may grant a single, one (1) -year extension of a special use permit.

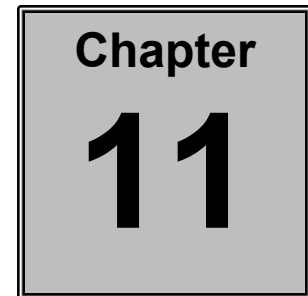
- c. **Amendment.** An amendment to a special use permit is required when a building's useable floor area, occupancy load, or capacity increases by greater than 25 percent, or when the Zoning Administrator determines that an amendment is necessary based on changes to site layout, use, or impacts on surrounding properties. An amendment to a special use shall proceed through the same application and review procedure described in this Chapter.
- 6. **Appeals.** An applicant may appeal a Planning Commission determination on a special use to the Zoning Board of Appeals. See SECTION 1302.
- 7. **Revocation.** The privilege of a special use permit is subject to all conditions that have been attached to it during the process described above. The Planning Commission shall revoke any special use permit after it has been documented that the permit conditions have been violated. The special use permit is a condition of the approval of the zoning permit, and revocation shall void the zoning permit.
 - a. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the special use zoning permit by certified mail. The notice shall state that correction must be made within 60 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 illegal nonconforming use. Actions specified by the regulation of nonconformities in Chapter 7 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 60-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.
 - d. **Second Notice and Order.** After expiration of the 30-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 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.

8. **Performance Guarantees.** The Planning Commission may require a performance guarantee as part of a special land use approval, consistent with SECTION 1206.

SECTION 1003. PERMIT STANDARDS.

1. **Standards Attached to Site Plan Review.** The site plan review shall determine compliance with the applicable district regulations, parking, and design standards from Chapter 3, the site plan review standards from SECTION 1104, and any applicable standards from other sections of this Ordinance.
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 consistent with the requirements of SECTION 1205.
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 1002.7.

CHAPTER 11 SITE PLAN REVIEW



SECTION 1101. PURPOSE.

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 plot 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.

SECTION 1102. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.

1. The Village Planning Commission must review and approve site plans in the following instances:
 - a. Uses requiring special use permits.
 - b. Condominium projects.
 - c. All new construction of a principal building, an accessory building over 900 square feet in area, or an addition to a principal building or accessory building over 900 square feet in area. This provision does not apply to single-family or duplex residences or their accessory buildings other than conventional condominium projects.
 - d. Site plans may be submitted by the applicant as part of a proposed conditional rezoning request, but approval of the site plan is a separate approval from the conditional rezoning (see Chapter 14). At no time shall the Planning Commission require a site plan 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.

SECTION 1103. SITE PLAN REVIEW PROCESS.

1. **Application Deadlines.** If a zoning application requires a site plan review by the Planning Commission pursuant to Section 1102, a complete application package must be received at least 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, the application timetable specified for that process will apply.

2. **Application Material.** Applications requiring site plan review, in addition to meeting the requirements of SECTION 1102., must be accompanied by a fee as established by the Village Council and by at least five (5) paper copies and one (1) pdf copy 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.
3. **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 Chapter 13 of this Ordinance.
 - a. **Scale.** The site plan must be drawn to a consistent scale of not less than 1 inch equals 50 feet for sites of 3 acres or less, or 1 inch equals 200 feet for larger sites.
 - b. **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 to permit the village to contact them with any questions regarding the site plan. 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 to ensure the owner is aware of the site plan request.
 - c. **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. This information is needed to verify compliance with district requirements, including setbacks and lot size requirements.
 - d. **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over 6 inches in diameter, topography with 2-foot contours, floodplain boundaries and elevation information, 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. This information is needed to verify compliance with district requirements, preservation of natural features, proposed drainage, and traffic safety.
 - e. **Transportation Features.** The site plan must show the location, dimensions, 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. This information is needed to verify access, parking, loading, and general site circulation requirements.

- f. **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 as well as stormwater calculation of any proposed retention or detention facilities. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone, and cable television. This information is required to verify the adequacy of existing and proposed utilities to service the site.
 - g. **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures, and related features. Any buildings on adjacent property within 100 feet of the property line must also be shown. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding 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. This information is needed to verify compliance with district requirements, parking standards and signage, lighting, landscaping, and screening requirements.
 - h. **Outdoor Uses.** The site plan must show any proposed areas for outdoor display, storage recreation or similar uses. This information is needed to verify requirements for outdoor use of a site.
 - i. **Supplementary Material.** The site plan shall be complemented by any additional information which, in the Zoning Administrator's or Planning Commission'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.
 - j. **Waiving Informational Requirements.** The Planning Commission, by either general rule or in a case-by-case basis, may waive any of the informational requirements listed above if they determine it is not necessary to verify compliance with the site plan requirements of this Ordinance.
4. **Pre-Application Meeting.** Before submitting a site plan, an applicant may request a meeting with the Zoning Administrator and other appropriate staff to discuss the development of a site in the village.

5. **Staff Review of Site Plan.**

- a. **Site Plan Review Committee.** Before the site plan is reviewed by the Planning Commission, the Zoning Administrator may hold a meeting of the site plan review committee composed of the village building inspector, public works director and fire chiefs or their designees, the village manager, and two members of the Planning Commission appointed by the Planning Commission chairperson to provide them with an opportunity to review and comment upon it. The applicant shall also be invited to attend the meeting.
- b. **Additional Review.** 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.
- c. **Standards To Be Used.** Reviewers shall address the considerations identified by the review standards in SECTION 1103.3. 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 SECTION 1104 shall be considered also.

6. **Planning Commission Review of Site Plan.** The Planning Commission shall conduct their site plan review at a public meeting. 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:

- a. **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.

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. 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.

- b. **Denial with Explanation.** Failure to comply with one or more of the review standards listed by SECTION 1104 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.
 - c. **Postpone Action.** If the Planning Commission finds that there is additional information needed to clarify compliance with a standard for approval of the site plan, a motion to postpone action may be approved. The vote of a majority of Planning Commission members presents at the meeting in which the site plan is reviewed is required to postpone action. The motion to postpone must state which of the review standards are in question, the information needed to clarify compliance, and if it is the Planning Commission, village staff, or applicant's responsibility for providing the information. The motion should state the date of the next Planning Commission meeting at which the request is expected to be taken up.
7. **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.
8. **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. A minor change to a site plan is a change that does not increase the overall building size by over 100 square feet, does not need a variance, does not result in an increase in the number of required parking spaces, and does not affect a condition of approval. These deviations shall be documented in the site plan review file.
- a. 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.

- b. 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.
 - c. 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.
 - d. 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.
9. **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.

SECTION 1104. SITE PLAN REVIEW STANDARDS.

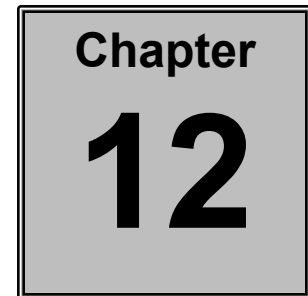
All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

1. **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 before the site plan review.)
2. **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.
3. **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 SECTION 1104, also must be satisfied.

4. **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, pedestrian connection to adjacent parcels and non-motorized pedestrian networks, 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, Michigan Department of Transportation, the Village Department of Public Works, and village engineer shall be sought.
5. **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.
6. **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.
7. **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 and protect groundwater from contamination through leaks or spills of hazardous material. Further, projects shall fully adhere to applicable environmental regulations promulgated by the state department of natural resources, the county health department, or other agencies.
8. **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.
9. **Necessary Off-Site Improvements.** 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.

10. **Other Governmental Approvals.** The site plan will comply with any other governmental approvals required at the local, county, state, or federal level.

CHAPTER 12 ADMINISTRATION AND ENFORCEMENT



SECTION 1201. 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 or structure. 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 1102). 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 1204.
 - d. **Inspections.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Chapter.

- e. **Record Nonconforming Uses.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Chapter for the purpose of carrying out the provisions of SECTION 102.
 - 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 SECTION 1104.
 - 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 704. 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 Chapter 11.
 - 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 1301.11.b.
 - 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 704. 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.**

The roles and responsibility of the Zoning Board of Appeals is outlined in Chapter 13.

4. **Village Council.** The Village Council shall be responsible for the following under this Chapter.

- a. Adopt the zoning ordinance.
- b. Initiate and adopt amendments to the text of this Chapter or the boundaries of zoning districts (rezoning).
- c. 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.

5. **Village Clerk.** The village clerk shall be responsible for the following activities under this Chapter.

- a. **Maintain Records.** The village clerk shall maintain the minutes and other records of the Planning Commission and Zoning Board of Appeals and maintain the zoning ordinance.
- b. **Receive Requests of Notices.** The village clerk shall receive any requests for notification of zoning hearings by local utilities per Section 306 (2) of the Michigan Zoning Enabling Act.
- c. **Receive Requests for Hearings.** The village clerk will be responsible for receiving requests by certified mail of interested property owners for hearings prior to the Village Council considers zoning amendments per Section 306 (2) of the Michigan Zoning Enabling Act.
- d. **Performance Guarantees.** The village clerk will be responsible for receiving deposits for required performance guarantees per Section 505 (1) of the Michigan Zoning Enabling Act. PA 110 of 2006
- e. **Conditional Rezoning.** The village clerk will be responsible for signing conditional rezoning agreements on behalf of the village and to send notices of reversion to property owners whose conditional rezoning agreement has expired.

SECTION 1202. 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. For the purpose of this Ordinance, the term “change in use” means when the use changes from one classification listed in the Table of Uses to another.
 - e. Any other activity regulated by this zoning ordinance including erection of a fence or light poles or other similar structures, establishment of parking areas on a lot, modifications to landscaping required under this Ordinance, or maintenance of trees or shrubs within a corner lots “clear vision” triangle.
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.
 - 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.

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. **Certificate of Zoning Compliance.** A property owner or individual with an interest in a parcel such as a mortgage company or title company may request a certificate identifying the extent to which a parcel is compliance with zoning regulations. The zoning ordinance shall issue such a certificate based on existing zoning records following payment of a fee established by the Village Council, if any.

8. **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.) Continues to question #2	Activity is permitted in a different zoning district	Request a rezoning	Actions table, Chapter 8: 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
# 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 713, Regulation of 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
# 4 Will proposed activity meet parking requirements?	Chapter 4-Parking table and SECTION 102	Go to question # 5	Existing facility violates standards	Request a variance	Actions table: Variance
				Continue with process as is	SECTION 102
			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

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Question	Refer to	If all standards are met, next step	If any standards are not met		
			Situation	Applicant's options	Next step
# 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 non-measurable, written standards	Request a text change	Actions table: Text change
				Amend application to meet all standards	Go to question # 6
				Withdraw	Denial letter
# 6 Has permit fee been paid?	Village fee schedule	Issue permit	Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
			Fee represents a serious hardship to applicant	Request a fee waiver	Actions table: Fee waiver
				Withdraw	Denial letter

SECTION 1203. 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 30 days after the order to correct is issued or in such longer period of time, not to exceed 6 months, as the Zoning Administrator shall determine necessary and appropriate.
 - 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. This may include directing the Zoning Administrator to issue a municipal civil infraction ticket to the owner of the property. 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, 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 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 1203.2.b, a separate offense shall be declared. Violations of the zoning ordinance shall also constitute a municipal civil infraction under the village municipal civil infraction ordinance. 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.

SECTION 1204. 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.

1. **Newspaper Notice Timing and Content.** At least 15 days prior to a public hearing on the request by the Planning Commission, the Zoning Administrator shall give public notice in a newspaper of general circulation of official receipt. This notice shall:
 - a. Describe the nature of the request.
 - b. Indicate the property in question by address if available, otherwise by tax parcel ID, and a general description of its location.
 - c. State the time and place where the request will be considered.
 - d. Indicate when and where a copy of the application can be inspected, and written comments will be received concerning the request.
2. **Mailed Notice.** The public hearing notice shall also be mailed or delivered to property owners and occupants within 300 feet of the property in question, whether or not the property is within the boundaries of the village. The public hearing notices shall be mailed at least 15 days prior to the date of the public hearing. Notice will also be sent to any utility, railroad, or airport that registers with the village clerk requesting such notice and to the Planning Commission of any township within 1 mile of the parcel that is the subject of the request. An affidavit of mailing or delivery of notice shall be maintained by the Zoning Administrator.

SECTION 1205. CONDITIONS OF APPROVAL.

The Planning Commission or Zoning Board of Appeals may impose conditions on approvals, including site plans, special land uses and variances, which may include the requirement of a performance guarantee in compliance with SECTION 1206 of this Ordinance. In determining appropriate conditions, the Planning Commission shall ensure that:

1. There is a reasonable connection between the condition imposed and the impact it is mitigating.
2. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.

SECTION 1206. PERFORMANCE GUARANTEES.

In the interest of ensuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

1. Performance guarantee can be in the form of a cash deposit, certified check, irrevocable bank letter of credit, corporate surety, or performance bond in the amount equal to 115 percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
2. Where the Planning Commission requires a performance guarantee, the performance guarantee shall be deposited with the village clerk prior to the issuance of a zoning permit. The village shall deposit the performance guarantee, if in the form of a cash deposit, certified check, or performance bond in an interest-bearing account.
3. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
4. In the event the performance guarantee deposited is a cash deposit or certified check, the village shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50 percent of the deposit funds when 100

percent of the required improvements are completed as confirmed by the Zoning Administrator.

5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the village to complete the improvements for which it was posted, the applicant shall be required to pay the village the amount by which the costs of completing the improvements exceed the amount of the performance guarantee. Should the village use the performance guarantee or a portion thereof to complete the required improvements, any amount remaining after said completion shall be applied first to the village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant.
7. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement associated with the proposed project prior to the village's approval, the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement.
8. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter into an agreement with the village that clearly states the improvements that are subject to the performance guarantee.

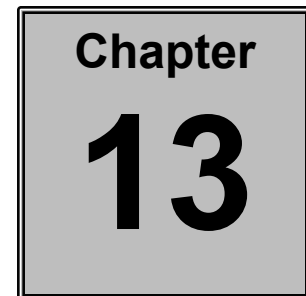
SECTION 1207. ACTIONS SUMMARY TABLE.

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

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' - 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 development	Applicant or administrator	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court development
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

CHAPTER 13 ZONING BOARD OF APPEALS



SECTION 1301. ZONING BOARD OF APPEALS ESTABLISHMENT AND OPERATION.

1. **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.
2. **Membership.** The village Zoning Board of Appeals shall consist of five (5) members.
 - a. One (1) 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 the Village of St. Charles. One (1) 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.
 - b. The Village Council may appoint not more than two (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 one (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.
3. **Terms of Office.** Terms shall be for three (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 three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

4. **Per Diem or Expenses.** The total amount allowed such board of appeals in one (1) 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.
5. **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 function. The board shall annually choose its own chairman, vice-chair, and secretary.
6. **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.
7. **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with motions made, 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.
8. **Decisions.** The Zoning Board of Appeals shall return a decision upon each case within 30 days of the appeal hearing unless a further time is agreed upon by the applicant.
9. **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 reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.
10. **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 as defined in the Zoning Board of Appeals bylaws. 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.
11. **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.

- a. **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, by the Planning Commission in a decision regarding a site plan, or by any other official administering or enforcing provisions of this Chapter.
 - b. **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 this Ordinance.
 - c. **Variances.** The board of appeals shall have the power to authorize non-use variances from any quantifiable requirements of this Chapter where practical difficulties prevent carrying out the strict letter of this Chapter. A non-use variance is a variance from any requirement of the ordinance other than the restrictions regarding which uses may be permitted in which zoning district.
12. **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.
 13. **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 1302. STANDARDS AND PROCEDURES FOR 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 Chapter 14. Various requirements for each administrative action are presented by the actions table at the end of Chapter 12.

1. **Variance.** The Zoning Board of Appeals is empowered to grant non-use variances. A non-use variance is a variance from any requirement of the ordinance other than the restrictions regarding which uses may be permitted in which zoning district. Examples include such requirements as lot area and width regulations, yard, and depth regulations, and off-street parking and loading space requirements. The board of appeals may grant any non-use variance that demonstrate compliance with the standards outlined below. The Zoning Board of Appeals may not consider use variances.

- a. 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 a finding that the request complies with all of the following standards:
 - 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.
 - 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 in granting the variance, the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.
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 hear appeals of 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 SECTION 1302.5 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 30 days after the date of the Zoning Administrator's or Planning Commission'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. **Standards.** In reviewing an appeal of an administrative decision, the Zoning Board of Appeals shall reverse a decision only on the finding that the decision was:
 - 1) Arbitrary or capricious, or
 - 2) Based on an erroneous finding of a material fact, or
 - 3) Constituted an abuse of discretion, or
 - 4) Based on erroneous interpretation of the zoning ordinance or zoning law.
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 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, provided that such classification shall be consistent with the classification of similar uses and with the purpose and intent of each zoning district. In making this interpretation, the Zoning Board of Appeals may not interpret a use as falling into a more general category if the use is specifically listed in another zoning district. The Zoning Board of Appeals may not classify a use as permitted by special land use. If it finds that the proposed use is only compatible with uses requiring special land use, it shall refrain from classifying the use and report its findings to the Planning Commission and Village Council, who may initiate an amendment to the zoning ordinance to address the use.
 - c. The board may interpret any portion of this Chapter when the Zoning Administrator is unable to clearly determine its intent or effect, using the standards in SECTION 201 where applicable.
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

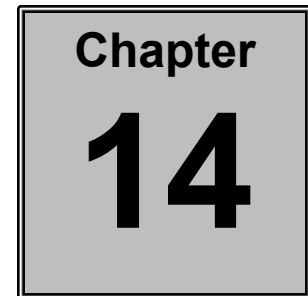
of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the board of appeals in connection with the appeal.

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, interpretation, or before any administrative review or interpretation which relates to a specific parcel. Mailed notice shall be required for any request dealing with a specific parcel such as a variance request. Published notices shall be required for all public hearings. Notices shall comply with the requirements of SECTION 1204.
- b. **General Standards for All Zoning Board of Appeal Decisions.** 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.
 - 1) In no way may a variance 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.
 - 2) Variance requests 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.
 - 3) 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.
- c. 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.
- d. The board of appeals may attach any reasonable conditions to the approval of any request as outlined in SECTION 1205.
- e. A variance granted under the provisions of this Chapter becomes a condition of the zoning permit or site plan granted pursuant to the variance. If a building permit issued pursuant to such action is allowed to expire under the provisions of the State Building Code, any rights granted by the action expire together with the zoning permit. If a building permit is not applied for within 1 year of the approval by the Zoning Board of Appeals, then the variance approval expires.

- f. The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, 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.
- g. 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.

CHAPTER 14 AMENDMENTS



SECTION 1401. WHO MAY AMEND.

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 to the text or map of the zoning ordinance may be initiated by the Village Council of its own action, or by the Planning Commission. Amendments to the map may also be initiated by application of one or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.

SECTION 1402. AMENDMENT PROCEDURE.

1. **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 at least 30 days prior to the Planning Commission public hearing at which it is to be reviewed. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The village clerk shall transmit the application to the Planning Commission for recommended action.
 - a. Applications for a map amendment shall include a map showing the location of the parcel proposed to be rezoned and a copy of the deed to the property.
 - b. If the applicant is submitting a conditional rezoning request as authorized under Section 405 of the Michigan Zoning Enabling Act, the application will include the conditions proposed.
 - c. If based on the uses allowed and the size of the parcel, the development of the site is anticipated to generate more than 1,000 trips per day or more than 100 hundred trips during the peak hour, the Zoning Administrator may require a traffic impact statement.
 - d. As provided for in SECTION 1002.2, an applicant requesting both a rezoning and a special land use approval for a parcel made submit a combined application.
2. **Staff Review.** Prior to the Planning Commission public hearing, a copy of the proposed amendment will be distributed by the Zoning Administrator to the village manager, building inspector, public works director fire chief, as well as the village

engineer, planner, and/or attorneys if the Zoning Administrator determines appropriate for their comments. Any comments received will be forwarded to the Planning Commission prior to the public hearing.

3. **Recommendation.** The Planning Commission shall consider each proposed amendment in terms of the standards for approval outlined in SECTION 1403. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Village Council for their consideration. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - a. **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 1204. If the request is for 11 or more contiguous parcels, then notice to the surrounding property owners is not required.
 - b. **Notice Requirements for Public Hearing.** Preparation, publication, and distribution of notices for the public hearing shall be the responsibility of the Village Zoning Administrator.
 - c. **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.
 - d. **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 1204. 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 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.
 - e. **Adjoiners Petition.** Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the Village Council. The protest petition shall be presented to the Village Council

before final legislative action on the amendment, and shall be signed by one of the following:

- 1) The owners of at least 20 percent of the area of land included in the proposed change.
 - 2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 - 3) Publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- f. **Publication of Notice of Adoption.** Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the village within 15 days of adoption. The notice shall include:
- 1) A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - 2) The effective date of the Ordinance.
 - 3) The place and time where a copy of the Ordinance may be purchased or inspected.
- 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 1403. STANDARDS FOR APPROVAL.

1. In the case of a proposal to amend the zoning ordinance text, the Planning Commission must find:
 - a. The change is necessary to clarify a provision of the Ordinance, or
 - b. The change is necessary to correct a mistake in the Ordinance, or
 - c. The change is necessary to implement a goal or policy of the village master plan, or
 - d. The change is necessary to improve administration of the Ordinance or to better serve the community.
 - e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the village

master plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

2. In the case of a proposed zoning map amendment (rezoning), the Planning Commission must find one of the following:
 - a. The requested amendment is in compliance with the village master plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - b. The property cannot be reasonably used as it is currently zoned, and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.

SECTION 1404. 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:
 - 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.

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.

- 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. Approval of the rezoning does not bind the Planning Commission or Zoning Board of Appeals to any site plan special use permit or variances proposed as part of the conditional rezoning. 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 18 months, the village may initiate the amendment process to rezone the property 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 30-day period for which the developer/owner can seek an extension of the time frame or begin construction.