Title 17

ZONING

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Chapter 17.02

TITLE, PURPOSE AND INTERPRETATION

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17.02.010 Title and Authority

A. This comprehensive amendment to The St. Charles Zoning Ordinance codified in Title 17 of the St. Charles Municipal Code shall be known, cited and referred to as “The St. Charles Zoning Ordinance.” It is referred to throughout this document as “this Title” or the "2006 Zoning Ordinance.” (Ord. 1960-16 § 1.)

B. This 2006 Zoning Ordinance is adopted pursuant to the City of St. Charles’ Home Rule Authority and the authority contained in the laws of the State of Illinois including, but not limited to, 65 ILCS 5/11-13-1. et seq. and 65 ILCS 5/11-48.2-1. et seq.

(Ord. 2006-Z-26 § 1.)

17.02.020 Purpose and Intent

This Title is adopted for the purposes of:

A. Promoting the public health, safety, comfort, convenience and general welfare; and
B. Preserving and enhancing the quality of life for residents and visitors; and
C. Protecting the character of established residential neighborhoods; and
D. Maintaining business and industrial areas that are attractive and economically viable; and
E. Conserving the value of property throughout the City of St. Charles; and
F. Preserving historic and architectural resources within the City of St. Charles; and
G. Providing adequate light, air, privacy and convenience of access to property; and
H. Reducing traffic congestion and promoting safety in public streets and private access ways in the City of St. Charles and surrounding areas; and
I. Protecting against fire, explosion, noxious fumes and other dangers; and
J. Minimizing the impact of unavoidable nuisance-producing uses; and
K. Implementing the goals and objectives of the St. Charles Comprehensive Plan.

(Ord. 2006-Z-26 § 1; Ord. 1960-16 § II.)

17.02.030 Applicability and Interpretation

A. **Territorial Application**

This Title shall apply to all development and use, public or private, within the corporate limits of the City of St. Charles, unless specifically exempted in this Title.

B. **Zoning of Annexed Land**

Unless requested otherwise, land being annexed shall automatically be zoned RE-1 Single Family Estate District upon annexation.

C. **Minimum Requirements**

The provisions of this Title are the minimum requirements deemed necessary to carry out its stated purpose and intent.

D. **Conflicting Provisions**

Where the provisions of this Title contain two or more conflicting requirements applicable to a lot or part thereof, the most restrictive requirement shall apply.

E. **No Development Without Conformance**

Except as otherwise provided by this Title, no land, building, structure or part thereof shall be improved, erected, constructed, reconstructed, moved, enlarged or structurally altered, used or occupied unless it conforms with the applicable provisions of this Title. (Ord. 1960-16 § IV (A).)

F. **Private Agreements**

This Title is not intended to abrogate any easement, covenant, deed restriction or other agreement between private parties. Where the provisions of this Title are more restrictive or impose higher standards or requirements than a private agreement, the requirements of this Title shall govern. The City does not enforce or maintain a record of private agreements.

G. **Other Laws and Regulations**

If the provisions of this Title are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

H. **Meanings and Intent**

The language of the Title must be read literally. Regulations are no more or less strict than stated. Words defined in Chapter 17.30 and 17.32 have the specific meaning assigned. Words that are not defined in Chapter 17.30 or 17.32 have the meaning given in the latest editions of the Illinois Compiled Statutes, and if not defined therein, Black's Law Dictionary, or Webster's Third International Dictionary, unless the context expressly indicates another meaning.

I. **Tenses and Usage**

- Words used in the singular include the plural. The reverse is also true.
- Words used in the present tense include the future tense. The reverse is also true.
- The words "must," "will," "shall" and "may not" are mandatory.
- The word "may" is permissive, and "should" is advisory, not mandatory or required.
- When used with numbers, "Up to X," "Not more than X," and "a maximum of X" all include X.
- The masculine gender includes the feminine and neuter.

(Ord.1988-Z-8 § 1; Ord. 1960-16 III (part).)

J. **Conjunctions**

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- "And" indicates that all connected items or provisions apply; and
- "Or" indicates that the connected items or provisions may apply singularly and in combination.

K. **Fractions**

1. **Minimum Requirements**

   When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.

2. **Maximum Limits**

   When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one

dwelling unit for every 2,500 square feet is applied to a 6,250 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).

L. **Headings and Illustrations**
Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Title. In case of any difference of meaning or implication between the text of this Title and any heading, drawing, table, figured, photograph, or illustration, the text controls.

M. **References to Other Regulations**
All references in this Title to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations.

N. **Current Versions and Citations**
All references to other city, county, state, or federal regulations in this Title refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, the requirements of this Title for compliance are no longer in effect.

O. **Lists and Examples**
Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

P. **Delegation of Administrative Authority**
Whenever a provision appears requiring an officer or employee of the city to perform an act or duty, that provision shall be construed as authorizing the officer or employee to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Title expressly prohibit such a delegation.

Q. **Public Officials and Agencies**
All employees, public officials, bodies, and agencies to which references are made are those of the City of St. Charles unless otherwise expressly stated.

R. **Zoning of Property Outside of the City**
For the purposes of this Title, zoning of properties not within but adjoining the corporate limits of the City of St. Charles shall be deemed to be characterized as the St. Charles zoning district that most closely approximates the uses and intensity of development permitted by the County or Municipal zoning regulations applicable thereto, or the uses and intensity of development contemplated in the applicable Comprehensive Plan of the jurisdiction in which it is located, whichever is more intensive. (Ord. 2008-Z-32 § 2.)

(Ord. 2006-Z-26 § 1.)

17.02.040 Transition Rules

In determining the applicability of this Title in relation to the previously applicable zoning regulations, the following rules shall apply.

A. **Violations**
Any violation of the previous zoning ordinance will continue to be a violation under this 2006 Zoning Ordinance, except that if the use, construction, or other activity which was a violation under the Previous Ordinance complies in full with the provisions of this 2006 Zoning Ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that were previously assessed.

B. **Existing Nonconforming Buildings, Structures, Lots and Uses**
Where a building, structure, lot or use was legally nonconforming on the effective date of this 2006 Zoning Ordinance, and does not fully conform with the provisions of this 2006 Zoning Ordinance, such building, structure, lot or use shall continue to be designated as legally nonconforming and shall be controlled by the provisions of Chapter 17.08, Nonconformities.

C. **Existing Permitted Uses Deemed Special Uses**
When a lawfully existing use was classified as a permitted use by the previous zoning ordinance, and that use is classified as a Special Use in this 2006 Zoning Ordinance, it may continue, and shall be deemed to be a lawful Special Use. No addition, enlargement or expansion of such use shall be permitted unless the property owner applies for and is granted a new Special Use pursuant to the procedures of Chapter 17.04. (Ord. 1960-16 § IV (1).)
(Ord. 2006-Z-26 § 1.)

D. **Existing Special Uses**
When a lawfully existing use was classified as a Special Use by the previous zoning ordinance and remains classified as a Special Use by this 2006 Zoning Ordinance, such use shall continue as a lawful Special Use and shall be subject to all restrictions and requirements of any ordinance granting or amending the Special Use adopted prior to the effective date of this 2006 Zoning Ordinance. No addition, enlargement or expansion of such use beyond that allowed by the ordinance granting the Special Use under the previous zoning ordinance shall be permitted unless the property owner applies for and is granted an amendment to the original Special Use, or a new Special Use, and otherwise conforms to the requirements of this Title. (Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (D).)

E. **Uses Rendered Nonconforming**
When a lot is used for a purpose that was a lawful use under the previous zoning ordinance, and this 2006 Zoning Ordinance or any amendment thereto no longer classifies such use as either a permitted use or Special Use in the zoning district in which it is located, such use is hereby deemed a legal nonconforming use and shall be controlled by the provisions of Chapter 17.08, Nonconformities. (Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (D).)

F. **Principal Buildings, Structures and Lots Rendered Nonconforming**
Where any building, structure or lot lawfully existing on the effective date of this 2006 Zoning Ordinance does not meet all requirements set forth in this 2006 Zoning Ordinance, or any amendment thereto, such building, structure or lot is hereby deemed nonconforming and shall be controlled by the provisions of Chapter 17.08, Nonconformities.

G. **Previously Issued Building Permits**
Where a building permit for a building or structure has been issued, in accordance with law, prior to the effective date of this 2006 Zoning Ordinance, or any amendment thereto, and where construction has commenced in accordance with the requirements of Title 15 of the St. Charles Municipal Code and diligently pursued to completion, said building or structure may be completed in accordance with said building permit and, further, upon completion, may be occupied for the use originally designated. Where a building permit has been issued but construction has not commenced, or has not been diligently pursued in accordance with the requirements of Title 15, all construction associated with the permit and the occupancy of the property shall conform with the provisions of this Title. (Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (E).)

H. **Previously Granted Planned Unit Developments**
Special Uses for Planned Unit Development (PUD) shown on the Zoning Map, that were granted prior to the effective date of this 2006 Zoning Ordinance, shall remain in full force and effect. All property that remains subject to a Special Use for a PUD may be developed and maintained in accordance with the approved plans and ordinances granting and amending the Special Use for a PUD.

I. **Pending Applications**
Applications for Appeals, Variations, Special Uses, amendments to Special Uses, Planned Unit Developments, and amendments to Planned Unit Developments which are approved by the City Council after the effective date of this Title shall be governed by the procedures and requirements of this Title, regardless of whether the application was filed or a public hearing was held prior to the effective date of this Title.

J. **Historic Districts and Landmarks**
Historic Districts and Landmarks designated prior to the effective date of this 2006 Zoning Ordinance shall remain in full force and effect. (Ord. 2008-Z-32 § 3.)

17.02.050 Separability

It is declared to be the intention of the City Council that the several provisions of this Title are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any provision of this Title not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment. (Ord. 1960-16 § IV (B).)

17.02.060 Repeal of Previous Title

After the effective date of this Title, all provisions of the St. Charles Zoning Ordinance adopted on May 23, 1960, as amended from time to time, are expressly repealed in their entirety, except for previously granted Special Uses, as provided in Section17.02.040 D, the provisions of previously granted Planned Unit Developments, as provided in Section 17.02.040 H, and previously designated Historic Districts and Landmarks, as provided in Section 17.20.040 J.
(Ord. 2008-Z-32 § 4.)

Chapter 17.04

ADMINISTRATION

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Part One: Powers and Duties

17.04.010 City Council

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the City Council shall have the following powers and duties:

1. To make final decisions on applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses, Planned Unit Developments, and designations of Landmarks and Historic Districts.
2. To make final decisions on applications for Certificates of Appropriateness, where the Historic Preservation Commission has recommended denial, in accordance with Chapter 17.32 of this Title.
3. In addition, the committees of the City Council, as may be established from time to time, shall have the following powers and duties:
   a. To review Concept Plans.
   b. To review and make recommendations on all Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses, Planned Unit Developments, and designations of Landmarks and Historic Districts.
   c. To make recommendations on applications for Certificates of Appropriateness, where the Historic Preservation Commission has recommended denial.

17.04.020 Plan Commission

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Plan Commission shall have the following powers and duties:

1. To hear and make recommendations on applications for Zoning Map Amendments, Text Amendments except for Amendments to Chapter 17.32 hereof (Historic Preservation), Special Uses and Amendments to Special Uses, and Planned Unit Developments.
2. To sit as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended.
3. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review except for property in the CBD1 and CBD2 Districts.
4. To review Concept Plans.
5. In addition, the Plan Commission Chair may attend Pre-Application Meetings.

17.04.030 Board of Zoning Appeals

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Board of Zoning Appeals shall have the following powers and duties:

1. To post or publish notices of public hearings, hold public hearings, review, and make final decisions regarding applications for Variations.
2. To review and make final decisions regarding Appeals of administrative decisions regarding building permits, occupancy permits, sign permits, and Zoning Interpretation.

17.04.040 Historic Preservation Commission

In addition to those powers and duties set forth in other sections of the St. Charles Municipal Code, the Historic Preservation Commission shall have the following powers and duties:

1. To hold public hearings and to make recommendations to the City Council concerning the amendment of the provisions of Chapter 17.32 hereof.
2. To hold public hearings and to make recommendations to the City Council concerning the addition or deletion of property from a Historic District and the designation, or removal of designation, of property as a Landmark, according to the provisions of Chapter 17.32 hereof.

3. To make recommendations to the Plan Commission regarding applications for Concept Plan review, Map Amendment, Special Use, and Planned Unit Development for property within a historic district or which is a designated landmark. The Historic Preservation Commission's recommendation shall address the potential impact of the application on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
4. To make recommendations to the Board of Zoning Appeals on applications for Variations for property within a historic district or which is a designated landmark. The Historic Preservation Commission's recommendation shall address the potential impact of the variation on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected.
5. To review and make final decisions on appeals of decisions by the Director of Community Development regarding Design Review for property in the CBD1 and CBD2 Districts.
6. To conduct Residential Architectural Consultations.
7. To conduct an ongoing survey to identify historically and architecturally significant sites and structures within St. Charles.
8. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain St. Charles sites or structures having special historic, community, architectural or archaeological value as landmarks.
9. To investigate, hold public hearings, and recommend to the City Council the adoption of ordinances designating certain areas within St. Charles as having special historic, community, architectural or archeological value as historic districts.
10. To maintain a register of all property, sites and structures designated as historic districts and landmarks under this ordinance, including all information required for such designation.
11. To advise and assist owners of landmarks and sites or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places.
12. To nominate landmarks and historic districts to the National Register of Historic Places.
13. To inform and educate the citizens of St. Charles concerning the historic and architectural heritage of the City.
14. To review building permit applications for new construction within historic districts and for additions to, alterations, removal or demolition of designated landmarks and/or structures within historic districts, and to issue or recommend denial of certificates of appropriateness for such actions.
15. To consider applications for certificates of economic hardship, and provide recommendations thereon to the City Council.
16. To develop criteria for the alteration, construction or removal of landmarks and sites and structures within historic districts.
17. To testify before appropriate boards and commissions on any matters affecting historically or architecturally significant sites and structures.
18. To develop a preservation component for the Comprehensive Plan for the City of St. Charles and to recommend it to the Planning Commission.
19. To recommend certification of designated historic sites and districts to the Illinois Historic Preservation Agency.
20. To advise and assist owners of significant properties within certified historic districts to receive certification for repairs and alterations so that the owner will qualify for state property tax or federal tax credit programs.
21. To undertake any other action or activity necessary and appropriate to the implementation of its powers and duties, or to implementation of the purpose of this ordinance.

17.04.050 City Administrator

The City Administrator shall have the authority to re-assign the powers and duties of the various administrative officials listed herein.

17.04.060 Director of Community Development

The Director of Community Development and his/her designee shall have the following powers and duties:

1. To review requests for building and site development permits to determine compliance with Design Review standards.
   (Ord. 2008-Z-32 § 5.)
2. To conduct Residential Architectural Consultations.
3. To receive, review and forward to the Plan Commission applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses and Planned Unit Developments, and to maintain all records thereof.
4. To schedule and conduct Pre-Application Meetings.
5. To review and make decisions on Zoning Interpretations and to maintain all records thereof.
6. To coordinate the review of all applications for Zoning Map and Text Amendments, Special Uses and Amendments to Special Uses and Planned Unit Developments by the various City departments.

(Ord. 1981-Z-6 § 1(part).)

17.04.070 Building and Code Enforcement Division Manager

The Building and Code Enforcement Division Manager and his/her designee shall have the following powers and duties:

1. To receive and review requests for and issue building permits, occupancy permits and sign permits, and to maintain all records thereof.
2. To receive and forward to the Board of Zoning Appeals applications for Variations and Appeals, and to maintain all records thereof.
3. To conduct inspections of buildings, structures and sites to determine compliance with the terms of this Title and other applicable ordinances, and to maintain all records thereof.
4. To enforce the provisions of this Title and to issue notices of violations, and to maintain all records thereof.

(Ord. 2008-Z-32 § 6; Ord. 1981-Z-6 § 1 (part).)

17.04.080 Director of Public Works

The Director of Public Works and his/her designee shall have the following powers and duties:

1. To review requests for building permits and occupancy permits with respect to site improvements including but not limited to drainage, utilities, access and public and private streets and roads.
2. To conduct inspections of sites to determine compliance with the terms of this Title and other applicable ordinances.
3. To review applications for Special Uses and Amendments to Special Uses and Planned Unit Developments, with respect to site improvements including but not limited to drainage, utilities, access and public and private streets and roads.

(Ord. 2008-Z-32 § 7; Ord. 1981-Z-6 § 1 (part).)

Part Two: General Procedures, Fees, And Enforcement

17.04.100 General Procedures for Applications

A. Who is Authorized to Apply

An application for a Variation or Appeal may be filed by the owner or lessee of the subject property, or by an agent or contract purchaser with specific written authorization from the owner.

An application for a Map Amendment, Special Use or Planned Unit Development may be filed by the owner of the subject property, by an agent, contract purchaser or lessee with specific written authorization from the owner, or by the City. If the City files the application, it need not have authorization from the property owner.

An application for a Text Amendment or Zoning Interpretation may be filed by any property owner, resident, or business owner within the City, or by the City.

B. Filing of Applications

Applications shall be submitted on forms provided by the City and shall be filed in such number as the instructions provide. Applications shall include the information and plans specified in Appendix A (Submittal Items). Additional information may be required by the Director of Community Development, Building and Code Enforcement Division Manager, Historic Preservation Commission, Plan Commission, Board of Zoning Appeals, or City Council to determine whether the application will conform to the applicable requirements.
(Ord. 2008-Z-32 § 6.)

C. Completeness

The Director of Community Development or Building and Code Enforcement Division Manager shall determine whether the application is complete and the required fees have been paid in accordance with Appendix B, and shall notify the applicant of any deficiencies. The City is under no obligation to notice for a public hearing, conduct a full application review, or to place the application on a public meeting agenda until all required submittal items, including filing fees, have been received. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies.
(Ord. 2008-Z-32 § 6.)

D. Withdrawal of Application

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City official, City Council, Commission or Board. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the City has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.

E. Successive Applications

Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless there is substantial new evidence available, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration. The Director of Community Development shall make a determination as to whether the subsequent application is making essentially the same request. If the Director of Community Development finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

F. Dismissal of Dormant Applications

The Director of Community Development may dismiss any application submitted under this Title if: the application is incomplete and the applicant has been notified of deficiencies and has not responded or provided a timeline for completing the application within six months from the time of notification, or the applicant has not responded in writing to a request for information or documentation within six months from the date of the request, including a request for a deposit for the reimbursement of costs and fees. The Director of Community Development shall notify the

applicant in writing of the intent to dismiss the application at a date one month from the date of the written notice.
(Ord. 2011-Z-1 § 2.)

17.04.120 Pre-Application Meeting

The Pre-Application Meeting provides an opportunity for applicants to informally discuss the concept of the proposed development, and to obtain feedback regarding proposed zoning, possible Variations from zoning and subdivision requirements, utilities and drainage, traffic and parking, building and fire prevention code requirements, building aesthetics, landscaping, review procedures, and the information and studies that will be needed to evaluate the project. The Pre-Application Meeting does not require formal application, fee or filing of an application.

The purpose of the Pre-Application Meeting is to help applicants to determine:

1. Whether the proposed development appears in general to be in compliance with the provisions of this Title and other applicable ordinances.
2. Whether any Zoning Amendment, Variation, Special Use or other application may be required in connection with the proposed development.
3. Whether the proposed development will be in conformity with the Comprehensive Plan and other adopted goals and policies of the City for development

A Pre-Application meeting is required prior to submittal of an application for a Planned Unit Development, and is optional but encouraged for other types of applications. See Table 17.04-1.

17.04.130 Neighborhood Meeting

A. Purpose

The purpose of the Neighborhood Meeting is to provide a forum for preliminary discussions between developers and nearby property owners who may be affected by a proposed development or change in use.

B. Procedure

Applicants are encouraged, but not required, to host a Neighborhood Meeting prior to submittal of an application for a Map Amendment, Special Use, or PUD that involves an increase in density or intensity of use, or a change of use, compared to that which is permitted by the existing zoning. The applicant is encouraged to invite all adjacent property owners that will be required to be notified for the public hearing, and to give them an opportunity to attend a meeting at a reasonable time and place. At the meeting, the applicant should provide information regarding the proposed development or change in use and invite questions and comments from those in attendance. If an applicant hosts a Neighborhood Meeting, he shall provide a written summary to the Director of Community Development indicating how many persons attended the meeting and a summary of the discussion.

17.04.140 Concept Plan Review

A. Purpose

The purpose of the Concept Plan review is to enable the applicant to obtain informal input from the Historic Preservation Commission (where applicable), Plan Commission and Council Committee prior to spending considerable time and expense in the preparation of detailed plans and architectural drawings. It also serves as a forum for owners of neighboring property to ask questions and express their concerns and views regarding the potential development. A Concept Plan Review shall be required prior to submittal of applications for a new Planned Unit Development and certain applications for an amendment to an existing Planned Unit Development or a previously approved PUD Preliminary Plan, as specified in section 17.04.410, PUD Review Process. A Concept Plan Review is optional for all other applications. See Table 17.04-1.

(Ord. 2009-Z-9 § 2.)

B. Concept Plan Procedure

1. Application for Concept Plan Review
   An application for a Concept Plan review shall be filed with the Director of Community Development and shall include the information, plans and data as specified in Appendix A (Submittal Items). The Director of Community Development shall forward the application to the Plan Commission and the City Council Planning and Development Committee, or other Council Committee, for review. If the property is within a Historic District or is a designated Landmark, or is within 250 feet of a Historic District or a designated Landmark, the Director shall forward the application to the Historic Preservation Commission prior to the review by the Plan Commission.
2. Concept Plan Notice
   Not less than 10 days prior to the Plan Commission meeting, the Director of Community Development shall mail a notice by first class mail to the owners of property within 250 feet of the proposed project site, excluding public rights of way. This notice shall include the date, time and place of the Plan Commission meeting where the Concept Plan is to be reviewed, and shall include a general description of the proposed development. The information shall also be mailed to the park and school districts in which the property is located, and to other persons or entities that may have jurisdiction over the project that the City desires to notify.
3. Review of Concept Plan
   For properties within a Historic District and for designated Landmarks, and for properties within 250 feet of a Historic District or designated Landmark, the Historic Preservation Commission shall review the Concept Plan and may comment regarding its potential impact on the historic resources of the City, particularly with regard to designated landmarks and historic districts directly affected. The Plan Commission and the City Council Planning and Development Committee, or other City Council Committee, shall review the Concept Plan and may comment regarding its compatibility with the official Comprehensive Plan, this Title and other applicable ordinances.

   Affirmative comments by the Plan Commission, Historic Preservation Commission or City Council Committee do not necessarily indicate that a proposal will be approved during formal review, and do not obligate the City Council or any of its appointed officials, boards or commissions to approve later applications or plans. Negative comments do not prohibit the petitioner from submitting applications for formal public hearing and/or review by the Plan Commission and City Council. The applicant shall not be entitled to base any economic decisions regarding acquisition or development of the property on affirmative or negative comments made during review of a Concept Plan by any City elected or appointed official

17.04.150 Public Hearings

The procedure for all public hearings conducted under this Title shall conform to the following provisions and any additional procedures adopted by the body conducting the public hearing:

A. All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.

B. All testimony and evidence shall be given under oath, or by affirmation, to the body conducting the hearing, and shall be entered into the record. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. Any person may ask relevant questions of other witnesses, provided that the questions and responses are orderly and pertinent to the issues at hand, as determined by the Chair.

C. The Chair, with consent of a two-thirds (2/3) majority of the body conducting the hearing, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.

D. The body conducting the hearing is not bound by strict rules of evidence, but the Chair may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or evidence.

E. Any public hearing for a Variation, Zoning Map Amendment, Special Use or Planned Unit Development application concerning property that is within a historic district or is a designated Landmark shall not be concluded until the Historic Preservation Commission provides its recommendation in accordance with Section 17.04.040.

F. A public hearing may be concluded (see Paragraph 1 below) or continued (see Paragraph 2 below) by approval of a motion of the body conducting the hearing. If the body conducting the hearing determines that additional testimony or written evidence is expected to be submitted at a future date by the applicant or others with standing in relation to the application, the public hearing shall be continued.

1. Concluded Hearing
   Once a public hearing is concluded, the body conducting the hearing shall not accept any additional testimony regarding the petition except:
   a. A staff report analyzing the application based on the evidence presented at the public hearing, and adopted City plans, policies, codes and ordinances.
   b. Any person presenting testimony or information in response to a specific question from the body that conducted the hearing.
   c. Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.
2. Continuance
   The body conducting a public hearing may continue the hearing to a future date, time and place. When a hearing is continued, no new notice shall be required, provided that the date, time and place of the continued hearing is publicly announced at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, all notices must be given that are required for a new public hearing.

17.04.160 Public Notices

A. Published Notices
For all applications that require a public hearing, the City shall cause a notice to be published as required by law. The notice shall include the date, time, place and purpose of the public hearing, the name of the applicant and the address or common location of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date.

B. Mailed Notification
1. For public hearings for Zoning Map Amendments, Variations, Special Uses and Amendments to Special Uses the applicant shall submit with the application a written certified list containing the names and mailing addresses of all owners of all property within two-hundred and fifty (250) feet of the property for which the application is requested, as they appear on the authentic tax records of the county in which the property is located. The two-hundred and fifty (250) feet shall be measured in all directions from the perimeter of the subject property, provided that the number of feet occupied by public roads, streets, alleys and other public ways, as well as railroad rights of way, shall be excluded in computing the two-hundred and fifty (250) foot distance.
2. The Director of Community Development shall send by first class certified mail, not more than thirty (30) days nor less than fifteen (15) days before the hearing, written notice to the owners appearing on the list furnished by the applicant. The notice shall include the date,

time, and place of the public hearing, the name of the applicant and the address or common location of the subject property, and a brief statement of the nature of the applications to be considered at the public hearing.

C. Posted Sign Notices

For public hearings for Zoning Map Amendments, Variations, Special Uses and Amendments to Special Uses, the Director of Community Development shall direct the erection of at least one (1) sign upon the lot constituting the subject property. Where possible, signs shall be located in a conspicuous place nearest any right-of-way, street, roadway or public thoroughfare abutting the property. Signs shall be erected not less than ten (10) days before the date set for the public hearing.

Such sign or signs shall indicate the phone number of the Community Development Department where additional information can be obtained. The erection of such signs and/or their continued maintenance shall not be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed Map Amendment or Special Use, or to any other official action concerning any such amendment or Special Use.

(Ord. 2008-Z-32 § 8.)

D. Public Examination and Copying of Applications and Other Documents

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related public documents. The Building and Code Enforcement Division Manager and Director of Community Development shall make copies of such materials available for a fee as specified by the City.

(Ord. 2008-Z-32 § 6.)

17.04.170 Fees

A. Payment of Fees Required

Any person, firm, corporation or agent who files an application pursuant to this Title shall pay all fees, costs, and expenses for review of the application, plans and documents reviewed by or on behalf of the City, and for meetings and site visits necessary to evaluate the application, in accordance with the schedule established by the City and included in Appendix B (Fee Schedule). Payment generally will include an application fee and reimbursement of City costs as well as the cost of experts retained by the City. Fees and reimbursements shall be paid regardless of whether the application is approved, denied or withdrawn.

(Ord. 2002-Z-17 § 1; Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-6 § 1 (part).)

In the case of Appeals, Variations, and Design Review, reimbursement for all costs incurred in connection with the review of the application shall be paid prior to issuance of any permit in connection with the requested action.

In the case of Text and Map Amendments, Special Uses, Amendments to Special Uses, Planned Unit Developments, amendments to Planned Unit Developments, and Annexations, reimbursement of all costs incurred in connection with the review of the application shall be paid prior to final action by the City Council, such as passage of an ordinance approving the application or a resolution disapproving it.

Notwithstanding anything to the contrary in this Section 17.04.170, any unit of federal, state, or local government that files an application pursuant to this Title shall only be responsible for reimbursing the City for outside consultant services and miscellaneous expenses, as described in Paragraphs 17.04.140 E and F, and shall not be responsible for filing fees or reimbursement for the cost of City staff review time.

B. Filing Fees

Filing fees are intended to cover the cost of providing information to the public about an application, preparing notices, distributing plans to City departments and other agencies, preparing agenda packets and minutes for the Board of Zoning Appeals, Plan Commission, Historic Preservation Commission, City Council, and other applicable review bodies, and other administrative tasks.

The petitioner/applicant shall pay the full filing fee for each category of petition or plan submitted as set forth in Appendix B (Fee Schedule). However, a single category of application may include multiple requests, and a separate fee shall not be required for each request. The fees set forth in Appendix B shall be in addition to those payable under any other provision of the St. Charles Municipal Code, as amended. Filing fees are payable upon filing of the application or petition.

(Ord. 2002-Z-17 § 1; Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-12 § 1; Ord. 1981-Z-6 § 1 (part).)

C. Reimbursement of Costs and Fees; Deposit Required

In addition to the filing fees provided for in this Section and Appendix B, each petitioner/ applicant shall enter into a reimbursement of fees agreement with the City. The reimbursement of fees agreement shall encompass all applications or petitions pending with the City. The reimbursement of fees agreement shall be in the form specified in Appendix B.

At the time the Petitioner/Applicant submits an application to the City, he/she shall deposit the amounts specified in Appendix B with the City to collateralize his/her obligation for reimbursement of costs for City staff review, outside consultant services, and miscellaneous expenses, as described herein.

A petitioner/applicant who withdraws his/her petition or application may apply in writing to the Director of Community Development for a refund of his/her initial deposit. The City Administrator may, in his/her discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

(Ord. 2008-Z-32 § 9.)

D. Reimbursement for City Staff Review of Applications

The applicant shall reimburse the City for the cost per productive work hour for the time spent by each City staff member to participate in meetings, visit the site, review plans, prepare reports, conduct inspections and participate in any other activity pertaining to review of the application.

E. Reimbursement for Outside Consultant Services

The applicant shall reimburse the City for the direct cost of the following:

a. Fees for landscape architect's review and consultation in connection with review of the petition or application, and inspection of construction, including meetings and associated tasks.
b. Fees for traffic study and analysis performed by a member of the Institute of Transportation Engineers and approved by the City Engineer, when such traffic study and analysis is requested by the City.
c. Fees for City Attorney's review and negotiations in connection with the petition or application.
d. Fees for professional engineering consultant's review of plans and documents, including meetings and associated tasks.
e. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
f. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.

F. Reimbursement for Miscellaneous Expenses

The applicant shall reimburse the City for miscellaneous costs incurred relative to any application or petition including, but not limited to:

a. Publication of legal notices.
b. Court reporter and transcript fees.

c. Mailing (postage) costs.
d. Recording fees.

G. Reimbursement for Engineering Inspection of Construction
The applicant shall reimburse the City for the cost per productive work hour of the City Engineer and each Public Works Department staff member involved in inspections, plan review, meetings and associated tasks relative to inspection of construction.
(Ord. 2002-Z-17 § 1.)

17.04.180 Enforcement

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Title, shall, upon conviction, be fined not less than fifty dollars ($50) nor more than seven hundred fifty dollars ($750) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-6 § 1 (part).)

17.04.190 Zoning Procedures Table

Table 17.04-1, "Zoning Procedures and Administration" summarizes the procedures described in this Chapter and the duties of the administrative bodies and officials.

TABLE 17.04-1 ZONING PROCEDURES AND ADMINISTRATION

Application Type ► / Procedure or Step ▼	**Building and Sign Permits (17.04.200, 220)**	**Administrative Design Review (Not Historic, not a PUD) (17.04.230)**	**Certificate of Appropriateness (Historic District) (17.04.040, 17.32.080)**	**Text Amendment (17.04.320)**	**Zoning Map Amendment (17.04.320)**	**Special Use or Amendment to Special Use (not a PUD) (17.04.330)**	**Special Use for PUD (17.04.400-430)**	**PUD Preliminary Plan (17.04.410.F)**	**Variation (17.04.310)**	**Appeal (17.04.300)**	**Zoning Interpretations (17.04.260)**
Pre-Application Meeting	Optional	Optional	Optional	N/A	Recommended	Recommended	Required	Recommended	Optional	N/A	N/A
	City Staff	City Staff	City Staff	N/A	City Staff	City Staff	City Staff	City Staff	City Staff	N/A	N/A
Neighborhood Meeting	N/A	N/A	N/A	N/A	Recommended	Recommended	Recommended	Optional	N/A	N/A	N/A
	N/A	N/A	N/A	N/A	Developer and Neighbors	Developer and Neighbors	Developer and Neighbors	Developer and Neighbors	N/A	N/A	N/A
Concept Plan Review	N/A	N/A	N/A	Optional	Optional	Optional	Required	Optional	N/A	N/A	N/A
	N/A	N/A	N/A	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	N/A	N/A	N/A
Public Hearing (Section 17.04.090)	N/A	N/A	N/A	Required	Required	Required	Required	N/A	Required	Required	N/A
	N/A	N/A	N/A	Plan Commission	Plan Commission	Plan Commission	Plan Commission	N/A	Board of Zoning Appeals	Board of Zoning Appeals	N/A
Review or Recommendation	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required
	Building and Code Enforcement Division Manager	Director of Community Development	Historic Preservation Commission	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Plan Commission, P&D Committee	Board of Zoning Appeals	Board of Zoning Appeals	Director of Community Development
Decision	Building and Code Enforcement Division Manager	Director of Community Development	Historic Preservation Commission	City Council	City Council	City Council	City Council	City Council	Board of Zoning Appeals	Board of Zoning Appeals	Director of Community Development
Appeal	Board of Zoning Appeals	Plan Commission (Historic Preservation Commission if Historic Property)	City Council	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Circuit Court	Board of Zoning Appeals

(Ord. 2008-Z-32 § 10; Ord. 2008-Z-32 § 6.)

Part Three: Application For Staff Review

17.04.200 Building Permits

A. Compliance With Zoning Requirements
The Building and Code Enforcement Division Manager shall not issue a building permit for construction, alteration, expansion or repair of a building, structure, sign, parking lot or other improvement unless the provisions of this Title are adhered to and all other approvals required by this Title are obtained.

B. Final Plat or Easements Required Prior to Building Permit
If the Building and Code Enforcement Division Manager or the Director of Public Works determines that a final plat and/or easements are required to accommodate water, sanitary sewer, electric or other utilities, stormwater management facilities, streets, and/or access for emergency and maintenance vehicles, the Building and Code Enforcement Division Manager shall not issue a building permit until the required final plat has been recorded or the required easements have been granted in a form and substance acceptable to the City.
(Ord. 2008-Z-32 § 6.)

17.04.210 Certificate of Occupancy

A. Certificate of Occupancy
The Building and Code Enforcement Division Manager shall not issue a Certificate of Occupancy unless the property for which it is requested conforms to the applicable provisions of this Title.
(Ord. 2008-Z-32 § 6.)

B. Continuation of Occupancy of Existing Buildings
Nothing in this Section shall prevent the continuance of an occupancy or use lawfully existing on the effective date of this Title, subject to the provisions of Chapter 17.08, Nonconformities.

(Ord. 2008-Z-32 § 11; Ord. 1981-Z-6 § 1 (part).)

17.04.220 Sign Permits

A. Permit Required
No sign, except those identified as exempt in Chapter 17.28, Signs, shall be erected, constructed, altered or relocated without first obtaining a permit. The Building and Code Enforcement Division Manager shall only issue a permit to erect, construct, alter or relocate a sign if he finds that the proposed sign complies with the requirements of this Title and all other ordinances of the City. The Building and Code Enforcement Division Manager may revoke any sign permit where there has been a violation of the provisions of this Title or a misrepresentation of fact on the sign permit application.

B. Inspection
The Building and Code Enforcement Division Manager shall inspect the erection, construction, alteration and relocation of signs regulated by this Title for which a permit has been issued, to determine conformance with the approved building permit.

The Building and Code Enforcement Division Manager shall, within 12 months of the effective date of this Title, inventory all existing permanent signs and compile a record of all signs subject to the amortization provisions of Section 17.28.120. The Building and Code Enforcement Division Manager also shall periodically inspect existing signs to determine whether they are unsafe, in need of repair, or otherwise in violation of the provisions of this Title.
(Ord. 2008-Z-32 § 6.)

17.04.230 Design Review

A. Purpose
Design Review is an administrative, staff-level review process, the purpose of which is to ensure that development and redevelopment occur in a manner that promotes the general welfare of the City, is harmonious with surrounding properties, and is consistent with the City's ordinances and Comprehensive Plan. Design Review requires conformance with standards and guidelines governing physical layout and site design as well as architectural design, to achieve the following

purposes:

1. To ensure the compatibility of buildings, structures, and site improvements with surrounding property.
2. To protect and enhance the character and quality of the built environment in St. Charles.
3. To ensure the efficient use of land and the adequacy of public and private services and utilities.
4. To minimize traffic and safety hazards and to ensure convenient and safe vehicular and pedestrian circulation on the site and in relation to adjacent property and public streets.
5. To protect natural, environmental, historic and archaeological resources on the site and surrounding areas.
6. To create opportunities for people to meet, interact, and enjoy their community.

B. When Required

Administrative Design Review approval shall be required prior to issuance of Building Permits and Site Development Permits for new buildings, building additions, signs, and site improvements such as paving, parking lots, lighting and grading, except in the following instances:

1. Design Review is not required for one and two family dwellings on individual lots.
2. Design Review is not required when the proposed construction includes no improvements, or only de minimus improvements, that are regulated by the Design Review Standards and Guidelines (Chapter 17.06).
3. Planned Unit Developments: Conformance with the Design Review Standards and Guidelines (Chapter 17.06) is required as part of the review process for Planned Unit Developments. Therefore, administrative Design Review approval is not required prior to issuance of a building permit for properties within a Planned Unit Development.
4. Historic Properties: Administrative Design Review with respect to building design is not required where the Historic Preservation Commission has the authority to issue or deny a Certificate of Appropriateness (COA). In conducting its review for a COA, the Historic Preservation Commission shall apply any applicable Design Review standards of Chapter 17.06, according to the corresponding zoning district in which the property is located, in addition to the applicable standards of Chapter 17.32, Historic Preservation. If the Historic Preservation Commission determines that there is a conflict between the standards for Design Review and the standards for issuance of a COA, the provisions relating to issuance of a COA shall govern. All other aspects of administrative Design Review, such as review of a Landscape Plan, shall be required.

C. Application and Approval

No separate application is required for an administrative Design Review. The Building and Code Enforcement Division Manager shall forward applications for Building Permits and Site Development Permits requiring administrative Design Review to the Director of Community Development for review. The Director of Community Development shall grant Design Review approval if the permit application complies with the Standards and Guidelines of Chapter 17.06, "Design Review Standards and Guidelines". If the Director of Community Development determines that it does not conform, he/she shall inform the applicant in writing as to which standards were not met, and may offer recommendations as to how to gain compliance.

For projects requiring administrative Design Review, permit applicants are encouraged to schedule a Pre-Application meeting or an informal consultation with the Director of Community Development or his/her designee prior to filing a permit application.

(Ord. 2008-Z-32 § 12; Ord. 2008-Z-32 § 6.)

D. Appeal of Administrative Decision

An Appeal may be taken from the decision of the Director of Community Development regarding Design Review, as provided in Section 17.04.300.

17.04.250 Residential Architectural Consultation

A. Purpose

The purpose of the Residential Architectural Consultation (RAC) is to help preserve the character of older neighborhoods in St. Charles by providing applicants advice and guidance on the

appropriate design and location of residential structures to maximize their compatibility within older neighborhoods and to enhance their long-term viability.

B. When Required

Residential Architectural Consultation is required prior to issuance of a building permit for one and two family dwellings, including building additions and exterior alterations, in the RT1, RT2, RT3, RT4, CBD-1, and CBD-2 Districts, except:

1. No RAC is required for interior remodeling or for exterior work that does not affect the exterior appearance of the building (such as reroofing with like materials).
2. No RAC is required for property that is subject to Design Review.
3. No RAC is required for property that is subject to the requirement to obtain a Certificate of Appropriateness pursuant to Chapter 17.32 (Historic Preservation).
4. No RAC is required for property that is within a Planned Unit Development.

Property owners and contractors are encouraged to request a RAC meeting prior to submittal of an application for a building permit and completing plans.

C. Review Process

No separate application is required for a RAC. The Building and Code Enforcement Division Manager shall forward applications for building permits requiring a RAC to the Director of Community Development for review. The Director of Community Development shall provide advisory review comments and may recommend that the property owner or permit applicant attend a RAC meeting with the Director of Community Development or his/her designee, or the Historic Preservation Commission.

The Director of Community Development or his/her designee, or the Historic Preservation Commission, shall provide the owner and/or applicant with information and recommendations for appropriate design relative to the property for which the permit is sought. This information shall include but is not limited to the following:

1. Facade articulation and other methods to reduce apparent mass and scale
2. Placement, size and framing of windows and doors
3. Roof forms
4. Design compatibility of building additions
5. Recommended building materials

(Ord. 2008-Z-32 § 6.)

D. Enforcement

Residential Architectural Consultation is advisory, and therefore the applicant is encouraged but is not required to follow the recommended design approaches.

(Ord. 2008-Z-32 § 13.)

17.04.260 Zoning Interpretations

A. Purpose

The interpretation authority established by this Section is intended to recognize that the provisions of this Title, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of the Title in light of the general and specific purposes for which those provisions have been enacted. The interpretation authority established herein is not intended to add or change the essential content of the Title, but is intended to only allow authoritative application of that content to specific cases.

B. Application

Any person having an interest in a property relating to a provision of this Title for which an interpretation is sought may file a request with the Director of Community Development. In addition, the City Council, Building and Code Enforcement Division Manager, or other City official may request that the Director of Community Development render an interpretation. Appeals of interpretations by the Director of Community Development shall be filed with the Board of Zoning Appeals, and the decision of the Board of Zoning Appeals shall be final. (Ord. 2008-Z-32 § 6.)

C. Procedure

A written request for an interpretation shall be submitted to the Director of Community Development, which shall include a description of the specific situation and the section of this Title for which an interpretation is sought. The Director of Community Development shall render the interpretation within 15 days of receipt of all information necessary to render a decision.

Part Four: Applications For Board, Commission And Council Review

17.04.300 Appeals

A. Purpose

The Appeal process provides an opportunity for persons affected by administrative decisions by the Director of Community Development and the Building and Code Enforcement Division Manager to appeal those decisions.

B. Application

An Appeal may be taken to the appropriate review body by any person aggrieved by a written decision, order or determination under this Title by the Director of Community Development or the Building and Code Enforcement Division Manager, if initiated within forty-five (45) days of the action complained of. The applicant shall file a written application with the Director of Community Development or the Building and Code Enforcement Division Manager. The Director of Community Development and the Building and Code Enforcement Division Manager shall transmit to the review body copies of all documents in their possession relating to the administrative decision being appealed. The Appeal shall be referred to one of the following review bodies, based on the type of decision being appealed:

- Appeal of administrative Design Review Decisions (All Districts except CBD1 and CBD2): Plan Commission
- Appeal of Design Review Decisions (CBD1 and CBD2 Districts only): Historic Preservation Commission
- All other decisions under this Title: Board of Zoning Appeals

C. Procedure

1. The review body shall establish a time and place for hearing the Appeal and give written notice thereof to all necessary parties not less than 15 days prior to the hearing. The hearing shall be scheduled at a reasonable time, but not later than the review body's second regular meeting following receipt of the Appeal, unless otherwise agreed by the applicant. Any party may appear in person, or by agent or attorney, at the hearing. The review body shall thereafter reach its decision not later than its next regularly scheduled meeting, or within 45 days after the hearing, whichever is greater.
2. Filing of an Appeal shall stay all proceedings in furtherance of the decision appealed unless, in the reasonable opinion of the Director of Community Development or the Building and Code Enforcement Division Manager, a stay would significantly impair protection of the public health, safety and welfare. In such case the proceedings shall not be stayed other than by a court order.
3. The review body may affirm or reverse, in whole or in part, or may modify, the order, requirement, decision or determination and to that end, has all the powers of the officer from whom the Appeal is taken. Its decision shall be based on the documents pertaining to the administrative decision transmitted by the Director of Community Development and Building and Code Enforcement Division Manager, as well as any additional testimony presented at the hearing.

(Ord. 2008-Z-32 § 6; Ord. 1981-Z-6 § 1 (part).)

17.04.310 Variations

A. Purpose

The Variation process provides a method to grant relief from conformance with the strict letter of the provisions of this Title, where conformance would cause a particular hardship or practical

difficulty to a specific property and where the relief granted is consistent with the purposes and intent of this Title.

B. Hearing and Decision

The Board of Zoning Appeals shall hold a public hearing in accordance with Section 17.04.150 (Public Hearing), at which evidence in support of the Variation must be presented by, or on behalf of, the applicant, and any evidence presented by interested parties shall be heard. Notification of the public hearing shall be provided in accordance with Section 17.04.160. The public hearing shall be held not more than 90 days after filing of an application, and a decision shall be made not more than 30 days after the conclusion of testimony at the public hearing or the Board's next regular meeting after the conclusion of testimony, whichever is later.

C. Approval Criteria

The Board of Zoning Appeals may approve a Variation only when it makes written findings with respect to each requested Variation, based upon the evidence presented at the public hearing, that strict compliance with the regulations and standards of this Title would create practical difficulties or particular hardships for the subject property, and the requested Variation is consistent with the stated purposes and intent of this Title.

In making its determination of whether practical difficulties or particular hardships exist, the Board of Zoning Appeals must take into consideration the extent to which evidence has been submitted substantiating the following:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
3. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
4. The alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property;
5. The Variation, if granted, will not alter the essential character of the neighborhood.
6. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
7. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

D. Authorized Variations

The Board of Zoning Appeals may grant Variations from the regulations of this Title only in the following instances and in no others:

1. To permit a yard, setback or landscape buffer of a lesser dimension than required by the applicable regulations.
2. To allow a fence in excess of the height limitations required by the applicable regulations.
3. To permit the use of a lot for a use prohibited solely because of insufficient area or width, but the area or width of the lot shall in no event be varied to an extent that reduces the requirement to less than ninety percent (90%) of the required lot area or width.
4. To increase the permitted maximum building or lot coverage, but the maximum building or lot coverage shall in no event be varied to an extent that increases the maximum by more than twenty percent (20%).

E. Conditions

The Board of Zoning Appeals may require such conditions and restrictions concerning use, construction, character, location, landscaping, screening and other matters in granting a Variation, upon a finding that such conditions and restrictions are necessary to prevent or minimize adverse effects upon other property and improvements, that would reasonably be expected to occur if the Variation were granted without such conditions and restrictions. All such conditions and restrictions

shall be expressly set forth in the written record of the Board's approval of the Variation. Failure to comply with such conditions and restrictions as may have been imposed shall constitute grounds for revocation of the Variation.

F. Limitations

1. A Variation shall automatically lapse twelve (12) months after the date it is granted, unless the construction (pursuant to a building permit) authorized by the Variation commences within that twelve (12) month period. However, the Board of Zoning Appeals may extend this period, upon written request from the applicant showing good cause.
2. A Variation is granted to a specific property and authorizes the conduct of the Variation only on the property identified in the application and is not transferable to other properties.
3. The approval of a Variation authorizes the relief from strict conformance with specific provisions of this Title, but does not authorize the establishment or extension of any use, development, construction, reconstruction, alteration or moving of any building or structure prior to obtaining all other required approvals, including building permits and occupancy permits.

G. Variation Less than Requested

When consistent with the notice of Public Hearing, the Board of Zoning Appeals may grant a Variation less than, or different from, that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.

(Ord. 1981-Z-6 § 1 (part); Ord. 1985-Z-11 §1 (part).)

17.04.320 Zoning Text and Map Amendments

A. Amendments Authorized

The regulations imposed and the zoning districts and overlay districts created by this Title may be amended from time to time by ordinance adopted by the City Council, pursuant to the procedures set forth in this Section.

B. Procedure

No application for a Zoning Text Amendment or Zoning Map Amendment shall be acted upon by the City Council until after a public hearing has been held and the findings of the hearing body have been reported to the City Council. The Plan Commission shall hold the required public hearing and make findings and recommendations for all Zoning Text Amendments and Map Amendments including changes to District and Overlay boundaries, except that in the case of Zoning Text Amendments to Chapter 17.32, Historic Preservation, and changes to the boundaries of the Historic District Overlay, the Historic Preservation Commission shall hold the required public hearings and make findings and recommendations, which shall also be in conformance with Chapter 17.32, Historic Preservation.

The Plan Commission or Historic Preservation Commission, as the case may be, shall provide the City Council a recommendation and any required findings of fact within 45 days following the close of the public hearing on a proposed amendment. The failure of the Plan Commission or Historic Preservation Commission to provide a recommendation within such 45 day period, or within such further time as the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed amendment. However, when the Plan Commission is sitting as a Zoning Commission to consider comprehensive Zoning Map Amendments and/or Text Amendments, pursuant to 65 ILCS 5/11-13-12, as amended, its recommendation shall be made within 30 days of the close of the public hearing.

C. Recommendations – Text Amendments Heard by Plan Commission

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

1. The consistency of the proposed amendment with the City's Comprehensive Plan.
2. The consistency of the proposed amendment with the intent and general regulations of this Title.
3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.
5. The extent to which the proposed amendment creates nonconformities.
6. The implications of the proposed amendment on all similarly zoned property in the City.

D. Recommendations – Map Amendments Heard by Plan Commission

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property.
2. The extent to which property values are diminished by the existing zoning restrictions.
3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.
4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.
5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.
6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.
7. The consistency of the proposed amendment with the City's Comprehensive Plan.
8. Whether the proposed amendment corrects an error or omission in the Zoning Map.
9. The extent to which the proposed amendment creates nonconformities.
10. The trend of development, if any, in the general area of the property in question.

The Plan Commission shall record its findings regarding these matters in relation to the proposed amendment, and shall transmit those findings to the City Council with its recommendation. The Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

(Ord. 2008-Z-32 § 14.)

E. Recommendations – Amendments Heard by Historic Preservation Commission

In making its recommendations to grant or deny an application for an amendment to the Historic District Overlay or a Zoning Text Amendment to Chapter 17.32, Historic Preservation, the Historic Preservation Commission shall consider the purposes, standards and requirements of Chapter 17.32.

F. Written Protest

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

(Ord. 1981-Z-6 § 1 (part).)

17.04.330 Special Uses and Amendments to Special Uses

A. Purpose

Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.

B. Authority

Special Uses and Amendments to Special Uses shall be authorized or denied by the City Council in accordance with the statutes of Illinois and this Title. No application for a Special Use or amendment to Special Use shall be acted upon by the City Council until after a public hearing has been held by the Plan Commission, after due notice has been made, as provided herein and by the

applicable statutes, and after the findings and recommendations of the Plan Commission have been reported to the City Council.

C. Procedure

1. Public Hearing

   The Plan Commission shall hold a public hearing in accordance with Section 17.04.150, at which evidence in support of the proposed Special Use or Amendment to Special Use must be presented by, or on behalf of, the petitioner, and any evidence presented by interested parties shall be heard.

2. Findings of Fact and Recommendations

   On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

   a. Public Convenience: The Special Use will serve the public convenience at the proposed location;
   b. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;
   c. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;
   d. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
   e. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
   f. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

   (Ord. 2008-Z-32 § 15.)

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

3. Action by the City Council

   a. The City Council shall not act upon a proposed Special Use or an amendment to a Special Use until it has received a written report and recommendation from the Plan Commission on the proposed Special Use or the amendment to the Special Use. The City Council shall not approve a Special Use or amendment to Special Use unless it finds that the proposed Special Use or amendment to Special Use will conform to each of the standards in the preceding Paragraph 2.
   b. An application for a proposed Special Use or an amendment to a Special Use shall be acted upon finally by the City Council within ninety (90) days of the receipt by the City Council of the recommendations from the Plan Commission unless it is mutually agreed upon by the City Council and the petitioner that more time is required.

D. Conditions

The City Council may require conditions that it reasonably deems necessary to protect the public interest and to meet the standards set forth in this Title. Conditions may pertain to the establishment, location, construction, maintenance and operation of the Special Use or amendment to a Special Use. When a Special Use or amendment to Special Use is granted with conditions, the City Council may require the applicant to provide evidence and/or financial guarantees to ensure

that the conditions will be complied with. Failure to comply with the conditions imposed shall constitute a violation of this Title.
(Ord. 1981-Z-6 § 1 (part).)

E. No Presumption of Approval
The listing of a use as a Special Use within a zoning district does not constitute an assurance or presumption **that such Special Use will be approved. Rather, each proposed Special Use shall be evaluated on an individual basis in relation to the standards of this Section and conformance with the other applicable provisions of this Title.**

F. Limitations on Special Uses
1. A Special Use shall lapse twelve (12) months after the date it is granted, unless the Special Use or authorized construction for that Special Use (pursuant to a building permit) is commenced within that twelve (12) month period. However, the City Council may extend this period, upon written request from the applicant showing good cause. The provisions of this paragraph shall not apply to any Special Use for a Planned Unit Development.
2. Special Use approval is granted to a specific property and authorizes the conduct of the Special Use only on the property represented on the application and is not transferable to other properties.
3. The approval of a Special Use authorizes the use on the property in the manner proposed, but does not in itself authorize the establishment of such use without first obtaining all other required approvals, including building permits, sign permits and occupancy permits.
4. Any modification or intensification of a Special Use that alters the essential character or operation of the use in a way not approved at the time the Special Use was granted, as evidenced by the ordinance granting the Special Use, other record or by the provisions of this Title, shall require new Special Use approval in accordance with this Section.
5. If a Special Use ceases operation for a continuous period of twenty-four (24) months, the Special Use shall be deemed abandoned and the Special Use approval shall lapse. The Director of Community Development shall determine if a Special Use has ceased operation and shall notify in writing the record owner of the property. The notice shall be provided twenty-four (24) months prior to the date upon which the Special Use will be deemed abandoned. However, prior to the end of the twenty-four (24) month period the Director, at his/her discretion and for good cause, may extend, for up to twelve (12) months at a time, the period for abandonment.

If the Special Use is not reestablished within the aforementioned time period or extension thereof, the Special Use approval shall lapse, and a new Special Use approval shall be required to establish the use in accordance with this Section. This provision shall also apply to any existing use deemed a lawful Special Use in accordance with Section 17.02.040. The provisions of this paragraph shall not apply to any Special Use for a Planned Unit Development, which is subject to time limitations contained in Section 17.04.420
(Ord. 2008-Z-23 § 16.)

17.04.400 Planned Unit Developments – Purpose and Requirements

Planned Unit Developments (PUDs) are intended to accommodate projects that incorporate a single use or mix of uses, which are planned and developed, or redeveloped, as a unit. PUD review encompasses zoning regulations for development of private facilities as well as subdivision and other land development regulations for development of public facilities. Therefore, the standards to be considered in reviewing PUD's have a wider scope than for other types of applications in this Title. PUD's should provide amenities not otherwise required, and the PUD process should not be employed solely as a means of intensifying the use of the land. The proposed Planned Unit Development shall be under single ownership or unified control at the time of filing an application for approval of a PUD, or the applicant shall provide written evidence of his/her ability to gain ownership or unified control of the property if the PUD is approved.

A. Purpose
The purposes of the PUD Process are:

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies, and the community.

B. Conformance with Codes

Unless otherwise approved in accordance with this Chapter, development within a PUD shall conform to the requirements applicable to the underlying zoning district or districts in which the PUD is located, and all Land Improvements shall be designed and constructed in accordance with the provisions of Title 16, Subdivisions and Land Improvement, of the St. Charles Municipal Code. PUD's, however, may allow for relief from the minimum requirements applicable to the underlying zoning district and subdivision ordinance in situations where the City Council finds that:

a) Conforming to the requirements would inhibit creative design that serves community goals, or
b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors to be considered in this determination shall include, but are not limited to the following:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

(Ord. 2008-Z-32 § 17.)

C. Limitations to Relief from the Minimum Requirements of the Zoning Ordinance. The provisions and requirements established in Chapter 17.18, entitled "Inclusionary Housing" are not eligible deviations through a proposed PUD.

(Ord. 2013-Z-3 § 2.)

17.04.410 PUD Review Process

A. Pre-Application Meeting

Prior to the filing of any application for a PUD, the applicant shall attend a Pre-Application Meeting to present initial ideas for the development of the proposed PUD.

B. Neighborhood Meeting

Prior to the filing of any application for a PUD, the applicant is encouraged to host a Neighborhood Meeting.

C. Concept Plan Review

A Concept Plan Review for the proposed PUD is required prior to submittal of applications for a Special Use for a PUD and a Preliminary Plan for a PUD. In the case of an amendment to an existing PUD, a Concept Plan Review shall be required prior to any PUD application that includes any one of the following:

1. Increase or decrease of the land area within an existing PUD of 10% or more.
2. Major Change to an approved PUD Preliminary Plan requiring a Concept Plan Review as specified in Section 17.04.430.A, Major Changes.

(Ord. 2009-Z-9 § 3.)

D. Special Use and PUD Preliminary Plan Procedure

The Special Use and PUD Preliminary Plan procedure provides for formal review and approval of the proposed PUD. Once the Special Use for a PUD and the PUD Preliminary Plan are approved, the applicant is entitled to approval of PUD Final Plans and a PUD Final Plat if they fully conform with the approved PUD Preliminary Plan and the ordinance granting the Special Use for the PUD, as well as all other applicable ordinances. Approval of the PUD Preliminary Plan shall not constitute authority to proceed with construction of any improvements, but rather constitutes approval of the designs for buildings and site improvements as a basis for preparing the PUD Final Plans. Preliminary Plan approval shall not obligate the City Council or any of its appointed officials, boards or commissions to approve later phases or plans which do not conform to the approved PUD Preliminary Plan, the ordinance granting the Special Use for the PUD, and this Title.

1. Application for Special Use and PUD Preliminary Plan

   Applications for approval of a Special Use for a PUD and a PUD Preliminary Plan shall be filed simultaneously with the Director of Community Development. However, for multi-phase projects, the City Council may consider, at the request of the applicant, the filing of a Special Use application for a PUD with a PUD Preliminary Plan for the first phase comprising not less than one third of the property, and a Sketch Plan with Site Data for the remainder of the property to be developed in a later phase or phases. All applications shall include the information, plans and data as specified in Appendix A.

   Review of a preliminary plan of subdivision submitted as part of a PUD Preliminary Plan application shall be in accordance with the provisions of Titles 16 and 18 of the St. Charles Municipal Code.

   (Ord. 2006-Z-12 § 2; Ord. 1981-M-32 § 3; Ord. 1981-Z-6 § (part).)

2. Plan Commission Public Hearing on the Special Use and PUD Preliminary Plan Request

   The Plan Commission shall hold a public hearing to consider the application for Special Use for a PUD. The application for PUD Preliminary Plan approval shall be presented in support of the Special Use application, and revised PUD Preliminary Plans may also be presented at a meeting or meetings following the public hearing.

3. Recommendation and Approval of Special Use for PUD and PUD Preliminary Plan

   Following the Plan Commission public hearing, the Plan Commission shall make a recommendation to the City Council regarding approval or denial of the applications for Special Use for PUD and PUD Preliminary Plan. The Plan Commission may recommend such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the Planned Unit Development as deemed necessary to secure compliance with the standards specified in this Title. The Plan Commission may recommend exceptions and deviations from the requirements of this Title and of Title 16 of the St. Charles Municipal Code requested by the applicant, to the extent that it finds such exceptions and deviations are supportive of the standards and purposes for PUD's .

   The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

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

ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:

a) Conforming to the requirements would inhibit creative design that serves community goals, or

b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements.

iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2).

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

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

4. City Council Decision on Special Use and PUD Preliminary Plan Request

The City Council, after receipt of the aforesaid findings and recommendations from the Plan Commission, shall approve or deny the Special Use and PUD Preliminary Plan or Amendment applications with such requirements, conditions, exceptions and deviations as it may deem necessary to ensure that the proposed development satisfies the standards of this Title applicable to Special Uses and Planned Unit Developments. The City Council may require such evidence and guarantees it deems necessary to ensure that the conditions stipulated in connection with the approval of the Planned Unit Development are being, and will be, complied with.

(Ord. 2008-Z-32 § 18.)

E. PUD Final Plans and Final Engineering Procedure

The purpose of this stage of the PUD review process is to evaluate plans prepared for construction of the PUD for consistency with the approved PUD Preliminary Plans and other applicable requirements. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

1. Review and Approval

a. PUD Final Plans and Final Engineering

PUD Final Plans and Final Engineering, and any accompanying documents, shall be submitted to the Director of Community Development, and shall include the information, plans and data as specified in Appendix A (Submittal Items). The PUD Final Plans and Final Engineering may be submitted with the applications for Special Use for a PUD and PUD Preliminary Plan, but this is discouraged for most projects because the plans may change during the PUD Preliminary Plan review process.

The PUD Final Plans and Final Engineering shall conform to the PUD Preliminary Plan with respect to all items specifically shown on the PUD Preliminary Plan, unless a change is approved in conformance with Section 17.04.430, and further shall conform to all applicable requirements of the St. Charles Municipal Code.

In accordance with Title 16 of the St. Charles Municipal Code, Final Engineering Plans for PUD's are not subject to the review and approval of the Plan Commission and City Council, provided they conform to the approved PUD Preliminary Plan. The Director of Community Development is authorized to approve PUD Final Plans, and the Director of Public Works is authorized to approve Final Engineering Plans, based upon their review for conformance with all applicable requirements.

b. PUD Final Plat

A PUD Final Plat may be submitted for the entire PUD or, if it is to have multiple phases, for a portion of the PUD. The PUD Final Plat or plats shall encompass the same geographic area as the Final PUD Plans and Final Engineering Plans, with the exception of necessary off-site improvements and easements.

c. Plan Commission Recommendation on PUD Final Plat
The application for approval of a PUD Final Plat and supporting data shall be filed at least fourteen (14) days prior to the Plan Commission meeting. The Plan Commission shall not be obligated to make a recommendation regarding the PUD Final Plat until it has received notice of approval of the PUD Final Plans and Final Engineering Plans by the City staff. The Plan Commission shall review the PUD Final Plat for conformance with the approved PUD Preliminary Plan, and shall make its recommendations to the City Council.

d. City Council Decision on PUD Final Plat
The City Council, after receipt of the aforesaid recommendations from the Plan Commission, shall approve or deny the PUD Final Plat.

2. Recording; Approval of Final Plans and Engineering Plans
The PUD Final Plat shall be filed with the County Recorder of Deeds and the applicant shall pay all recording costs. No PUD Final Plat shall be recorded until the PUD Final Plans and Final Engineering have been approved by the Director of Community Development and the Director of Public Works, and the required Land Improvements have been completed or the required collateral for the Land Improvements has been posted by the developer as provided in Title 16, Subdivisions and Land Improvements, of the St. Charles Municipal Code. No permit for construction of a building or any other improvement shall be issued until the PUD Final Plat is recorded for the phase of the PUD in which the building or other improvement is located.

F. PUD Preliminary Plan process for lots within an existing PUD
This abbreviated review process provides for formal review and approval of PUD Preliminary Plans for the development of lots that were previously platted pursuant to an ordinance approving a Special Use for PUD. This process shall not apply if the proposed development constitutes a Major Change to an ordinance granting a Special Use for PUD as defined in Section 17.04.430.

1. Pre-Application Meeting
A Pre-Application meeting prior to the filing of an application for PUD Preliminary Plan is optional but recommended to provide an opportunity to present initial ideas for the development.

2. Concept Plan Review
A Concept Plan Review for the proposed PUD Preliminary Plan is optional but may be recommended if the proposed development differs significantly from the previously approved Preliminary Plan or Sketch Plan for the site.

3. PUD Preliminary Plan Procedure
Application for approval of PUD Preliminary Plans shall be filed with the Director of Community Development. The application shall include the information, plans and data as specified in Appendix A.

a. Plan Commission Review and Recommendation
The Plan Commission will review the application against the standards contained in the ordinance approving the Special Use for PUD and this Title. The Plan Commission shall make a recommendation to the City Council regarding approval or denial of the application for PUD Preliminary Plan approval. The Plan Commission may recommend such conditions and restrictions upon the design, layout, aesthetics, and other elements of the PUD Preliminary Plan as deemed necessary to secure compliance with the standards contained in the ordinance approving the Special Use for PUD and this Title.

b. City Council Review and Recommendation
The City Council, after receipt of the recommendation from the Plan Commission, shall approve or deny the PUD Preliminary Plan application with such requirements or conditions as it may deem necessary to ensure that the proposed development satisfies the standards of the Special Use for PUD and this Title.

4. PUD Final Plan Procedure

No separate application for PUD Final Plan approval is necessary. Following approval of the PUD Preliminary Plan, the applicant is authorized to apply for a building and/or site development permit. The Director of Community Development shall issue PUD Final Plan approval based upon the plans submitted with the building or site development permit if the plans fully conform to the approved PUD Preliminary Plan and the ordinance granting the Special Use for PUD, as well as all other applicable ordinances. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

(Ord. 2008-Z-32 § 19.)

17.04.420 PUD Timing and Revocation

A. Recording of PUD Final Plat following Special Use for PUD approval

A PUD Final Plat for, at a minimum, the first phase of the development, shall be recorded in the County Recorder's Office no later than two (2) years from the date of approval of the Special Use for PUD. However, prior to the end of the two (2) year period the City Council, at its discretion and for good cause, may extend, for up to one (1) year at a time, the period for recording of the PUD Final Plat.

If the PUD Final Plat is not recorded within the aforementioned time period or extension thereof, the approval of the PUD Preliminary Plan shall lapse, and resubmittal of an application for PUD Preliminary Plan approval shall be required prior to approval of a PUD Final Plat.

If a PUD Final Plat is approved and recorded for at least the first phase of the development, the PUD Preliminary Plan as to the balance of the development shall remain valid for a period of five (5) years form the date of its initial approval.

If an approved PUD Final Plat for, at a minimum, the first phase of the development, is not recorded within three (3) years following the approval of the Special Use for the PUD, then the approval of the Special Use for PUD, the PUD Preliminary Plan, and the PUD Final Plat shall lapse, and the property shall be subject to the requirements for the Zoning District or Districts in which it is located.

B. Construction following PUD Final Plat recording or PUD Preliminary Plan approval

Construction for each phase of the PUD, as authorized by the issuance of a building permit, shall begin within two (2) years of the date of PUD Preliminary Plan approval for each lot within the phase, or within two (2) years of the recording of the PUD Final Plat for that phase, whichever came later. However, prior to the end of the two (2) year period of the City Council, at its discretion and for good cause, may extend, for up to one (1) year at a time, the period for construction. If the applicant fails to file for building permit within the aforementioned time period or extension thereof, the approval of the PUD Preliminary Plan shall lapse, and resubmittal of an application for PUD Preliminary Plan approval shall be required prior to construction.

(Ord. 2008-Z-32 § 20.)

17.04.430 Changes in Planned Unit Developments

The Planned Unit Development shall be developed only in conformance with the ordinance granting a Special Use for a PUD and the PUD Preliminary Plans as approved by the City Council. PUD Final Engineering Plans, PUD Final Plans, and PUD Final Plats contain additional detail to facilitate construction of the development. Recognizing that there may be a need for changes during review or following approval of these final plans, changes to any approved PUD plans shall be handled as follows:

A. Major Changes.

1. Changes which would require an amendment to the ordinance granting a Special Use for the PUD may only be approved after submittal of an application to amend the Special Use for the PUD, together with applications to amend any previously approved plans.
2. Changes determined by the City Council to invalidate or contradict any of the Findings of Fact for Special Use for PUD or elements of the Preliminary Plans which were used as a factor in establishing said Findings of Fact shall only be approved after submittal of an application to amend the Special Use for the PUD, together with applications to amend any previously approved plans.

(Ord. 2008-Z-32 § 21.)

3. Changes to the approved PUD Preliminary Plan determined to be major by the City Council may be approved only by submission and reconsideration of a new PUD Preliminary Plan, and, if necessary, an application to amend the Special Use ordinance. Depending on the scope of the Major Change, a new Concept Plan Review may be required prior to submittal of the application for PUD Preliminary Plan. Factors listed in Table 17.04-2 shall be considered in determining whether a proposed change from the approved PUD Preliminary Plan constitutes a Major Change, and whether a new Concept Plan Review will be required.

(Ord. 2009-Z-9 § 4; Ord. 2008-Z-32 § 22.)

EXHIBIT "A"

Table 17.04-2 Major Changes requiring Concept Plan Review and/or revised PUD Preliminary Plan		
	Major Change, requires new PUD Preliminary Plan	Major Change, requires Concept Plan review, followed by new PUD Preliminary Plan
Non-Residential Components of a Planned Unit Development		
Increase in total gross floor area of non-residential buildings in the PUD	5 to 20%	20% or more
Increase in the total number of acres used for non-residential purposes	5 to 20%	20% or more
Changes to functional class of roadway	Yes	Yes
Reduction in the acreage of open space or common open space	1 to 10%	10% or more
Residential Components of a Planned Unit Development		
Increase in the total number of dwelling units within the PUD	0 to 5%	5% or more
Change in the size of dwelling units	10% or more	-
Change in the types of dwelling units (i.e., from attached single family to multi-family)	Yes	Yes
Reduction in the acreage of open space	0 to 5%	5% or more

(Ord. 2009-Z-9 § 5.)

B. Minor Changes.

The City Council may, without review and recommendation of the Plan Commission, approve minor changes in the PUD plans that do not change the concept or intent of the PUD. Minor changes are defined as any change not defined as a major change (see Paragraph A above) or an authorized administrative change (see Paragraph C below).

C. Authorized Administrative Changes.

The Director of Community Development and the Director of Public Works may approve PUD Final Engineering and PUD Final Plans and changes or revisions to such plans which do not alter the design or intent of the approved PUD Preliminary Plans, in order to accommodate field conditions and detailed design considerations that occur during PUD Final Engineering or PUD Final Plan design. Administrative changes will typically involve minor relocations of features such as utility boxes, light poles, trees and landscape plantings, drainage inlets, and walkways, or changes of two (2) feet or less in the locations of buildings, streets and parking lots; changes to the location, size, and design of wall signs; and changes to the tenant/business identification area of

free standings signs. Administrative changes must meet the applicable standards of the Zoning Ordinance or Special Use for a Planned Unit Development Ordinance.

(Ord. 2012-Z-5 § 2.)

Chapter 17.06

DESIGN REVIEW STANDARDS AND GUIDELINES

Sections:

17.06.010 How To Use This Chapter
17.06.020 Standards and Guidelines – All Zoning Districts
17.06.030 Standards and Guidelines – BL, BC, BR, and O/R Districts
17.06.040 Standards and Guidelines – CBD1 and CBD2 Districts
17.06.050 Standards and Guidelines – RM1, RM2, and RM3 DISTRICTS

17.06.010 How To Use This Chapter

A. **Standards and Guidelines**.
The Standards and Guidelines of this Chapter shall apply to applications for Building Permits and Site Development Permits as provided in Section 17.04.230 (Design Review). The Standards and Guidelines of this Chapter shall also apply to applications for Special Uses (Section 17.04.330) and Planned Unit Developments (Sections 17.04.400, et seq.).

The provisions of this Chapter include "Standards" and "Guidelines", both of which must be addressed in order to obtain Design Review approval. "Standards" are specific requirements that must be met. A Standard typically offers little flexibility unless options are provided within the Standard itself. A Standard may establish requirements not otherwise contained in this Title, or may refer to other requirements more fully set forth elsewhere in this Title or the St. Charles Municipal Code. "Guidelines" are descriptions of design characteristics intended to be applied with flexibility. Where a proposed design does not precisely follow the guideline, it may still be acceptable if the applicant can show how it meets the intent for that group of standards and guidelines and the purpose and intent of this Title, in particular Section 17.04.230.

B. **Applicability of Building Design and Material Standards to Existing Buildings**
Existing buildings that do not comply with the building design or building materials standards of this Chapter shall comply with the following standards:
1. Building alterations or additions constructed primarily at the side or rear of a building may be constructed with the same design and materials as the remainder of the building, provided an addition does not exceed 50% of the gross floor area of the existing building.
2. Any building additions to, or reconstruction of, street-facing building elevations shall comply with this Chapter to the extent practical to achieve a cohesive architectural design for the building. The Director of Community Development may grant exceptions where an applicant can demonstrate that conformance would be incongruous with the architecture of the building or would be impractical to construct (for example, re-facing a building façade with masonry material where no foundation exists to support the masonry).

(Ord. 2011-Z-1 § 3 and 4.)

17.06.020 Standards and Guidelines – All Zoning Districts

A. **Natural features and open space:**
Intent: To preserve natural features on the site and provide open space for people to use.
Standards:

1. Comply with the provisions Chapter 8.30 of the St. Charles Municipal Code, "Tree Preservation on Private Property".

Guidelines:
1. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
2. Preserve unique natural resources occurring on the site.
3. Avoid unnecessary alterations to existing topography.
4. Provide common space, plazas, seating areas & site furnishings to offer opportunities for pedestrians to meet, rest, and engage in other social activities.
5. The use of energy efficient features such as green roofs is encouraged.

B. **Site Layout:**
Intent: To build a convenient, comfortable and sustainable built environment.

Guidelines:
1. Locate building facades and outdoor pedestrian spaces along streets and at corners, and locate parking and vehicle access in less prominent locations.
2. Design buildings and site improvements to relate to a pedestrian scale.
3. Retail development should be configured so that it can accommodate a variety of uses over time.
4. Integrate all elements of site design including architecture, signs, parking, access drives, pedestrian facilities, landscaping, and stormwater facilities, and relate the design of these elements to existing development on surrounding properties.

Buildings near the street should maintain facades and entrances oriented toward the street as well as to the interior parking lot.

C. **Landscaping and Screening:**
Intent: Enhance developed areas with landscaping and screen service areas.
Standards:
1. Comply with the provisions of Chapter 17.26, Landscaping and Screening.

Guidelines:
1. Minimize the visual impact of the development on adjacent sites and roadways.
2. Create an environment of landscaped streets, blocks and connecting walkways

D. **Parking and loading:**

Intent: Provide adequate and safe parking and loading without creating an environment where parking is the most prominent feature.

Standards:

1. Standard: Comply with the provisions of Chapter 17.24, Parking and Loading.

Guidelines:

1. Provide pedestrian walkways and islands for the main circulation route(s) to the building entrance within parking lots having more than 40 parking spaces. These walkways should be clearly delineated with pavers, bituminous brick pattern stamping or painted striping.
2. The use of pervious paving materials and designs is encouraged.

E. **Traffic and circulation systems**

Intent: Provide adequate vehicular circulation and pedestrian connections.

Guidelines:

1. Design access and circulation systems to form a network of streets, alleys, and private access roads, and provide traffic calming designs where necessary.
2. Minimize onsite and offsite vehicular congestion while providing safety for pedestrians, bicycles and vehicles.
3. Provide adequate and safe vehicular and pedestrian access to the site and to uses and facilities within the site.
4. Limit the number and control the spacing of curb cuts onto public streets, while allowing for necessary site access and circulation.
5. Share driveways and provide cross-access between adjoining parking areas and circulation drives to reduce the number of turns onto and off of the principal roadways and to minimize conflict points. Adjoining commercial and office sites that are higher traffic generators are particularly encouraged to provide cross-access for circulation between sites and to minimize curb cuts.
6. Make entryways clearly visible through the use of curbing, signage and/or pavement markings.
7. Provide pedestrian connections between adjoining sites and to building entrances.
8. Design and landscape pedestrian ways with attractive paving materials, shade trees, street furniture, scenic views and other amenities to facilitate and encourage walking between uses.
9. Incorporate transit vehicle access and provide attractive and convenient waiting areas and shelters to facilitate the use of public transportation.

Public plazas help to minimize the effect of large parking areas and distinguish the path to building entrances.

F. **Special Access Requirements for Main Street and Randall Road.**
Intent: Provide for safe access to and from arterial streets.
Standard:
1. Outlots that are within a larger development shall such as a shopping center or mixed-use development shall not have individual driveway access directly to Main Street or Randall Road. Circulation within these larger sites shall be via an internal road system that allows access between parking areas and buildings so that vehicles are not required to use Main Street or Randall Road for internal circulation.

G. **Utilities and Emergency Access:**
Intent: Make sure utility and emergency access needs are met while creating a pleasant environment for people.
Standards:
1. Provide adequate access and facilities for emergency vehicles and services as provided in the St. Charles Municipal Code, including but not limited to Chapter 15.28 "Fire Prevention", Section 15.28.050 (Subsections 503, 506, and 508), and Section 15.28.080 (Paragraphs A-G).
2. Provide adequate access, easements and facilities for water, wastewater, and stormwater management services as provided in the St. Charles Municipal Code, including but not limited to Title 16 "Subdivisions and Land Improvements", Sections 16.12.190, 16.12.210, 16.20.020, 16.20.030, and in the Stormwater Management Ordinance, Section 18.04.010.
3. Provide adequate access, easements and facilities for electric utility services as provided in the St. Charles Municipal Code, including but not limited to Title 13 "Electricity", Section 13.08.100.

Guideline:
1. Minimize undue impacts on existing or planned municipal services, utilities and infrastructure.

H. **Site and building illumination:**
Intent: Provide illumination for convenience and safety, but do not allow light to intrude on adjoining sites, streets, or the sky.
Standard:
1. Comply with the provisions of Section 17.22.020, Site Lighting.

Guideline:
1. The design and color of site and architectural lighting should be consistent with the architectural style of the building.

17.06.030 Standards and Guidelines – BL, BC, BR, & O/R Districts

A. **Articulation of Building Facades**
Intent: To reduce the apparent bulk of buildings and relate them to a human scale.
Standards:
1. Building façades over one-hundred (100) feet in length shall incorporate wall projections or recesses a minimum of three (3) feet in depth, extending over twenty percent (20%) of the façade.
2. Architectural features such as arcades, arbors, windows, doors, entryways or awnings, shall comprise at least fifty percent (50%) of the façade.
3. All facades that face the street shall have at least two (2) of the following architectural features to avoid the appearance of blank walls facing the street:

i. change in wall plane of at least two (2) feet,
ii. change in wall texture or masonry patterns,
iii. transparent windows,
iv. columns or pilasters, projecting six (6) inches or more from the wall plane. (Ord. 2011-Z-1 § 5.)

Guidelines:

1. Entryways and pedestrian routes should offer protection from weather such as overhangs, awnings, canopies, etc.
2. Building design should include features to add identity and architectural interest such as projecting cornices, medallions, lighting fixtures, art work, belt courses of a different color or texture, pilasters, etc.

Façades should incorporate articulation features such as projections or recesses along the building length.

3. Predominant façade colors should be subtle, neutral or earth-tones. Primary colors, high-intensity colors, metallic or fluorescent colors, and black generally should not be used as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

Different materials, textures and colors should be utilized to add visual interest to the façade.

B. **Windows and Transparency**

Intent: Allow people outside commercial buildings to see activity within, and allow people inside to see activity and weather conditions outside.

Standards:

1. Retail buildings and tenant spaces with 30,000 square feet or less of gross floor area shall provide windows so that the first floor is transparent from a height of eighteen (18) inches to a minimum of seven (7) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the facade, and must contain a public entrance. Windows shall be clear glass (no tinted or reflective glass), recessed or projected in the wall plane to create shadow and visual interest, and should include visually prominent sills or other appropriate forms of framing. Awnings, pilasters or columns may be used to accentuate window openings and add interest to the design of the building.

Guideline:

1. Large retail developments and shopping centers should help define the street frontage by placing outlot buildings near the street as well as to the interior parking lot

For buildings and tenant spaces of 30,000 s.f. or less, at least 60% of the façade must be transparent at street level.

C. **Building Entrances and Pedestrian Walkways**

Intent: People should be able to tell where building entrances are located, and walking into the building should be a pleasant experience.

Standards:

1. Buildings shall have a public entrance on a façade that faces a public street or private drive that provides primary access (such as a mall ring road). Buildings that face more than one (1) street shall have at least one (1) public entrance on the primary street frontage.
2. All public entrances shall be articulated from the building mass. Examples of such articulation include: canopies or porticos, overhangs, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patio or seating areas, display windows, details such as tile work and moldings integrated into the building design, and integral planters or wing walls that include landscaping or seating.

Guidelines:

1. Facades which abut parking areas and contain a public entrance should provide pedestrian walkways and foundation landscape areas parallel to the foundation not less than eight (8) feet in width. Sidewalks in this area shall have a minimum width of four (4) feet.
2. Pedestrian routes to building entrances should be marked with pavers, striping, or delineated by the design and location of landscape features.

Public entrances should be articulated from the building mass using such means as a raised parapet and distinct materials or colors.

The pedestrian route to public entrances should be clearly delineated.

D. **Roof Design**

Intent: Roofs should be designed to add visual interest to the building, to conceal necessary service equipment, and to establish the building's identity.

Standard:

1. HVAC equipment and similar appurtenances shall be located and/or screened in conformance with Section 17.26.120.
   (Ord. 2011-Z-1 § 6.)

Guidelines:

1. Roof lines should either be varied with a change in height or the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one-hundred (100) linear feet in building length.
2. Parapets should feature three-dimensional cornices or other shadow-creating detail elements along their tops.
3. Mansard roofs are discouraged as the predominant roof design, but may be used on a limited basis to add interest and variety.
4. "Green roof" designs are encouraged.
5. Pipe stacks and similar appurtenances that are required by code and cannot reasonably be hidden should be concealed as much as possible by location and coloring.
6. Primary colors, high-intensity colors, metallic or fluorescent colors should not be used as predominant roof colors.
   (Ord. 2011-Z-1 § 7.)

Arcades help to articulate building mass and public entrances. In addition, varied roof lines help break up building frontages.

Roof lines should be varied with the incorporation of a major focal point, such as a gable or projected wall feature, at minimum every 100 linear feet of building length.

E. **Building Materials**

Intent: Buildings should be constructed of quality materials that reduce maintenance costs over the life of the building, relate to traditional building materials used historically in Kane County, and reinforce the character of the community.

Standards:

Approved and prohibited building materials in the BL, BC, BR, and O-R districts are:

1. Approved Materials
   a. Brick
   b. Architectural metal (such as for window and door framing) and metal composite panels
   c. Natural or architectural cast stone
   d. Tinted and/or textured concrete masonry units
   e. Stucco, installed without the use of Exterior Insulated Finishing Systems (EIFS)
   f. Tilt-up concrete panels designed with a brick veneer or other architectural design
   g. Non-reflective glass
   h. Cedar or equivalent wood or fiber-cement siding and trim when consistent with the architectural style of the building
   i. Other materials as approved by the City Council or Historic Preservation Commission
2. Prohibited Materials
   a. Smooth-faced concrete masonry units
   b. Painted masonry units
   c. Exterior Insulated Finishing Systems (EIFS) comprised of polystyrene foam panels, regardless of base or finish coat or treatment, located less than ten feet (10') above grade, or over more than ten percent (10%) of any building wall
   d. Vinyl siding
   e. Pre-fabricated steel panels of the type used in farm, storage, and industrial buildings
   f. Plain tilt-up concrete panels
3. Uniform Materials

   Use of uniform exterior building materials shall be required on all facades. For example, if the front wall contains a mixture of brick and concrete masonry units, the side and rear walls shall contain the same materials in approximately the same proportions.

(Ord. 2011-Z-1 § 8.)

F. **Coordinated Signage**
A master sign plan shall provide for coordinated design for all building-mounted signage and shall include, at a minimum, criteria and specifications for general appearance, format of message, font size and style, lighting, location, and construction materials. Where signs are to be located on a wall of a multi-tenant shopping center, they shall be located at a generally uniform height on the building wall and shall not cover or overhang any architectural feature.
(Ord. 2006-Z-12 § 2.)

17.06.040 Standards and Guidelines – CBD1 and CBD2 Districts

A. **Standards and Guidelines for Site Design**

1. Building Placement and Lot Coverage
Intent: Establish site development patterns that are compatible with the historic patterns of downtown St. Charles, while allowing the flexibility necessary to produce more intense, mixed use development that will foster a pedestrian-oriented environment.
Guidelines:
   a. A building within the Downtown Overlay district should occupy at least 70%, and, whenever possible, 100%, of the width of its street frontage. Where buildings or parts of buildings are placed more than five feet from the right-of-way line or property line, a pedestrian space between the building and the street should be created that is 16 to 20 feet deep, and should be occupied by an active use (outdoor eating and drinking or outdoor sales) or a public space (a small park or plaza).
   b. The sides of buildings facing the river should be publicly accessible to the greatest extent possible, at the first floor level. This may result in more than one “front door” for some businesses.
   c. Buildings should be oriented towards zones of pedestrian activity, with primary entrances facing directly onto the street at street level.
   d. To maintain historic patterns of building development in downtown St. Charles, building footprints should not occupy more than 75% of a block.

2. Parking and Service Areas:
Intent: Provide adequate parking and service areas to serve development without overbuilding parking or overwhelming the pedestrian character desired for downtown.
Standards:
   a. Surface parking lots shall not be located between buildings and the street, but may instead be located behind or beside buildings.
   b. Private surface parking lots shall not be located directly adjacent to the river. Where parking must be located near the river, there shall be a landscaped area, preferably with pedestrian amenities, between the parking lot and the river.
   c. Service and loading facilities shall be oriented and/or screened so that they are not visible from public streets.

   Guidelines:
   a. Where a lot or use is eligible for the parking exemption (Section 17.24.080), on site parking is discouraged. Where parking is provided, its design and location should minimize impacts on the pedestrian environment. Perimeter landscaping or decorative walls for screening, parking courtyards, and use of brick or other decorative pavers for surfaces, are examples of ways to accomplish this.
   b. Vehicle access to parking structures, parking lots, and service areas should not be directly from arterial streets.

c. Where private parking is necessary, shared and joint-use parking should be pursued to minimize private surface parking.
d. Pedestrian zones along sidewalks should be protected with landscaping and street furniture within the sidewalk right of way, and should be supplemented with a row of parallel or diagonal parking between the sidewalk and the traffic lanes.

B. **Standards and Guidelines for Building Design**

1. Building Design, Massing and Detail

Intent: New buildings should reflect the architectural heritage of downtown without copying historic architecture, and should be "of their own time." Buildings also should be of high quality and enduring value, so that in the future, they are as revered as the landmark buildings in the rest of downtown. While the design standards and guidelines do not encourage the replication of historic structures, they do promote compatibility with the character of existing buildings in downtown.

Standard:

a. Plastic or backlit awnings shall not be used. While the use of more traditional awning materials and forms is encouraged, the width and height of awnings shall be related to the window openings and design of the building.

Guidelines:

a. In the Downtown Overlay district and other areas intended to have more intense pedestrian activity, buildings should be designed so that street level and second stories are predominantly windows; street level facades, and facades facing the river or open space, should be a minimum of 50% transparent glass. Facades facing publicly accessible walkways, but not facing streets should be a minimum of 25% transparent glass; upper floors should also contain transparent glass (30% or more); the use of mirrored, tinted or opaque glass or spandrel panels in new buildings to fulfill this guideline is not acceptable. (Spandrel glass may have acceptable applications for other purposes.)
b. For buildings greater than four stories or 50 feet in height, higher stories should be stepped back from street level facades a minimum of six feet and a maximum of sixteen feet.
c. Design the lower levels of buildings with pedestrian scale, and a sense of human hand and craft rather than machine production; distinguish the street level of the building from upper levels through the use of an intermediate cornice, a change in building materials or detailing, an awning, trellis or arcade, or lintels at upper level windows. Building entrances should be designed as a prominent feature of the building.
d. Retail and entertainment uses should open directly onto a public street or publicly accessible pedestrian way (rather than through an interior lobby).
e. Use earth tones or muted colors in the materials used for building exteriors. The goal is to achieve a design where no single building stands out or overpowers the views or the natural landscape of the valley. Lighter colors or bright colors should be used only in minor accents.
f. Employ building focal points or "landmark" elements (clock towers, turrets or other architectural devices) with discretion. The use of elements such as gratuitous clock towers or fake dormers is discouraged.
g. The development of usable rooftop spaces is encouraged. The height of rooftop arbors or garden features should not be considered in the height of the building, but should not exceed 12 feet in height. Such features should be set back from facades facing public rights-of-way at least 10 feet so they are less visible from ground level. Enclosed structures on the roof, including those used for access, should not exceed 20% of the roof area, and "open" roof structures such as arbors or other structures to provide partial shade should not exceed 30% of the roof area.

h. New buildings should not present a barren landscape of rooftop mechanical equipment and expanses of unadorned flat roofs when viewed from upper floors of existing buildings. The patterns, materials and details of roofs and rooftops should foster views or become viewed elements in themselves, such as rooftop gardens. Rooftop mechanical equipment should be organized and located or screened to be visually consistent with the patterns, materials and details of the structure.

2. Materials
   Intent: Use building materials in a meaningful way, but not in ways that result in a false representation of history.
   Guidelines:
   a. The use of brick and stone as dominant materials in a building is highly encouraged. In general, brick and stone should be the predominant materials for buildings within the CBD-1 District, while more wood and other compatible materials are acceptable in the CBD-2 District.
   b. Mortar should generally match the color of the brick or stone
   c. Accent materials used in parapets, lintels, cornices, sills, bases and decorative building elements should be brick, stone, cast stone or architectural precast concrete, wood (except that wood shall not be used at parapets), untreated copper, terra cotta, or dark colored pre-finished metal.
   d. High quality pre-cast concrete and high quality metal (with a matte or non-lustre finish) and synthetic materials may also be acceptable on an individual basis, provided such materials constitute less than 20 percent of the exterior and should be used in combination with other acceptable materials.
   e. Reflective or mirrored glass is prohibited; only transparent glass should be used for street level windows.

3. Franchise Architecture
   Intent: Preclude the development of new uses that employ franchise architecture, corporate colors or symbols other than signage to identify their presence. Avoid standardized designs that do not fit in within the context of community character and neighboring development.
   Guideline:
   a. Franchise or corporate architecture should be avoided unless it is compatible with the Standards and Guidelines applicable to the downtown districts. Customized, site specific designs should be provided for all development within downtown St Charles.

C. **Standards and Guidelines for Public Spaces**

1. Views and View Corridors
   Intent: New development should be located or designed to maintain significant sight lines to the river and to prominent landmark buildings.
   Guideline:
   a. New buildings in the downtown area should not intrude into view corridors along First Street to the Hotel Baker, along street rights-of-way or extensions thereof toward the Fox River, or from other streets and public spaces toward other prominent community landmarks.

2. Streetscape and Public Spaces
   Intent: Where private development involves improvements to public property, establish continuity and identity through a quality streetscape design that results in a truly pedestrian friendly environment and that creates a sense of place.
   Standards:

a. Public sidewalks shall be designed to support pedestrian movement and allow for a variety of activities such as sitting, conversing, people watching, etc. via streetscape enhancements; sidewalk widths along public streets shall generally be 12 feet or more in width.
b. Pole-mounted or building mounted lighting shall be designed at a pedestrian scale, and that is compatible with the historic character of the area.
c. Street crossings (or even intersections) shall be enhanced with pavement materials, colors or textures that highlight the crossing as a pedestrian zone.

Guidelines:

a. Create plazas, courtyards and other urban open spaces for buildings with a footprint larger than 10,000 square feet; surround public spaces with uses that activate the space, such as street level retail facing onto the space, housing, or eating and drinking venues.
b. Avoid the creation of large, singular spaces; rather, create a series of smaller spaces that offer opportunities for a variety of activities and views.
c. Spaces between buildings should not become "leftover" spaces; rather the design of the space should invite pedestrians with thoughtful pedestrian features or simply by the craft and detail of the buildings along the space.
d. Provide seating at the rate of one linear foot per linear foot of perimeter of the open space; provide "perches" that allow viewing of activity in the space; at least half of the seating in the space should be "found" seating (steps, walls, planter edges). Movable seating is also highly desirable.

3. Pedestrian Movement:

Intent: Foster pedestrian movement and activity by protecting pedestrian spaces from intrusions and providing elements that offer comfort for pedestrians.

Guidelines:

a. Primary pedestrian movement routes should be reinforced with wayfinding devices (special pavements, signs, graphics).
b. Utility functions (electrical transformers and switchgear, signal control boxes) should be placed underground, within buildings, or along cross streets to avoid conflicts with pedestrian movement and views.
c. Provide "protection" for the pedestrian zone in the form of bollards, large planters, or trees where parking is not allowed along a street.
d. Provide overhead cover for pedestrians; use arcades, building projections or awnings to afford a minimal level of protection from the environment; cover extending over the sidewalk (awnings) should be located between 9 feet and 12 feet above the walk, and should project over not more than one-third the width of the walk (but not less than 4 feet). Such overhead cover should be coordinated with the locations of street trees and street lights. Cover afforded by an arcade (a covered passageway along the street side of a building) should maintain a series of building columns at the sidewalk edge, and should be a minimum of 5 feet deep but no deeper than 2/3 the height of the arcade.

4. Landscape and Public Art

Intent: Enhance developed areas with landscaping, public art, and unique features that tell the stories and commemorate the heritage of St. Charles.

Standards:

a. Comply with the provisions of Chapter 17.26, Landscaping and Screening.
b. Refuse and recycling containers shall be located away from the streets and pedestrian areas and shall be screened from the street view in compliance with Section 17.26.120 (Additional Screening Requirements).

Guidelines:

a. Develop landscape patterns that are shaped as spaces for people (pocket parks, courtyards and urban open spaces and gardens) as opposed to more suburban landscape treatments such as berm plantings and vegetative buffers.
b. Use Public Art to tell stories about the heritage, people and events of the community, and the natural history of the region. Public art can be made purposeful, as well. For example, sculpture may double as a seating surface, manhole covers might convey messages about nature, and wide sidewalks or street intersections might become tableaus for art.

17.06.050 Standards and Guidelines – RM1, RM2, and RM3 Districts

A. Building Location and Design

Intent: Provide a healthy safe environment in attached single family and multiple family developments where residents can have privacy while having opportunities to relate to their neighbors and the community.

Standards:

1. Where a front or rear wall of a row of townhouses or multiple-family buildings faces the front or rear wall of another row of another townhouse or multiple-family building, the minimum separation shall be thirty (30) feet. Driveways and parking areas may be located within this minimum separation area. For townhouse developments with garage doors facing garage doors along an interior drive, the minimum separation at the ground-floor may be reduced to twenty (24) feet, provided that the upper-story living spaces comply with the separation requirement of thirty (30) feet.
2. There shall be a minimum separation of ten (10) feet between side walls among rows of townhouses or multiple-family residential buildings.
3. A private yard a minimum of two hundred (200) square feet in area shall be required for each townhouse dwelling unit. This private yard may be located adjacent to a front, rear or side wall, provided that it is immediately adjacent to the townhouse unit it serves and directly accessible by way of a door or stair. All private yards shall be landscaped with turf, groundcover, shrubs, trees or other landscape improvements, such as walkways and patios.
4. No more than five (5) townhouse dwelling units shall be attached to one another in a row.

B. Façade Articulation and Reduction of Mass and Scale

Intent: To reduce the apparent bulk of buildings and relate them to a human scale

Guidelines:

1. To avoid the appearance of blank walls facing the street, when the side walls of a townhouse or multiple-family development face a street, the walls facing the street should be designed with elements typical of a front façade, including doors and/or windows.
2. Large, flat facades should be avoided by articulating the building mass to create substantial shadows and visual interest. Windows, dormers, projected entrances and overhangs are encouraged on the street facing façade to add variety and maintain a pedestrian-scale.
3. Buildings should be designed to be viewed from multiple directions and, therefore, should be designed with consistent materials and treatment that wraps around all sides. There should be a unifying architectural design for multiple-family and townhouse developments with more than one building, utilizing a common vocabulary of architectural forms, elements, materials and colors. Variety between buildings within this unifying design is encouraged.
4. Windows and doors should have raised elements to create shadows and articulation. In addition, three-dimensional elements such as balconies and bay windows should be incorporated to provide dimensional elements on a façade. Windows should be set back (“punched”) into the façade to provide façade depth and shadow, in a vertical orientation and a consistent style. Windows, doors, and building edges should be trimmed out with appropriate materials in a width corresponding to the scale and style of the building.

Side walls of townhouses or multi-family buildings should be designed with front façade elements, such as windows and doors, to avoid blank walls facing the street.

Facades should be designed with consistent materials and treatment that wraps around all sides of the building. Street facades should create substantial shadows and visual interest. Balconies, "punched in" windows with detailed trim, projected entrances and overhangs are encouraged on the front façade.

C. **Roof Forms**

Intent:

Standard:

1. HVAC equipment and similar appurtenances shall be located and/or screened so as not to be visible from public streets or adjoining property.

Guidelines:

1. To ensure that new developments are consistent and compatible with the surrounding neighborhood character, consistency in the roofline should be achieved by using similar roof forms with varying height and proportion.
2. For larger buildings, roof forms should be articulated so that varied planes and massing within the overall roof form are provided.
3. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, should be avoided. Dormers and gables can be used to break up large expanses of roof area. For flat roofs, cornices and parapets should be used to add variety and break up the roofline. Rooflines should be modulated every seventy-five (75) feet through the use of varied roof heights.
4. Pipe stacks and similar appurtenances that are required by code and cannot reasonably be hidden should be concealed as much as possible by location and coloring.

For townhouse and multi-family developments, monotonous roofs should be avoided. Dormers and gables can create breaks in the roof expanse.

E. **Parking Areas and Pedestrian Walkways**

Intent: Provide safe access and adequate parking for residents and guests, while avoiding large expanses of paved areas and minimizing the visibility or parking facilities.

Guidelines:

1. Parking lots and garages for multi family developments should be located to the rear or side of the lot, in areas that are less visible from the street. Large parking areas should be broken into smaller segments.
2. Curb cuts should be minimized on arterial and collector streets through shared access, rather than individual driveways for each unit.
3. A clearly identified network of pedestrian connections should be provided in and between parking lots, street sidewalks, open spaces and buildings.
4. Townhouses should be designed with garages to the rear of the units or, if located at the front of the units, designed so that garages do not form the most prominent visual element of the façade.

Parking areas should be located to the rear of buildings to minimize their visibility from the street.

F. **Building Materials**

Intent: Buildings should be constructed of quality materials that reduce maintenance costs over the life of the building, relate to traditional building materials used historically in Kane County, and reinforce the character of the community.

Standards: Permitted and prohibited building materials in the RM-1, RM-2 and RM-3 Districts are:

1. Approved Materials

   Approved materials for exterior use in the construction of new multiple-family and townhouse developments in St. Charles are as follows:

   a. Modular-sized clay brick
   b. Cedar or equivalent wood, or fiber-cement, horizontal siding
   c. Stucco, installed without the use of Exterior Insulated Finishing Systems (EIFS)
   d. Terra cotta or similar glazed masonry units
   e. Architectural metal (such as for window and door framing)
   f. Natural or architectural cast stone
   g. Trim, frieze boards, soffit and fascia boards may be of wood, molded polymer, copper, or fiber cement material; aluminum or vinyl material may be used for soffit and fascia boards only
   h. Architectural concrete masonry units for a foundation course only
   i. Standing seam metal roofing
   j. Slate or tile roofing
   k. Wood shake shingles
   l. Architectural grade asphalt and fiberglass shingles for roofs
   m. Individual glass windows in wood, aluminum or vinyl covered wood frames with true divided lights (i.e. no false appliqué mullions)
   n. Glass block for accenting purposes (glass block walls are not included in this category)
   o. Other materials as approved by the City Council or Historic Preservation Commission

2. Prohibited Materials

   Prohibited materials for exterior use in the construction of new multiple-family and townhouse developments in St. Charles are as follows:

   a. Smooth-faced or textured concrete masonry units (CMU)
   b. King-size or jumbo brick
   c. Exposed aggregate (rough finish) concrete wall panels
   d. Tilt-up concrete panels
   e. Exterior Insulated Finishing Systems (EIFS) comprised of polystyrene foam panels, regardless of base or finish coat or treatment, located less than ten feet (10’) above grade, or over more than ten percent (10%) of any building wall.
   f. Plywood, composite plywood or masonite sidings (T-111)
   g. Panel brick or thinset stone veneers
   h. Plastic
   i. Reflective glass
   j. Pre-fabricated steel panels of the type used in farm, storage and industrial buildings
   k. Vinyl or aluminum horizontal siding

3. Uniform Materials

   Use of uniform exterior building materials shall be required on all facades. For example, if the front wall contains a mixture of brick and wood, the side and rear walls shall contain the same materials in approximately the same proportions.

(Ord. 2011-Z-1 § 9.)

Chapter 17.08

NONCONFORMITIES

Sections:

17.08.010	Purpose
17.08.020	General Standards of Applicability
17.08.030	Nonconforming Uses of Land, Buildings & Structures
17.08.040	Nonconforming Buildings and Structures
17.08.050	Nonconforming Lots of Record
17.08.060	Nonconforming Signs

17.08.010 Purpose

The purpose of this Chapter is to provide for the regulation of nonconforming buildings, structures, lots and uses, and to specify those circumstances and conditions under which nonconforming buildings, structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life.
(Ord. 1960-16 § V (A).)

17.08.020 General Standards of Applicability

A. **Authority to Continue**

Any nonconforming building, structure, lot, or use which existed lawfully at the time of the adoption of this Title and which remains nonconforming, and any building, structure, lot or use which becomes nonconforming upon the adoption of this Title or any subsequent amendments, may continue subject to the provisions of this Chapter, so long as it remains otherwise lawful.
(Ord. 1960-16 § V (B).)

B. **Burden on Property Owner to Establish Legality**

In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Title shall be upon the property owner of the nonconforming building, structure, lot or use and not upon the City.

C. **Safety Regulations**

The existence of a nonconformity does not affect the applicability to a property of any police power regulations enacted to promote public health, safety, comfort, convenience and general welfare including, but not limited to, all building, fire and health codes.

D. **Governmental Action**

Notwithstanding any provision of this Chapter 17.08 to the contrary, no lawfully existing conforming lot, building, structure and/or use shall be rendered nonconforming, and subject to the provisions of this Chapter, as a result of the exercise of eminent domain by a governmental entity.

17.08.030 Nonconforming Uses of Land, Buildings or Structures

This Section regulates land, buildings and structures that, on the effective date of this Title, are used in whole or in part for purposes that are not allowed in the zoning district, overlay, or Planned Unit Development in which they are located.

A. **Expansion of Use**

A nonconforming use of land, buildings or structures shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:

1. An expansion or extension of a nonconforming use or its accessory uses to any land area, building or structure, or part thereof, other than that occupied by the nonconforming use on the effective date of this Title.
2. An expansion or extension of the nonconforming use or its accessory uses within a building or other structure, to any portion of the building or structure that was not occupied by the nonconforming use on the effective date of this Title.

B. **Relocation**

A nonconforming use of land, buildings or structures shall not be relocated, in whole or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the lot or parcel to which it is relocated permits the nonconforming use.

C. **Change of Use**

A nonconforming use shall not be changed to any use other than 1) a use permitted by right within the zoning district, overlay, or PUD in which it is located, or 2) a use allowed as a Special Use, for which a Special Use applicable to the property has been granted. Thereafter, that part of the land, building or structure occupied by the permitted use or granted Special Use shall not thereafter be changed back to a use that is not allowed within the zoning district or PUD in which it is located. Any change in use in violation of this Title shall be deemed an abandonment of the previously existing lawful nonconforming use.

D. **Abandonment**

If that part of a building or structure occupied by a nonconforming use becomes vacant and remains unoccupied for a continuous period of 180 days or more, such nonconforming use shall be deemed to be abandoned and shall not be reestablished or resumed. Any subsequent use or occupancy of such land, building or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, such as the default or bankruptcy of a tenant, shall not be included in calculating the length of discontinuance for this Section.

E. **Damage or Destruction**

A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not allowed in the district in which it is located and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the total cost of reconstructing the entire building or structure, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of reconstruction of the entire building or structure, repairs or construction for restoration may be made only if such work is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

(Ord. 1960-16 § V (F).)

17.08.040 Nonconforming Buildings and Structures

This Section regulates land, buildings and structures existing on the effective date of this Title that do not conform to the yard, height, lot coverage, or other dimensional or bulk provisions of this Title. (See Section 17.08.060 for additional provisions relating to signs.)

A. **Ordinary Repairs and Maintenance**

Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any nonconforming building or structure. No repairs or reconstruction shall be made that would create any new nonconformity, or increase the degree of any previously existing nonconformity.

B. **Structural Alterations**

Structural alterations, other than additions and enlargements, may be performed on a nonconforming building or structure, only in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure to a

safe condition upon the order of any official charged with protecting the public safety.

2. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.
3. When the alteration will result in eliminating the nonconformity.

C. **Additions and Enlargements**

A building or structure, which is nonconforming with respect to its bulk, shall not be enlarged or added on to unless the addition does not create any new nonconformity or increase the degree of any existing nonconformity, except as follows: Where a wall of an existing single-family or two-family building is nonconforming with respect to the minimum yard or setback requirement, the nonconforming wall may be extended vertically and/or horizontally by adding to the existing building, subject to the following:

1. The wall extension shall not be any closer to the lot line than the existing nonconforming wall.
2. The extended building wall shall not create any additional nonconformities on the site.
3. The maximum building coverage and building height shall not be exceeded.

D. **Relocation**

A nonconforming building or structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel, or to any other zoning lot or parcel, unless the building or structure shall thereafter conform to all regulations of the zoning district in which it is relocated.

E. **Damage or Destruction**

1. In the event that any nonconforming building or structure is damaged or destroyed by any means not within the control of the property owner or tenant to the extent of fifty percent (50%) or more of its replacement value at that time, then the building or structure shall not be restored or rebuilt unless the building or structure, including foundation, thereafter conforms to all regulations of the zoning district in which it is located.

   The replacement value of the building or structure shall be based on: 1) the sale of that building or structure within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which the building, structure or property was insured prior to the date of the damage or destruction or; 4) an alternative method determined acceptable by the City Council.
2. When a nonconforming building or structure is damaged or destroyed by any means not within the control of the property owner or tenant to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired or reconstructed provided that no new nonconformities are created and that the degree of nonconformity existing prior to the damage or destruction is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.
3. In the event that a building permit is not obtained within one (1) year, or that repairs are not completed within one (1) year of the issuance of the building permit, then the building or structure shall not be restored unless it conforms to all regulations of the district in which it is located.
4. In the event that any nonconforming building or structure or part thereof is removed, demolished or destroyed by means within the control of the property owner or tenant, the building or structure or part thereof that was removed, demolished or destroyed, as restored or repaired, shall comply with all requirements of this Title.

(Ord. 1960-16 § V (D).)

17.08.050 Nonconforming Lots of Record

This Section regulates lots of record, existing on the effective date of this Title, which do not conform to the lot area or lot width requirements of the district in which they are located. No nonconforming lot of record may be improved except in compliance with this Section.

A. **Individual Lots of Record in Residential Districts**

In residential districts, a single family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot area and/or minimum lot width, if the lot was of record on May 23, 1960, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (F).)

B. **Lots of Record Held in Common Ownership**

If on the effective date of this Title there are two (2) or more lots of record with contiguous frontage in single ownership, and one (1) or more of the lots is nonconforming as to minimum lot area and/or minimum lot width, the lots shall be considered to be a single undivided parcel for the purposes of this Title. No portion of said parcel shall be used or conveyed which does not meet the lot width and lot area requirements established by this Title. No division of the parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Title. No building permit shall be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Section.

If the Board of Zoning Appeals grants a variation or variations to the required minimum lot area or width that renders the contiguous nonconforming lots buildable, then the provisions of this section shall be considered satisfied and the lots of record may be conveyed and building permits may be issued, to the extent authorized by the variation.
(Ord. 1960-16 § V (G).)

17.08.060 Nonconforming Signs

A. Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or otherwise modified to conform to the provisions of this Title by October 16, 2014, or within fifteen (15) years after its initial construction, whichever is later.

B. Prior to October 16, 2014 or the end of the fifteen (15) year period as defined in paragraph A, the owner of a nonconforming freestanding sign mounted on a pole, pylon, foundation, or other supporting structure may submit a written request to the Community and Economic Development Director for an extension of eight (8) months, to June 16, 2015, to come into compliance with the provisions of this Title. The written request must explain how the nonconformities will be resolved within the extension period.

C. Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of this Title by October 16, 2014, or within eight (8) years after its initial construction, whichever is later.

D. Prior to October 16, 2014 or the end of the eight (8) year period as defined in paragraph C, the owner of a nonconforming sign other than a freestanding sign may submit a written request to the Community and Economic Development Director for an extension of eight (8) months, to June 16, 2015, to come into compliance with the provisions of this Title. The written request must explain how the nonconformities will be resolved within the extension period.

E. No nonconforming sign shall be changed to another nonconforming sign except that the copy, message or graphic of a nonconforming sign may be changed by replacing nonstructural components on which the copy, message or graphic is displayed, such as a plastic or metal panel or insert. No part of a nonconforming sing's supporting structure, electrical, or lighting equipment shall be replaced or modified so as to extend the life of the sign.

F. Where a nonconforming freestanding sign including its structural components is removed, the pole, pylon, foundation or other structure that supported the sign shall also be removed.

G. Except as specifically provided in this Section, nonconforming signs shall be regulated in conformance to the provisions of this Title applicable to nonconforming structures."

(Ord. 2014-Z-21 § 1; Ord. 2013-Z-15 § 2; Ord. 2011-Z-6 § 2; Ord. 2009-Z-4 § 2; Ord. 2002-Z-14 § 2; Ord. 1993-Z-15 § 7; Ord. 1966-4 (part); Ord. 1960-16 § V (H).)

Chapter 17.10

ZONING DISTRICTS AND MAP

Sections: 17.10.010 Establishment of Zoning Districts
17.10.020 Zoning Map
17.10.030 Boundaries
17.10.040 Annexed Land

17.10.010 Establishment of Zoning Districts

In order to carry out the purpose and intent of this Title, the City of St. Charles is hereby divided into the following zoning districts:

A. **Residential Districts**
RE-1 Single-Family Estate District
RE-2 Single-Family Estate District
RS-1 Low Density Suburban Single-Family Residential District
RS-2 Suburban Single-Family Residential District
RS-3 Suburban Single-Family Residential District
RS-4 Suburban Single-Family Residential District
RT-1 Traditional Single-Family Residential District
RT-2 Traditional Single-Family Residential District
RT-3 Traditional Single-Family Residential District
RT-4 Traditional Single-Family Residential District
RM-1 Mixed Medium Density Residential District
RM-2 Medium Density Multi-Family Residential District
RM-3 General Residential District

B. **Business and Mixed Use Districts**
BL Local Business District
BC Community Business District
BR Regional Business District
CBD-1 Central Business District
CBD-2 Mixed Use Business District

C. **Office/Research, Manufacturing and Public Land District**
O-R Office/Research District
M-1 Special Manufacturing District
M-2 Limited Manufacturing District
PL Public Land District

D. **Overlay Districts**
BT Transitional Business Overlay (RT-1, RT-2, RT-3, RT-4 Districts)
Downtown Overlay District (CBD-1, CBD-2 Districts)

(Ord. 2008-Z-24 § 2.)

17.10.020 Zoning Map

The location and boundaries of the districts and overlay districts established by this Title are set forth on the Official Zoning Map, which is incorporated herein and made a part of this Title. The Official Zoning Map, and all amendments thereto, shall be deemed included within this Title as though fully set forth and described herein. The Official Zoning Map is sometimes referred to in this Title as the Zoning Map or the Zoning District Map. (Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (B).)

17.10.030 Boundaries

When uncertainty exists with respect to the boundaries of the various districts or overlay districts, as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

B. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerlines of such streets, highways or alleys.

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

D. Boundaries indicated as following railroad lines shall be construed to be along the centerline of the railroad right of way.

E. Boundaries indicated as following the alignment of streams, rivers, or other bodies of water shall be construed to follow the centerlines of such streams, rivers, or other bodies of water.

F. Boundaries indicated as parallel to, or extensions of, features indicated in Paragraphs A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Paragraphs A through F above, the Board of Zoning Appeals shall interpret the district boundaries.

H. Where a district boundary line divides a lot of single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than twenty-five (25) feet beyond the mapped boundary of the district. (Ord. 1988-Z-8 § 1.)

17.10.040 Annexed Land

All real estate that is annexed to the City shall be automatically classified in the RE-1 Single-Family Estate District upon annexation, unless otherwise classified by amendment. (Ord. 1988-Z-8 § 1.)

Chapter 17.12

RESIDENTIAL DISTRICTS

Sections: 17.12.010 Purpose Statements
17.12.020 Permitted and Special Uses (Table 17.12-1)
17.12.030 Bulk Regulations (Table 17.12-2)
17.12.040 Residential Architectural Consultation
17.12.050 Special Standards for the BT Transitional Business Overlay

17.12.010 Purpose Statements

ESTATE RESIDENTIAL DISTRICTS

A. **RE-1 Single-Family Estate District**

The purpose of the RE-1 Single-Family Estate District is to accommodate low-density residential development in newly annexed and/or semi-rural areas of the City. The minimum lot size in this district is fifty-four thousand four hundred and fifty (54,450) square feet, or one and one-quarter (1¼) acre, and permits semi-rural estate development characterized by dwellings surrounded by ample open space. Consistent with its semi-rural character, some single-family lots are large enough to accommodate agriculture and/or horse stables. The RE-1 District also provides for limited institutional uses compatible with surrounding residential neighborhoods

B. **RE-2 Single-Family Estate District**

The purpose of the RE-2 Single-Family Estate District is to accommodate large-lot residential development in the City. The minimum lot size in this district is twenty-five thousand (25,000) square feet. The RE-2 District also provides for limited institutional uses compatible with surrounding residential neighborhoods. (Ord. 1988-Z-8 § 1.)

SUBURBAN RESIDENTIAL DISTRICTS

C. **RS-1 Low Density Suburban Single-Family Residential District**

The purpose of the RS-1 Suburban Single-Family Residential District is to accommodate low-density single-family residential development in the City. The minimum lot size in this district is eighteen thousand (18,000) square feet. The RS-1 District also provides for limited institutional uses compatible with surrounding residential neighborhoods. (Ord. 1988-Z-8 § 1.)

D. **RS-2 Suburban Single-Family Residential District**

The purpose of the RS-2 Suburban Single-Family Residential District is to accommodate low to medium density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character. The minimum lot size in this district is eleven thousand (11,000) square feet. The RS-2 District also provides for limited institutional uses compatible with surrounding residential neighborhoods.

E. **RS-3 Suburban Single-Family Residential District**

The purpose of the RS-3 Suburban Single-Family Residential District is to accommodate medium density single-family residential development in the City. This district consists primarily of post-World War II residential neighborhoods with a suburban character. The minimum lot size in this district is eight thousand four hundred (8,400) square feet. The RS-3 District also provides for limited institutional uses compatible with surrounding residential neighborhoods.

F. **RS-4 Suburban Single-Family Residential District**

The purpose of the RS-4 Suburban Single-Family Residential District is to accommodate medium to high-density single-family residential development in the City. The minimum lot size in this district is six thousand six hundred (6,600) square feet. The RS-4 District also provides for limited institutional uses compatible with surrounding residential neighborhoods.

TRADITIONAL RESIDENTIAL DISTRICTS

G. **RT-1 Traditional Single-Family Residential District**

The purpose of the RT-1 Single-Family Residential District is to preserve moderate density single-family residential development in older neighborhoods of the City, and to accommodate new neighborhoods with a similar character. The minimum lot size in this district is eight thousand four hundred (8,400) square feet. The RT-1 District also provides for auxiliary dwelling units and limited nonresidential uses compatible with surrounding residential neighborhoods.

H. **RT-2 Traditional Single-Family Residential District**

The purpose of the RT-2 Single-Family Residential District is to preserve medium density single-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The minimum lot size in this district is six thousand six hundred (6,600) square feet. The RT-2 District also provides for auxiliary dwelling units and limited nonresidential uses compatible with surrounding residential neighborhoods.

I. **RT-3 Traditional Single-Family Residential District**

The purpose of the RT-3 Single-Family Residential District is to preserve higher density single-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The minimum lot size in this district is five thousand (5,000) square feet. The RT-3 District also provides for auxiliary dwelling units and limited nonresidential uses compatible with surrounding residential neighborhoods.

J. **RT-4 Traditional Single- and Two-Family Residential District**

The purpose of the RT-4 Traditional Single- and Two-Family Residential District is to preserve higher density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The minimum lot size in this district is five thousand (5,000) square feet. This district is primarily located in older residential neighborhoods near the downtown area. The RT-4 District also provides for auxiliary dwelling units and limited nonresidential uses compatible with surrounding residential neighborhoods.

MIXED AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

K. **RM-1 Mixed Medium Density Residential District**

The purpose of the RM-1 Mixed Medium Density Residential District is to accommodate a mix of single-family, two-family and townhouse residential development in the City, at a maximum density of approximately eight (8) units per acre. The RM-1 District also provides for limited institutional uses compatible with surrounding residential neighborhoods.

L. **RM-2 Medium Density Multi-Family Residential District**

The purpose of the RM-2 Medium Density Multi-Family Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately ten (10) units per acre. The RM-2 District also provides for limited institutional uses that are compatible with surrounding residential neighborhoods.

M. **RM-3 General Residential District**

The purpose of the RM-3 General Residential District is to accommodate a range of housing densities, including higher density residential up to approximately twenty (20) units per acre, at locations that will provide efficient use of land and infrastructure. The RM-3 District also provides for limited institutional uses that are compatible with surrounding residential neighborhoods.

TRANSITIONAL BUSINESS OVERLAY DISTRICT

N. **BT Transitional Business Overlay**

The purpose of the BT Transitional Business Overlay is to provide locations that mix residential and small-scale office, personal service and retail uses, yet maintain a single-family residential appearance and scale. The BT Overlay permits the conversion of single-family homes into office, service and retail uses within the Traditional Residential Districts. Such uses are limited in size and generate a modest amount of commercial traffic that does not adversely impact the adjacent

residential neighborhoods. Where this district is located on an Arterial Street, site development shall be designed to minimize curb cuts. Construction of new non-residential buildings shall only be permitted if they are designed to have a single-family residential appearance in accordance with the Residential Architectural guidelines.

17.12.020 Permitted and Special Uses

Table 17.12-1 lists permitted and special uses for the residential districts. Within the BT Transitional Business Overlay, the uses listed in Table 17.12-1 shall be in addition to the permitted and special uses allowed in the underlying Zoning District.

17.12.030 Bulk Regulations

Table 17.12-2 establishes bulk regulations for the residential districts. Chapter 17.22 specifies permitted encroachments in yards and setbacks applicable to accessory buildings and structures.

17.12.040 Residential Architectural Consultation

Except for property within a PUD, residential architectural consultation shall be required prior to issuance of a building permit for property in the RT-1, RT-2, RT-3, RT-4 Districts in accordance with Section 17.04.250 B.

17.12.050 Special Standards for the BT Transitional Business Overlay

In addition to the requirements of the underlying zoning districts, all of the following limitations and conditions shall apply:

- The Transitional Business Overlay is permitted only on lots that abut one or more non-residential uses, or that are directly across a street from one or more non-residential uses.
- Parking shall be in accordance with the Special Requirements for the BT Overlay set forth in Chapter 17.24.

(Ord. 2011-Z-1 § 10.)

TABLE 17.12-1
RESIDENTIAL DISTRICTS -- PERMITTED AND SPECIAL USES

P=Permitted Use; S=Special Use
A=Permitted as an Accessory Use
BTP= Additional Permitted Use in BT Overlay

USE	ZONING DISTRICT														SPECIFIC STANDARDS
	RE-1	RE-2	RS-1	RS-2	RS-3	RS-4	RT-1	RT-2	RT-3	RT-4	RM-1	RM-2	RM-3	BT	
RESIDENTIAL USES															
Assisted Living Facility												S	P		
Artist Live/ work Space														BTP	Section 17.20.030
Dwelling Unit, Auxiliary							P	P	P	P					Section 17.20.030
Dwelling, Upper Level														BTP	
Dwelling, Multiple-Family												P	P		
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, Townhouse											P	P	P		
Dwelling, Two-Family										P	P	P	P		
Group Home, Large	S	S	S	S	S	S	S	S	S	S	P	P	P		
Group Home, Small	P	P	P	P	P	P	P	P	P	P	P	P	P		
Horse Stables, Private	A														Section 17.20.030
Independent Living Facility											P	P	P		
CULTURAL, RELIGIOUS, RECREATIONAL AND INSTITUTIONAL USES															
Art Gallery/Studio														BTP	
Convent/Monastery											S	S	P		
Cultural Facility												S	P		
Hospice												S	S		
Place of Worship	S	S	S	S	S	S	S	S	S	S	S	S	S		
Park, Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P		
School, Specialized Instructional														BTP	
RETAIL, OFFICE, AND SERVICE USES															
Bed and Breakfast														BTP	Section 17.20.030
Office, Business and Professional														BTP	
Personal Services														BTP	
Coffee or Tea Room														BTP	
Retail Sales, not exceeding 2,500 gross floor area per building														BTP	
OTHER															
Accessory Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 17.20.020, 17.22.030
Agriculture	P														Section 17.20.030
Communications Tower	S	S	S	S	S	S	S	S	S	S	S	S	S		Section 17.22.020
Communications Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 17.22.020
Parking Garage/Structure												A	A		Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	S	S	S		Chapter 17.04, 17.06
Utility, Local	P	P	P	P	P	P	P	P	P	P	P	P	P		17.20.020

(Ord. 2008-Z-24 § 3; Ord. 2004-Z-21 § 1; Ord. 2004-Z-12 § 1; Ord. 2004-Z-8 § 2; Ord. 2003-Z-12 § 1; Ord. 2001-Z-11 § 2, 3; Ord. 1996-Z-12 § 3-10; Ord. 1993-Z-27 § 1; Ord. 1988-Z-8 § 1; Ord. 1982-Z-11 § 1; Ord. 1973-Z-12 § 1; Ord. 1970-Z-19 (A); Ord. 1967-14 (part); Ord. 1960-16 § VII (C) (1); Ord. 1960-16 § VII (B) (1, 3).)

TABLE 17.12-2 RESIDENTIAL DISTRICT BULK REQUIREMENTS						
ft = feet sf = square feet du = dwelling unit	ZONING DISTRICT					
	RE-1	RE-2	RS-1	RS-2	RS-3	RS-4
Minimum Lot Area	1 ¼ acres (54,450 sf)	25,000 sf	18,000 sf	11,000 sf	8,400 sf	6,600 sf
Minimum Lot Width	250 ft	125 ft	100 ft	80 ft	60 ft	60 ft
Maximum Building Coverage	20%	20%	20%	25%	30%	30%
Maximum Building Height	40 ft or 2 ½ stories, whichever is less	40 ft or 2 ½ stories, whichever is less	35 ft or 2 ½ stories, whichever is less	35 ft or 2 stories, whichever is less	35 ft or 2 stories, whichever is less	34 ft or 2 stories, whichever is less
Minimum Front Yard[1]	40 ft	40 ft	40 ft	30 ft	30 ft	20 ft
Minimum Side Yards						
Interior Side Yards	20 ft each side	15 ft each side	10 ft each side	Combined width of 16 ft, neither less than 6 ft	Combined width of 16 ft, neither less than 6 ft	Combined width of 14 ft, neither less than 5 ft
Exterior Side Yard[2]	40 ft	40 ft	40 ft	30 ft	25 ft	15 ft
Minimum Rear Yard	50 ft	50 ft	50 ft	40 ft	40 ft	30 ft

(Ord. 2011- Z-2 § 2; Ord. 2011-Z-1 § 11.)

[1] Where 50% or more of the street frontage of a block has existing principal building setbacks less than the front yard or exterior side yard required by the zoning district, the required front yard or exterior side yard may be reduced to the average of the existing front or exterior side yard setbacks on that street frontage of the block. Only front yard setbacks shall be used to compute the reduced front yard setback; only exterior side yard setbacks shall be used to compute the reduced exterior side yard setback.

[2] If a corner lot has insufficient width to provide the required exterior side yard and still maintain a buildable width of thirty-two feet, then the exterior side yard may be reduced so as to provide a buildable width of thirty two feet; provided that in no event shall the exterior side yard be reduced to less than thirty percent of the width of the lot.

TABLE 17.12-2 RESIDENTIAL DISTRICT BULK REQUIREMENTS				
ft = feet sf = square feet du = dwelling unit	ZONING DISTRICT			
	RT-1	RT-2	RT-3	RT-4
Minimum Lot Area[3]	8,400 sf	6,600 sf	5,000 sf	Single-Family Detached: 5,000 sf Two-Family: 3,750 sf per du All Other Uses: 10,000 sf
Minimum Lot Width	60 ft	50 ft	50 ft	50 ft
Maximum Building Coverage[4]	For structures 1 ½ stories or less, 30% For structures over 1 ½ stories, 25%	For structures 1 ½ stories or less, 30% For structures over 1 ½ stories, 25%	For structures 1 ½ stories or less, 30% For structures over 1 ½ stories, 25%	For structures 1 ½ stories or less, 30% For structures over 1 ½ stories, 25%
Maximum Building Height	34 ft or 2 stories, whichever is less	34 ft or 2 stories, whichever is less	32 ft or 2 stories, whichever is less	32 ft or 2 stories, whichever is less
Minimum Front Yard[5]	30 ft	25 ft	20 ft	20 ft
Minimum Side Yards:				
Interior Side Yards	For structures 1 ½ stories or less, 6 feet or 10% of lot width whichever is greater For structures over 1 ½ stories, 8 feet or 10 % of lot width, whichever is greater	For structures 1 ½ stories or less, 6 feet or 10% of lot width whichever is greater For structures over 1 ½ stories, 8 feet or 10 % of lot width, whichever is greater	For structures 1 ½ stories or less, 5 feet or 10% of lot width whichever is greater For structures over 1 ½ stories, 6 feet or 10 % of lot width whichever is greater	For structures 1 ½ stories or less, 5 feet or 10% of lot width, whichever is greater For structures over 1 ½ stories, 6 feet or 10 % of lot width, whichever is greater
Exterior Side Yard[6]	25 ft	20 ft	15 ft	15 ft
Minimum Rear Yard	40 ft	30 ft	30 ft	30 ft

(Ord. 2011-Z-2 § 2; Ord. 2011-Z-1 § 11.)

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

[4] In RT-1, RT-2, RT-3 and RT-4 Districts, if a detached garage is provided in lieu of an attached garage, or if an attached garage is accessed via an alley, a) on lots 65 feet or less in width, 500 square feet of additional Building Coverage is allowed, and b) on lots more than 65 feet in width, 250 square feet of additional Building Coverage is allowed.

[5] Where 50% or more of the street frontage of a block has existing principal building setbacks less than the front yard or exterior side yard required by the zoning district, the required front yard or exterior side yard may be reduced to the average of the existing front or exterior side yard setbacks on that street frontage of the block. Only front yard setbacks shall be used to compute the reduced front yard setback; only exterior side yard setbacks shall be used to compute the reduced exterior side yard setback.

[6] If a corner lot has insufficient width to provide the required exterior side yard and still maintain a buildable width of thirty-two feet, then the exterior side yard may be reduced so as to provide a buildable width of thirty two feet; provided that in no event shall the exterior side yard be reduced to less than thirty percent of the width of the lot.

TABLE 17.12-2 RESIDENTIAL DISTRICT BULK REQUIREMENTS			
ft = feet sf = square feet du = dwelling unit	ZONING DISTRICT		
	RM-1	RM-2	RM-3
Minimum Lot Area[7]	Single-Family: 6,600 sf Two-Family and Townhouse: 5,445 sf/du All Other Uses: 10,000 sf	Single-Family: 5,000 sf Two-Family, Townhouse and Multi-Family: 4,300 sf/du All Other Uses: 10,000 sf	Single-Family: 5,000 sf Two-Family and Townhouse: 4,300 sf/du Multiple-Family: 2,200 sf/du All Other Uses: 10,000 sf
Minimum Lot Width	Single-Family: 50 ft Two-Family and Townhouse: 24 ft/du All Other Uses: 65 ft	Single-Family: 50 ft. Two-Family and Townhouse: 24 ft/du All Other Uses: 65 ft	Single-Family: 50 ft Two family and Townhouse: 24 ft/du All Other uses: 65 ft
Maximum Building Coverage	30%	35%	40%
Maximum Building Height	35 ft or 3 stories, whichever is less	Multiple-Family: 40 ft or 3 ½ stories, whichever is less All Other Uses: 35 ft or 3 stories, whichever is less	Multiple-Family: 45 ft or 4 stories, whichever is less All Other uses: 35 ft or 3 stories, whichever is less
Minimum Front Yard[8]	30 ft., 20 ft. when adjoining a local street	30 ft., 20 ft. when adjoining a local street	30 ft.
Minimum Side Yards:			
Interior Side Yard	Single-Family: Combined width of 14 ft, not less than 5 ft Two family and Townhouse: 10 ft. each side	Single- Family: Combined width of 14 ft, not less than 5 ft Two Family and Townhouse: 10 ft. each side Multiple-Family Dwellings: 25 ft. each side	Single-Family: Combined width of 14 ft, not less than 5 ft Two Family and Townhouse: 10 ft. each side Multiple-Family Dwellings: 25 ft. each side
Exterior Side Yard	Abutting an arterial or collector street: 30 ft Abutting all other streets: 20 ft	Abutting an arterial or collector street: 30 ft Abutting all other streets: 20 ft	30 ft
Minimum Rear Yard	25 ft; 5 ft. for garages accessed from an alley	25 ft; 5 ft. for garages accessed from an alley	30 ft; 5 ft. for garages accessed from an alley
Landscape Buffer Yards[9]	Not Required	Not Required	30 ft.

(Ord. 2011-Z-1 § 11; Ord. 1988-Z-8 § 1; Ord. 1986-Z-11 § VI, VII, VIII; Ord. 1963-22 § 1; Ord. 1960-16 § VIII (D) (10); Ord. 1960-16 § VIII (C) (11); Ord. 1960-16 § VII (E) (3, 5, 6, 8, 9); Ord. 1960-16 § VII (D) (3, 4, 5, 7, 8, 9); Ord. 1960-16 § VII (C) (2, 4, 5, 7, 8, 9); Ord. 1960-16 § VII (B) (3-10).)

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

[8] Where 50% or more of the street frontage of a block has existing principal building setbacks less than the front yard or exterior side yard required by the zoning district, the required front yard or exterior side yard may be reduced to the average of the existing front or exterior side yard setbacks on that street frontage of the block. Only front yard setbacks shall be used to compute the reduced front yard setback; only exterior side yard setbacks shall be used to compute the reduced exterior side yard setback.

[9] Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers.

BUSINESS AND MIXED USE DISTRICTS

Sections:

17.14.010 Purpose Statements
17.14.020 Permitted and Special Uses; Downtown Overlay Exemptions
17.14.030 Bulk Regulations

17.14.010 Purpose Statements

A. **BL Local Business District**

The purpose of the BL Local Business District is to provide locations for small-scale service and retail uses that primarily serve the convenience needs of St. Charles neighborhoods. The BL District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provided so as not to negatively impact adjoining residential neighborhoods.

B. **BC Community Business District**

The purpose of the BC Community Business District is to accommodate mid-size retail and service development along Strategic Regional Arterial corridors such as Route 64 and Randall Road. Uses in the BC District have the potential to generate significant automobile traffic, and therefore care must be taken to properly design access and parking facilities. Since this district is located along the roads that serve as gateways into St. Charles, quality building architecture, landscaping and other site improvements are necessary to ensure this type of development enhances St. Charles' image.

C. **BR Regional Business District**

The purpose of the BR Regional Business District is to provide locations along Strategic Regional Arterial corridors for shopping centers and business uses that draw patrons from St. Charles, surrounding communities and the broader region. The BR District consists primarily of large-scale development that has the potential to generate significant automobile traffic. It should be designed in a coordinated manner with an interconnected street network that is consistent with the City's Comprehensive Plan. Uncoordinated, piecemeal development of small parcels that do not fit into a larger context are discouraged in the BR District.

Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan. Because this district is primarily at high-visibility locations, quality building architecture, landscaping and other site improvements are required to ensure superior aesthetic and functional quality.

D. **CBD-1 Central Business District**

The purpose of the CBD-1 Central Business District is to provide for the maintenance and orderly growth of a mixed use, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. Development within the CBD-1 District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment.

E. **CBD-2 Mixed Use Business District**

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

CBD-1 District. However, development in this district is also intended to retain a pedestrian-oriented character, similar to that of the CBD-1 District.

F. **Downtown Overlay District**

The purpose of the Downtown Overlay District is to preserve the economic vitality and pedestrian character of downtown's shopping core within the CBD-1 and CBD-2 Districts by encouraging the continuous flow of pedestrian movement. This is accomplished by limiting uses on the first floor that typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area. Only those uses listed in Table 17.14-1 shall be permitted on the street level or first floors of buildings/structures within the Downtown Overlay District.

17.14.020 Permitted and Special Uses; Downtown Overlay Exemptions

A. Table 17.14-1 lists permitted and special uses for the business districts, and for the first floor level of the Downtown Overlay District.

B. Buildings within the Downtown Overlay District are restricted with respect to the uses permitted on the first floor level, as provided in Table 17.14-1.

1. Exemptions. Notwithstanding these restrictions, the first floor level of a building within the Downtown Overlay District may be occupied for any use permitted within the underlying zoning district (i.e., CBD-1 or CBD-2), upon certification by the Director of Community Development that its physical characteristics make it unsuitable for occupancy for any of the first floor uses permitted within the Downtown Overlay District, and that altering such physical characteristics would either 1) be incompatible with the purpose of Chapter 17.32 (Historic Preservation) of this Title or 2) impose an undue financial burden on the property owner. Such physical characteristics may include but shall not be limited to: inappropriate placement, size or orientation of doors or windows, a floor level which is not of a similar elevation to the adjoining sidewalk, lack of window area for display of goods, lack of street frontage, and interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility. For purposes of this section, an undue financial burden shall mean where the estimated cost of altering the building exceeds 25% of the current appraised value of the property.

2. Certification for Office Use. The first floor level of a building within the Downtown Overlay District may be occupied by certain office uses (Bank, Financial Institution, Office-Business and Professional, and Medical/Dental Clinic) upon certification by the Director of Community Development that the proposed office use will meet the purpose of the Downtown Overlay District, as identified in Section 17.14.010.F, to generate pedestrian activity and be compatible with a pedestrian oriented shopping area. To be eligible for the certification, a property owner must demonstrate that the property has been vacant, not under lease, and publicly listed for lease for a minimum of 180 days by providing documentation demonstrating the space was listed on a public listing service.

   The proposed office user shall demonstrate that the following criteria will be met:

   a. The business will be open to the general public during normal business hours and may require that customers make an appointment for service.
   b. The primary function of the business establishment will be to provide direct services to customers that are physically present.
   c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
   d. Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

   A Certification for Office Use shall apply to the specific business only. A new Certification for Office Use shall be required for any new business to occupy a space. The Certification

for Office Use may be revoked if the Director of Community Development finds the business is not operating in accordance with the certification.

3. Appeal. If a property owner or business tenant has formally requested an Exemption or a Certification for an Office Use pursuant to subsections “a” or “b” above, and if the request has been formally denied by the Director of Community Development, the property owner or business tenant may request an appeal of the decision before the City Council. The City Council shall consider only the criteria listed above and may uphold or reverse the decision of the Director of Community Development.

(Ord. 2013-Z-20 § 2.)

17.14.030 Bulk Regulations

Table 17.14-2 establishes the Bulk regulations for the business districts.

TABLE 17.14-1 PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
RESIDENTIAL USES								
Artist Live/Work Space				P			P	Section 17.20.030
Assisted Living Facility		S		S			P	
Dwelling, Upper Level	P			P			P	
Dwelling Unit, Auxiliary							P	Section 17.20.030
Dwelling, Multi-Family				P			P	
Dwelling, Townhouse							P	
Dwelling, Two-Family							P	
Dwelling, Single-Family	P						P	
Group Home, Large							P	Section 17.20.030
Group Home, Small							P	Section 17.20.030
Independent Living Facility							P	
CULTURAL, RELIGIOUS, RECREATIONAL AND ENTERTAINMENT USES								
Art Gallery/Studio	P	P	P	P	P	P	P	
Carnival (as temporary use)		P	P	P				Section 17.20.040, 050
Cultural Facility		P	P	P	P	S	S	
Indoor Recreation and Amusement		P	P	P	P	S	S	
Live Entertainment		P	P	P	P			
Lodge or Private Club	P	P	P	P				
Outdoor Amusement			S					
Outdoor Recreation		P	P					
Park, Neighborhood	P			P	P	P	P	
Place of Worship	P	P	P	P			P	
Public Plaza	A	A	A	P	P	P	P	
Temporary Outdoor Entertainment	A	A	A	P	P			Section 17.20.030
Theater		P	P	P	P	P		
GOVERNMENTAL AND INSTITUTIONAL USES								
College/University		P	P	S				
Emergency Medical Center			P					
Fairground			S					
Golf Course			S					
Homeless Shelter				S			S	
Hospice							S	
Hospital			P					
Library				P			P	
Office, Government		P		P			P	
Post Office		P	P	P			P	
Public Service Facility		P	P	S				
School, Specialized Instructional	P	P	P	P			P	
School, Primary or Secondary							P	
RETAIL AND SERVICE USES								
Bank	P	P	P	P	P*	P*	P	Section 17.20.030 *Section 17.14.020
Bed and Breakfast				P			P	Section 17.20.030
Car Wash		S	P					Section 17.24.100
Currency Exchange		P	P	S				
Day Care Center	P	P	P	S			P	
Drive-Through Facility	S	S	S	SA			SA	Section 17.24.100
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020
Gas Station		P	P					Section 17.20.030
Heavy Retail and Service		P	S					

TABLE 17.14-1
PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Home Improvement Center		P	P					
Hotel/Motel		P	P	P	P			
Kennel		S	S					Section 17.20.030
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Motor Vehicle Rental	P	P	P				P	
Motor Vehicle Service and Repair, Minor	P	P	P					Section 17.20.030
Motor Vehicle Sales and Leasing		P	P					Section 17.20.030
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020
Outdoor Sales, Permanent	SA	SA	SA	S	S			Section 17.20.030
Outdoor Sales, Temporary	A	A	A	A	A		A	Section 17.20.040, 050
Pawn Shop			S					
Personal Services	P	P	P	P	P	P	P	
Coffee or Tea Room	A	P	P	P	P	A	A	
Restaurant	S	P	P	P	P			
Retail Sales	P	P	P	P	P	P	P	
Tattoo Parlor			S					
Tavern/Bar	S	P	P	P	P			
Theater		P	P	P	P			
Veterinary Office/Animal Hospital		P	P					
INDUSTRIAL/STORAGE USES								
Mini-Warehouse		P	P					
Temporary Motor Vehicle Storage		P	P					Section 17.20.030
OTHER USES								
Accessory Uses	A	A	A	A	A	A	A	Chapter 17.20, 17.22
Parking Garage/Structure			A	S	S	S	SA	Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	Chapter 17.24
Parking Lot, Public				P	P	P	P	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	Chapter 17.04
Transportation Operations Facility		S	P	S				
Communication Tower		S	S					Section 17.22.020
Communication Antenna	P	P	P	P			P	Section 17.22.020
Utility, Community/Regional		S	S				S	
Utility, Local	P	P	P	P	P	P	P	
Wind Turbine, Structure Mounted	A	A	A					Section 17.22.020.G
Wind Turbine, Tower Mounted		S	S					Section 17.22.020.H

(Ord. 2013-Z-20 § 3; Ord. 2011-Z-11 § 2; Ord. 2008-Z-24 § 4, 5; Ord. 2008-Z-3 § 2; Ord. 2003-Z-13 § 4, 6, 7; Ord. 2001-Z-42 § 1; Ord. 2001-Z-40 § 1; Ord. 2001-Z-11 § 2, 3; Ord. 1999-Z-20 § 1; Ord. 1998-Z-19 §1; Ord. 1996-Z-12 § 11-13; Ord. 1995-Z-5 § 1; Ord. 1993-Z-19 § 4; Ord. 1993-Z-4 § 1 (B, D); Ord. 1990-Z-7 § 1; Ord. 1989-Z-6 § 1; Ord. 1986-Z-11 § XI; Ord. 1986-Z-4; Ord. 1985-Z-2 § 1; Ord. 1984-Z-6 § 2; Ord. 1984-Z-4 § 1; Ord. 1984-Z-3 § 1; Ord. 1983-Z-9 § 1; Ord. 1982-Z-3 § 1; Ord. 1982-M-16 § 1; Ord. 1981-Z-7 § 2; Ord. 1981-Z-3 § 1; Ord. 1980-Z-13 § 1; Ord. 1980-Z-3 § 1; Ord. 1978-Z-3; Ord. 1976-Z-15 § 2; Ord. 1975-Z-8 § 1; Ord. 1973-Z-1 § 1; Ord. 1972-Z-56 § 1, 2; Ord. 1972-Z-46 (A, B, C (part)); Ord. 1968-31 (part); Ord. 1967-14 (part); Ord. 1966-33 § 1, 2; Ord. 1961-29; Ord. 1960-18 § VIII (E) (2); Ord. 1960-16 § VIII (F) (2, 3); Ord. 1960-16 § VIII (E) (3); Ord. 1960-16 § VIII (D) (2, 3); Ord. 1960-16 § VIII (C) (2, 3); Ord. 1960-16 § VIII (B) (2).)

TABLE 17.14-2
BUSINESS AND MIXED USE DISTRICTS
BULK REGULATIONS

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

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

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

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

TABLE 17.14-2 BUSINESS AND MIXED USE DISTRICTS BULK REGULATIONS					
ft = feet sf = square feet du = dwelling unit B = building and structures P = parking lots	ZONING DISTRICT				
	BL	BC	BR	CBD-1	CBD-2
Landscape Buffer Yard (B, P)[4]	10 ft	25 ft	40 ft., except on lots with a building over 150,000 sf of gross floor area: 80 ft.	None	10 ft

(Ord. 2013-Z-21 § 2; Ord. 2012-Z-5 § 3; Ord. 2011-Z-1 § 12; Ord. 2008-Z-24 § 6; Ord. 1986-Z-11 § XIII & XIV; Ord. 1980-Z-20 § 1; Ord. 1972-Z-46 (A, B, C) (part); Ord. 1968-31 (part); Ord. 1960-16 § VIII (F) (4,5); Ord. 1960-16 § VIII (E) (4,5); Ord. 1960-16 § VIII (D) (4, 6, 7); Ord. 1960-16 § VIII (C) (4, 5); Ord. 1960-16 § VIII (B) (4, 5).)[5]

[4] Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, RT or RM District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

Chapter 17.16

OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LAND DISTRICTS

Sections: 17.16.010 Purpose Statements
17.16.020 Permitted and Special Uses (Table 17.16-1)
17.16.030 Bulk Regulations (Table 17.16-2)

17.16.010 Purpose Statements

A. **O-R Office/Research District**

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

B. **M-1 Special Manufacturing District**

The purpose of the M-1 Special Manufacturing District is to accommodate older manufacturing areas in the City that are either in transition from manufacturing to alternative uses, or are in need of rehabilitation. The M-1 District shall provide flexibility in design and parking requirements to allow for adaptive reuse and/or redevelopment for viable light assembly, processing, heavy retail and service, and office uses.

C. **M-2 Limited Manufacturing District**

The purpose of the M-2 Limited Manufacturing District is to accommodate a wide range of manufacturing, assembly, processing, warehousing and office/research activities, both as individual users and in a business park setting. New development and redevelopment in this District shall focus on providing sufficient setbacks, and adequate landscaping and buffering from adjacent non-industrial uses and public rights-of-way. Outdoor storage and loading, and other outdoor activities, shall be adequately screened.

D. **PL Public Land District**

The purpose of the PL Public Land District is to protect and maintain open space properties owned by the City, the Park District, the School District, and public and private recreation. The development standards are intended to provide flexibility to the governmental and semi-public entities in the use of their land while protecting surrounding residential uses.

17.16.020 Permitted and Special Uses

Table 17.16-1 lists permitted and special uses for the office/research, manufacturing and public and districts.

17.16.030 Bulk Regulations

Table 17.16-2 establishes bulk regulations for the office/research, manufacturing and public land districts.

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

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
RESIDENTIAL USES					
Artists Live/Work Space		S			Section17.20.030
Assisted Living Facility	P				
CULTURAL, RELIGIOUS, RECREATIONAL & ENTERTAINMENT USES					
Art Gallery/Studio	P	P			
Carnival (as temporary use)				P	Section 17.20.040, 050
Cultural Facility	P	P	P	P	
Golf Course				P	
Indoor Recreation& Amusement	P	S	P	P	
Model Airplane Facility				S	
Outdoor Amusement				S	
Outdoor Entertainment, Temporary				P	
Outdoor Recreation				P	
Park, Neighborhood				P	
Place of Worship	P	S	S		Section 17.20.030
Theater				P	
RETAIL, OFFICE AND SERVICE USES					
Adult Use			S		Section17.20.030
Bank	P				
Car Wash			S		Section 17.24.100
Day Care Center	P	P	P	A	
Drive-In Facility	SA				Section 17.24.100
Emergency Medical Center	P				
Financial Institution	P				
Heavy Retail and Service		S	P		
Heliport			S		
Hotel/Motel	P	P	P		
Kennel			S		Section17.20.030
Medical/Dental Clinic	P	P	P		
Motor Vehicle Service and Repair, Major			P		Section 17.20.030
Motor Vehicle Service and Repair, Minor		P	P		Section 17.20.030
Motor Vehicle Rental	P	P	P		
Office, Business or Professional	P	P	P		
Outdoor Sales, Permanent		SA	SA		Section 17.20.030
Outdoor Sales, Temporary		A	A	A	Section 17.20.040, 050
Personal Services, Limited	P				
Professional Training Center	P	P			
Veterinary Office/Animal Hospital	P	P	P		
GOVERNMENTAL AND INSTITUTIONAL USES					
Cemetery				P	
College/University	P			P	
Correctional Facility				S	
Fairground				P	
Hospice	P				
Hospital	P				
Nursing Home	P				
Office, Government	P	P		P	
Police Firearms Training Range				S	
Public Service Facility		P	P	P	
School, Primary or Secondary				P	
School, Private Boarding				P	

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

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT				SPECIFIC USE STANDARDS
	O-R	M-1	M-2	PL	
School, Specialized Instruction	P	P	P		
INDUSTRIAL/STORAGE USES					
Junkyard			S		
Manufacturing, Heavy			S		
Manufacturing, Light		P	P		
Mini-Warehouse		P	P		
Outdoor Storage		A	A	A	Section 17.20.030, 17.26.120
Permanent Motor Vehicle Storage		P	P		Section 17.20.030
Recycling Facility			S		
Research and Development Use	P	P	P		
Warehouse/Distribution		P	P		
OTHER					
Accessory Uses	A	A	A	A	
Agriculture				P	
Communication Antenna	P	P	P	P	Section17.22.020
Communication Tower	S	P	P	P	Section17.22.020
Parking Garage/Structure	A	A	A	A	Chapter 17.24
Parking Lot, Private	A	A	A	A	Chapter 17.24
Planned Unit Development	S	S	S	S	Chapter 17.04, 17.06
Transportation Operations Facility		S	P	S	
Utility, Local	P	P	P	P	
Utility, Community/Regional	S	S	P	P	
Wind Turbine, Structure Mounted	A	A	A	A	Section 17.22.020.G
Wind Turbine, Tower Mounted	S	S	P	P	Section 17.22.020.H

(Ord. 2013-Z-8 § 2; Ord. 2013-Z-6 § 2; Ord. 2011-Z-11 § 3; Ord. 2009-Z-7 § 2; Ord. 2008-Z- 24 § 7; Ord. 2006-Z-19 § 1; Ord. 2006-Z-9 § 1; Ord. 2004-Z-25 § 1; Ord. 2003-Z-1 § 1; Ord. 2001-Z-19 § 1; Ord. 1999-Z- 8 § 1; Ord. 1997-Z-28 § 1; Ord. 1996-Z-12 § 14; Ord. 1995-Z-14 § 2, 3; Ord. 1994-Z-17 § 1; Ord. 1994-Z-7 § 1-3; Ord. 1993-Z-19 § 5; Ord. 1993-Z-4 § 1 (E, F); Ord. 1993-Z-1; Ord. 1987-Z-16 § 1, 2; Ord. 1967-14 (part); Ord. 1966-33 § 2; Ord. 1960-16 § IX (B) (1, 2).)

TABLE 17.16-2 OFFICE RESEARCH, MANUFACTURING AND PUBLIC LANDS BULK REGULATIONS				
ft = feet sf = square feet B = buildings and structures P = parking lots	ZONING DISTRICT			
	O-R	M-1	M-2	PL
Minimum Lot Area	20,000sf	None	None	None
Minimum Lot Width	100 ft	None	None	None
Maximum Building Coverage	50%	70%	60%	60%
Maximum Building Height	60 ft	40 ft	60 ft	50 ft
Front Yard (B, P)	30 ft	20 ft	40 ft	30 ft
Side Yards:				
Interior Side Yard	B: 10ft P: None	B: 10ft P: None	B: 20ft P: None	B: 10ft P: None
Exterior Side Yard (B, P)	30 ft	20 ft	40 ft	30 ft
Rear Yard	B: 30ft P: None	B: 20 ft; may be reduced to 10 ft when abutting a railroad right of way P: None	B: 20 ft; may be reduced to 10 ft when abutting a railroad right of way P: None	B: 30 ft.; may be reduced to 20 ft when abutting a lot in M-1 or M-2 or a railroad right of way P: None
Landscape Buffer Yard (B, P)[1]	30 ft., except on lots with a building over 150,000 sf of gross floor area: 80 ft.	30 ft.	100 ft.	30 ft.

(Ord. 2011-Z-1 § 13; Ord. 2008-Z-24 § 8; Ord. 1960-16 § IX (B) (3, 4).)

[1] Within the zoning districts specified, a landscape buffer yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District, and from property in an RM1 or RM2 District. See Chapter 17.26 for planting and screening requirements for landscape buffers. Landscape Buffer Yards may include or overlap with other required yards.

Chapter 17.18

INCLUSIONARY HOUSING

Sections:

17.18.010	Purpose and Intent
17.18.020	Definitions
17.18.030	Applicability
17.18.040	Affordable Units Required
17.18.050	Fee in Lieu of Affordable Units
17.18.060	Density Bonus
17.18.065	Alternative Affordable Housing Plan
17.18.070	Development Cost Offsets
17.18.080	Location, Phasing and Design
17.18.090	Maximum Price of Affordable Housing Units
17.18.100	Ownership and Occupancy of Affordable Units
17.18.110	Development Applications
17.18.120	Affordable Housing Agreement and Documents
17.18.130	Implementation
17.18.140	Enforcement

17.18.010 Purpose and Intent

To provide Affordable Dwelling Units within new residential developments by requiring Developers to provide a proportionate share of affordable housing, or fees in lieu thereof, to ensure that an adequate stock of affordable housing is, and remains, available in the City of St. Charles. While this Chapter provides specific alternatives to the production of on-site affordable Dwelling Units, the intent and preference of this Chapter is for the provision of affordable Dwelling Units constructed on site and privately produced, owned, and managed.

17.18.020 Definitions

The following words and phrases shall have the meanings set forth in this Section. Words and phrases not defined in this Section, but defined elsewhere in the St. Charles Municipal Code, shall have the meanings set forth therein. In the event that a word or phrase is not defined, it shall have the common and ordinary meaning ascribed thereto. In interpreting the provisions of this Chapter, in the event there is a conflict between a definition in this Section and one found elsewhere, the definition in this Section shall apply.

A. Affordable Housing: Housing that has a sales price or rental amount that is within the means of an "Eligible Household" as defined herein. In the case of Dwelling Units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of Dwelling Units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

B. Affordable Unit: A Dwelling Unit of Affordable Housing that satisfies the requirements of this Chapter.

C. Affordable Housing Agreement: Any agreement between the City and an Applicant as required by Section 17.18.120 of this Chapter.

D. Applicant: Any Developer who applies to the City to receive approval of a Residential Development pursuant to this Chapter.

E. Area Median Income (AMI): The median income level for the Chicago Primary Metropolitan Statistical area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

F. Base Density: The number of Dwelling Units permitted to be constructed on a parcel in conformance with the requirements of the Zoning District in which it is located, prior to applying any applicable density bonus.

G. Developer: Any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that develops a dwelling or units, not including any governmental entity or a Housing Provider as defined herein.

H. Director: The Director of the Community Development Department, or his or her designee.

I. Dwelling Unit: A Dwelling Unit as defined in Chapter 17.30, "Definitions", of the St. Charles Zoning Ordinance. For purposes of this Chapter, the term Dwelling Unit includes Affordable Units and Market Rate Units.

J. Eligible Household: A household with an income at or below eighty percent (80%) of the Area Median Income (AMI) for for-sale units and at or below sixty percent (60%) of the AMI for rental units, based on the size of the household.

K. Housing Provider: An entity approved by the City of St. Charles to develop, manage or own Affordable Dwelling Units.

L. Market Rate Units: All Dwelling Units in a Residential Development that are not Affordable Units as defined herein.

M. Residential Development: The establishment of one or more Dwelling Units in any of the following instances:

1. Construction of one or more Dwelling Units pursuant to a final Plat of Subdivision, where the Preliminary Plan is approved by the City Council after the effective date of this Chapter.
2. Construction of one or more Dwelling Units within a Planned Unit Development, where the Preliminary PUD Plan is approved by the City Council after the effective date of this Chapter.
3. Construction of one or more Dwelling Units on a lot created after February 15, 2008 by means other than a Plat of Subdivision or Planned Unit Development, including but not limited to a division conforming to the Statutory Plat Act Exemptions.
4. Issuance of a building permit for a new Dwelling Unit following demolition of a Dwelling Unit on the lot, when: a) the new Dwelling Unit is not intended to be occupied by the same household or individual that occupied the Dwelling Unit that was demolished, and b) the last sale price to demolition of the Dwelling Unit was at or below the price of an Affordable Unit with the same number of bedrooms; if the last sale occurred more than two years prior to demolition, then the equalized market value assigned by the Township Assessor as of the date of demolition shall be used.
5. Issuance of a building permit for alteration of an existing building, in whole or in part, that increases the number of Dwelling Units from the number that existed prior to its alteration.

17.18.030 Applicability

A. The provisions of this Chapter shall apply to any Residential Development, as defined herein. Residential Developments undertaken in phases, stages, or otherwise constructed in distinct parts by one or more developers, but which are located within the same Planned Unit Development or Subdivision, or which are otherwise approved as a whole, shall be considered a single Residential Development.

B. Notwithstanding the preceding paragraph, the construction of new Affordable Units and the payment of fee in-lieu of Affordable Units shall be adjusted to account for the percentage of affordable housing in St. Charles as determined by the Director of Community Development. The rates of adjustment shall be as follows:

Percentage of Affordable Housing	Percentage of Affordable Units Required
13.75% or less	100%
13.76% to 17.5%	75%
17.51% to 21.25%	50%
21.26% to 24.99%	25%
25% or greater	0%

No Affordable Units shall be required for any new Residential Development following a determination by the Director that the percentage of the total number of Dwelling Units within the City of St. Charles that are Affordable Units is 25% or greater. Thereafter, the provisions of this Chapter shall apply following a determination by the Director that the percentage of Dwelling Units within the City of St. Charles that are Affordable Units has fallen below 15%.
(Ord. 2013-Z-3 § 3.)

C. The requirements of this Chapter shall not apply in either of the following instances:
   1. Moving a building containing one or more Dwelling Units from one location to another within the City.
   2. Construction of a single Dwelling Unit on a lot that was of record prior to February 15, 2008 and upon which no Dwelling Unit or part thereof has existed for a period of ten years or more prior to issuance of a building permit.

17.18.040 Affordable Units Required

A. General requirement. Affordable Units, and/or a fee in lieu thereof, shall be required for every Residential Development. The number of Affordable Units required for a Residential Development shall be a percentage of the total number of Dwelling Units to be constructed within the Residential Development, but not including any bonus Market Rate Units permitted by Section 17.18.060. The minimum requirement shall be calculated as follows:
   - 1 to 10 Dwelling Units: 5 percent
   - 11 to 50 Dwelling Units: 10 percent
   - More than 50 Dwelling Units: 15 percent

B. Calculation. In the event that the calculation of the number of required Affordable Units results in a fraction, the following rules shall apply: For that portion of the requirement that is to be satisfied by the construction of Affordable Units, the fraction shall be rounded to the nearest whole number; a fraction of exactly ½ shall not be counted as a required Affordable Unit. For that portion of the requirement that is to be satisfied by payment of a fee in-lieu, any fraction shall be used in calculating the total fee in lieu to be paid by the Developer.

17.18.050 Fee In-Lieu of Affordable Units

A. General Applicability. The City Council may permit the Applicant to pay a fee in-lieu of constructing some or all of the required Affordable Units within a Residential Development, in conformance with the following criteria:
   - For a Residential Development with 1 to 10 Dwelling Units: Fee in-lieu is acceptable.
   - For a Residential Development with 11 to 50 Dwelling Units: A minimum of fifty percent (50%) of the requirement (but not less than one Dwelling Unit) shall be met by constructing Affordable Units on-site and a maximum of fifty percent (50%) of the requirement may be met by payment of a fee in-lieu of Affordable Units.
   - For a Residential Development with 50 or more Dwelling Units, the entire requirement shall be met by constructing Affordable Units on-site, except that up to a maximum of fifty percent (50%) of the requirement may be met by payment of a fee in-lieu of Affordable Units if the Applicant demonstrates to the satisfaction of the City Council, following a review and recommendation by the Housing Commission, that developing 100% of the Affordable Units

on-site would create a significant hardship or that the alternate means of compliance will afford a comparable level of affordable housing opportunities in the City.

B. Amount of Fee In-Lieu Per Unit. The amount of the per-unit fee in-lieu of Affordable Units shall be determined annually by the City Council. The amount of the per unit fee in-lieu shall be related to the cost of providing an Affordable Unit. Commencing October 1, 2010 the fee shall be one hundred four thousand five hundred dollars ($104,500.00) for each required Affordable Unit. Said fee shall remain in effect until the City Council passes a new determination.
(Ord. 2010-Z-16 § 2.)

C. Calculation of Total Fee In-Lieu. For purposes of determining the total fee in-lieu payment amount, the per unit fee in-lieu shall be multiplied by the required number of Affordable Units, including any fractional units, as provided in Section 17.18.040.

D. Payment of Fee In-Lieu. All fee in-lieu payments due under the provisions of this Chapter shall be paid at the time of issuance of the first building permit for the Residential Development, or as otherwise approved by the City Council in the Affordable Housing Agreement.

17.18.060 Density Bonus

A. When Density Bonus is Allowed. A density bonus shall be permitted when Affordable Units are constructed within the Residential Development in accordance with Section 17.18.040 (A). One bonus Dwelling Unit shall be permitted for each Affordable Unit constructed within the Residential Development; however, in no event shall the total number of Dwelling Units constructed within the Residential Development exceed one hundred twenty percent (120%) of the Base Density.

B. Implementation of Density Bonus. In implementing any density bonus allowed by this Chapter, the following requirements of the Zoning Ordinance may be varied without additional justification, but not by more than the specified percentages:

1. Reduction of required minimum lot area by not more than 20%, or the percentage by which the total number of Dwelling Units constructed within the Residential Development exceeds the Base Density, whichever is less.
2. Reduction of required minimum lot width by not more than 20%, or the percentage by which the total number of Dwelling Units constructed within the Residential Development exceeds the Base Density, whichever is less.
3. Increase of the allowable building coverage on a lot by not more than 20%, or the percentage by which the total number of Dwelling Units constructed within the Residential Development exceeds the Base Density, whichever is less.

17.18.065 Alternative Affordable Housing Plan

A. Alternative Affordable Housing Plan Criteria
As an alternative to compliance with the provisions of Section 17.18.040 or Section 17.18.050, the Developer may request the City Council to approve, concurrent with the approval of the overall development, one or more of the alternatives listed in Section 17.18.065.B. The City Council shall not approve an Alternative Affordable Housing Plan unless the Developer demonstrates and the City Council finds in the affirmative that the Alternate Affordable Housing Plan is justified based on one or more of the following criteria:

1. A demonstrated financial hardship exists that is not of the developer's own making. Items to be considered shall include but shall not be limited to:
   a. The financial hardship must be equal to or greater than 10% of the total project cost and purchase price, but cannot include any costs incurred as part of the normal and orderly development of the property.
   b. Environmentally sensitive or natural areas to be protected are equal to or greater than 20% of the total development site area (not including stormwater retention/detention facilities or park sites related to the construction of the project).
2. The development site does not allow for the density bonus as stated in Section 17.18.060 due to limitations on development capacity. Items to be considered shall include but shall not be limited to:

a. Insufficient water or sewer utility capacities.
b. Unique parcel configurations shall include but shall not be limited to steep slopes above an 8% grade or irregular shaped parcels that create unbuildable areas equal to or greater than 20% of the development site.

3. The development will fulfill an alternative City Policy or goal such as redevelopment of a vacant, underutilized, or blighted parcel that cannot otherwise be readily redeveloped and comply with all other applicable requirements.
4. The creation of the Alternative Affordable Housing Plan represents an equal or greater opportunity to create Affordable Housing in the City. Examples of these greater opportunities shall include but shall not be limited to:
   a. Providing units below the maximum affordability thresholds established by Illinois Housing Development Authority for rental or owner-occupied units. (Example: Pricing rental units at or below 50% of area median income)
   b. Providing offsite affordable units in vacant or foreclosed homes.
   c. Providing affordable units for a period of time longer than the seven year minimum affordable period stated in Section 17.18.090 Maximum Price of Affordable Units.

B. Alternative Affordable Housing Plan

For instances in which the Developer is requesting to utilize an Alternative Affordable Housing Plan, the Developer shall submit the proposed Alternative Affordable Housing Plan. This plan shall detail the Developer's course of action chosen to create Affordable Housing opportunities in St. Charles. This plan is required to be submitted in writing and must detail how the Alternative Affordable Housing Plan fulfills the criteria listed in Section 17.18.065.A.

One or more of the following options shall be utilized by the Developer:

1. External Funding Sources – The Developer will apply for grants, tax credits, and/or any other applicable funding mechanism each year that the project is under construction. These funds will be used to subsidize the costs associated with the construction of onsite or offsite Affordable Housing Units.
2. Purchase Offsite Units – The Developer shall purchase for-sale or foreclosure properties and then sell or rent them at the established Affordable Housing price.
3. Construction of a portion of the required Affordable Units onsite and any combination of the two options listed above.

(Ord. 2013-Z-3 § 4.)

17.18.070 Development Cost Offsets.

An Applicant that fully complies with the requirements of this Chapter, including any rules or regulations promulgated thereunder, shall, upon written request to the City, receive a waiver of all building permit, demolition, and plan review fees required by Title 15 of the St. Charles Municipal Code, sewer and water connection fees required by Title 13 of the St. Charles Municipal Code, and cash contributions (when required in lieu of park and school land dedications) as required by Title 16 of the St. Charles Municipal Code, but only relative to the required Affordable Units constructed within the Residential Development.

17.18.080 Location, Phasing and Design.

Affordable Units shall be integrated into the Residential Development by location, construction phasing, and design as described below. Waivers or variances as to the location, construction phasing, or appearance of Affordable Units may be granted by the City Council following a review and recommendation by the Housing Commission, based on supporting evidence that demonstrates that said waiver(s) or variance(s) will further affordable housing opportunities to an equal or greater extent than compliance with otherwise applicable requirements, or that integrating the Affordable Units will create a hardship.

A. Location of Affordable Units. Affordable Units shall be dispersed among the Market-Rate Dwelling Units throughout the Residential Development
B. Phasing of Permits. The Affordable Units shall be constructed concurrently with the Market-Rate Units within the Residential Development. Building and occupancy permits for Market-Rate Units

shall be issued only if building and occupancy permits, respectively, for the required Affordable Units have been issued in accordance with the following schedule:

Market-Rate Units (%)	**Affordable Units (%)**
Up to 50%	At least 30%
Up to 75%	At least 60%
100%	100%

C. Exterior Appearance. The exterior appearance of the Affordable Units in any Residential Development shall be visually compatible with the Market-Rate Units in the development. External building materials and finishes shall be substantially the same in type and quality for Affordable Units as for Market-Rate Units.

D. Interior Appearance and Finishes. Affordable Units may differ from Market-Rate Units with regard to interior finishes and gross floor area, provided that:

1. Bedroom Mix. The number of bedrooms per Dwelling Unit in the Affordable Units within the Residential Development shall be in equal proportion to the number of bedrooms per Dwelling Unit in the Market-Rate Units within the Residential Development. This provision is not intended to require the same floor area in Affordable Units as compared to Market-Rate Units.
2. Energy Efficient Improvements. Affordable Units and Market-Rate Units shall have the same type and quality of improvements related to energy efficiency, including plumbing, insulation, windows, and heating and cooling systems.

17.18.090 Maximum Price of Affordable Units

A. Affordability Controls; Waivers. All Affordable Units developed in accordance with this Chapter shall be subject to affordability controls and resale restrictions as provided herein, unless the property owner is granted a waiver by the City Council based upon supporting market-related evidence of undue hardship on the owner of the Affordable Unit or rental property. The Director of Community Development shall prepare or cause to be prepared detailed requirements, procedures, forms and documents to implement this Section. These requirements, procedures, forms and documents shall be subject to the approval of the City Council.

B. For-Sale Affordable Units. Affordable Units shall be offered for sale in conformance with the following principles:

1. The initial sale of Affordable Units shall be governed by the following:
   a. Affordable Units shall be offered for sale at a maximum price that is affordable to an Eligible Household based on household size in accordance with paragraph D of this Section, using the limits established annually by the Illinois Housing Development Authority (IHDA).
   b. The property shall be subject to a deed restriction or other suitable instrument limiting the maximum sale price of the property for a period of seven years, and specifying the conditions under which title to the property may be transferred to an entity other than an Eligible Household, including but not limited to transfer of title to heirs.
   c. The purchaser shall execute a deferred payment mortgage lien in favor of the City, in the amount of the difference between the price paid by the purchaser for the Affordable Unit and its market value, at an interest rate comparable to that which is available for a fixed rate, 30-year mortgage.
2. Subsequent sales of Affordable Units during the first seven years following the initial sale shall be governed by following:

a. The maximum sale price shall be the initial sale price plus 1) appreciation in the property's value, but not to exceed the increase in the IHDA affordability limit; 2) an allowance for the cost of repair and/or replacement of heating, electrical, plumbing, roofs, and structural elements necessary to address safety of the occupants or integrity of the structure.

b. The seller shall receive a percentage of the Affordable Unit's appreciation in value up to the IHDA affordability limit, where the percentage is the original purchase price divided by the market value of the Unit at the time of the seller's original purchase, and the amount of appreciation is the difference between the original purchase price and the price at the time of sale. The remainder of the allowable appreciation shall be deposited into the Housing Trust Fund or other fund devoted to providing affordable housing.

c. The purchaser shall execute a deferred payment mortgage lien in favor of the City, in the amount of the difference between the price paid for the Affordable Unit and its market value, at an interest rate comparable to that which is available for a fixed rate, 30-year mortgage.

3. Subsequent sales of Affordable Units after the initial seven-year period shall be governed by the following:

a. If the sale price does not exceed the initial sale price plus 1) appreciation in the property's value, not to exceed the increase in the IHDA affordability limit; and 2) an allowance for the cost of repair and/or replacement of heating, electrical, plumbing, roofs, and structural elements necessary to address safety of the occupants or integrity of the structure, then the seller shall not be required to pay the deferred payment second mortgage, but the buyer shall execute a deferred payment mortgage lien in favor of the City, in the amount of the difference between the price paid for the Affordable Unit and its market value.

b. If the sale price is at market value or otherwise in excess of that described in the preceding paragraph 3) a), the full amount of the deferred payment mortgage lien shall be payable to the City, but the Buyer is not required to execute a deferred payment mortgage lien. Once the mortgage lien is paid, all restrictions of this Chapter applicable to the Affordable Unit, including its designation as such, shall cease.

c. So long as the property is designated as an Affordable Unit, the seller shall receive a percentage of the appreciation in the property's value, whether sold at market value or less than market value. The percentage shall be equal to the seller's original purchase price divided by the market value of the Unit at the time of the seller's original purchase, discounted by 50%. The lien payment, plus the percentage of appreciation not received by the seller, shall be deposited into the Housing Trust Fund or other fund devoted to providing affordable housing.

C. For-Rent Affordable Units. The maximum gross rent (including a utility allowance for utilities not provided with the rent) for Affordable Units offered for rent shall be calculated using the gross rent limits established annually by the Illinois Housing Development Authority on the basis of thirty percent (30%) of gross monthly income at fifty percent (50%) to sixty percent (60%) of AMI, based on household size in accordance with paragraph D of this Section. The net rent charged by the owner shall not exceed the maximum gross rent minus a utility allowance for any utilities to be paid separately by the tenant. All Affordable Units shall be offered at not more than the maximum rent calculated in accordance with this paragraph in perpetuity or as long as permissible by law.

D. Household Size. In calculating the maximum sale and rental prices of Affordable Units, the following relationship between the number of bedrooms per unit and household size shall apply:

Size of units:	Affordable for:
Efficiency units:	1-person household
One-bedroom units:	2-person household
Two-bedroom units:	3-person household
Three-bedroom units:	4-person household

Four-bedroom and larger units: 5-person households and larger

E. Sale or Rental to Housing Providers. Every Affordable Unit required by this Chapter shall be offered for sale or rental to an Eligible Household as a primary resident, except for units purchased by Housing Providers. Housing Providers designated by the City of St. Charles shall have the right, but not the obligation, to purchase any for-sale Affordable Units, but only for the purpose of reselling to an Eligible Household.

17.18.100 Ownership and Occupancy of Affordable Units.

Owner-occupied Affordable Units shall only be sold to and occupied by Eligible Households. Affordable Units that are rented shall only be rented to and occupied by Eligible Households. Subletting of Affordable Units shall not be permitted. Priority will be given to Eligible Households where one or more members live or work in St. Charles, and to employees of the City of St. Charles, the St. Charles Park District, and Community Unit School District No. 303, regardless of their initial place of residence, to the extent permitted by law.

1. Increase in Annual Income for Owner-Occupied Affordable Units. If a Household's gross income increases above the maximum Eligible Household income level for a household of its size, the Household may continue to own and occupy the Affordable Unit, but the Affordable Unit shall otherwise remain subject to the limitations set forth in Section 17.18.090.
2. Increase in Annual Income for Renter-Occupied Affordable Units. If a Household's gross income increases above the maximum Eligible Household income level for a household of its size, the Household may continue to lease and occupy the Affordable Unit, and renew said lease, but the Affordable Unit shall otherwise remain subject to the limitations set forth in Section 17.18.090.

17.18.110 Development Applications.

As part of the application for approval of a Residential Development, the Applicant shall submit information describing how the Residential Development will comply with the requirements of this Chapter. The Director of Community Development may require any or all of the following to be submitted for review:

1. The number and rental/for sale status of Market-Rate Units and Affordable Units to be constructed including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
2. Documentation and plans regarding locations of Affordable Units and Market-Rate Units, and their exterior appearance, materials, and finishes.
3. A description of the marketing plan that the Applicant proposes to utilize and implement to promote the sale or rental of the Affordable Units within the development; and,
4. Any proposal to pay fees in lieu of providing the required Affordable Unit, per section 17.18.050.
5. Alternative Affordable Housing Plan Submittal Requirements
   a. The applicant shall submit a financial statement or pro-forma including the following:
      i. Purchase price of the property.
      ii. Identification of the financial hardship and cost estimates associated with absorbing and/or remediating the identified hardship.
      iii. All non-hardship development costs and expected profits.
   b. Application for External Funding Sources
      i. An action plan clearly identifying the external funding sources that will be applied for during the construction phase and frequency of application to each funding source. The Action Plan shall clearly demonstrate that the project is eligible for the funding source that will be utilized.
      ii. Commit to providing a copy of all grant applications at the same time the application is submitted to the funding authority.

iii. State the number of Affordable Units targeted to be affordable.

iv. Include documentation and plans regarding locations of Affordable Units and Market-Rate Units onsite or offsite, and their exterior appearance, materials, and finishes should external funding be awarded.

c. Purchase and Resale of Offsite Units

i. An action plan or market study identifying the number of offsite units planned for purchase, the location of available offsite units, and purchase price of these units.

ii. Any supplemental information necessary to support the proposed plan such as, anticipated cost of renovations for offsite properties.

iii. The expected timing for the purchase of offsite units.

iv. Commit to submitting a copy of the home inspection report to the City for review. This report shall include the following:

- Identification of the age and condition of all major systems (plumbing, HVAC, electrical, and structural)
- Identification and condition of all major appliances
- The Developer shall provide a copy of this inspection report to the affordable household who has signed a contract to purchase the unit
- As part of this report the Developer shall submit a list of all necessary repairs that the Developer proposed to perform before the offsite unit is resold to an Eligible Household.

(Ord. 2013-Z-3 § 5.)

17.18.120 Affordable Housing Agreement and Documents

Prior to issuance of a building permit for any Residential Development, the Applicant shall have entered into an Affordable Housing Agreement with the City. Said agreement shall set forth the commitments and obligations of the Applicant, including but not limited to the number, timing and location of the required Affordable Units, and/or the amount and payment schedule for any fee in lieu thereof, to ensure that the provisions of this Chapter are met. The Applicant shall execute any and all documents deemed necessary by the City, including without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the Affordable Units in accordance with this Chapter.

17.18.130 Implementation.

The Director or Director's designee shall promulgate regulations and forms as may be necessary for the implementation of this Chapter. Said regulations shall be reported to the Housing Commission and City Council.

17.18.140 Enforcement.

A. The provisions of this Chapter shall apply to all agents, successors and assignees of an Applicant.

B. The City of St. Charles may institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this Chapter. In addition, any person, firm, or entity, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by the payment of a fine of not more than $750.00 dollars per day. Such person, firm, or entity shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is commenced, continued, or permitted by such person, firm, or entity, and shall be punishable as herein provided.

Chapter 17.20

USE STANDARDS

Sections:

17.20.010	General Use Standards
17.20.020	Utility Facilities Permitted in All Districts
17.20.030	Standards for Specific Uses
17.20.040	Temporary Uses – General Provisions
17.20.050	Permitted Temporary uses

17.20.010 General Use Standards

A. Within the lists of permitted and special uses for each zoning district, some uses are specifically named, while others fall within a generic use definition (see Chapter 17.30.) A use that is not specifically listed in a zoning district or overlay and that does not fall within a generic use definition of Chapter 17.30, is prohibited within that district or overlay.

B. The Accessory Uses specifically listed in the tables of permitted and special uses for the zoning districts shall be allowed only as specified in the table. (For example, Horse Stables are permitted as an Accessory Use only in the RE-1 District, as shown in Table 17.12-1, and in no other district.) Accessory Uses other than those specifically listed are permitted in all zoning districts, as indicated in the tables of permitted and special uses.

17.20.020 Utility Facilities Permitted in All Districts

All Local Utility uses shall be permitted in all zoning districts without limitation as to minimum lot area, yard, or other Bulk requirements, provided that the installation thereof shall comply with the requirements of the applicable administrative authorities. Community/Regional Utility uses shall be permitted only in accordance with the provisions of the zoning district in which they are located. (Ord. 1988-Z-8 § 1.)

17.20.030 Standards for Specific Uses

The following requirements shall apply to the specified uses allowed as permitted or special uses in the zoning districts, in addition to all other applicable provisions of this Title:

A. Adult Uses

Adult uses shall be subject to the following standards:

1. No adult use shall be located within one thousand (1,000) feet of any residential district, CBD-1, CBD-2, BT Overlay District, or PL District, or within one thousand (1,000) feet of a place of worship, school or another adult use.
2. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” from any public way or from any adjacent property. This provision shall apply to any display, decoration, sign, show window or other opening.

B. Agriculture

Agriculture is permitted only on lots of ten (10) acres or more, and the following standards shall be met:

1. No livestock or poultry shall be kept.
2. No retail sales of agricultural products shall be conducted on the premises.
3. Agricultural uses are distinct from private horse stables. (See Paragraph M below.)

C. Artist Live/Work Space

Artist live/work space shall conform to the standards applicable to home occupations, except that the floor area devoted to non-residential activity shall not be limited.

D. Auxiliary Dwelling Units

Auxiliary dwelling units, attached and detached, are subject to the following standards:

1. Occupancy of any auxiliary dwelling unit shall be limited to no more than two (2) persons.
2. Only one (1) auxiliary dwelling unit, either detached or attached, shall be permitted on a lot.
3. The auxiliary dwelling unit shall have a maximum floor area of not more than seven hundred (700) square feet.
4. Auxiliary dwelling units shall comply with all yard requirements of the zoning district.
5. The vehicle access door of any new garage associated with the construction of an auxiliary dwelling unit shall be set back a minimum of eighteen (18) feet from any street right-of-way line.
6. Annual registration and inspection of the principal dwelling unit and the auxiliary dwelling unit is required. If the owner fails to register and submit to an inspection, the auxiliary dwelling unit shall not be occupied until compliance is obtained.
7. No more than one (1) of the units, either the principal dwelling unit or the auxiliary dwelling unit, may be renter-occupied. A deed restriction shall be recorded prior to issuance of a building permit for the auxiliary dwelling unit to provide notice of this requirement to subsequent owners.
8. The auxiliary dwelling unit shall not be larger in area or higher than the principal dwelling unit.
9. A new separate driveway providing exclusive access to the auxiliary dwelling unit shall not be permitted.
10. Detached auxiliary dwelling units shall be located at least ten (10) feet from the principal dwelling unit.
11. Detached auxiliary dwelling units shall not be located closer to the street than the principal dwelling unit.

(Ord. 2004-Z-12 § 3.)

E. Banks in CBD-2 District

Banks in CBD-2 Districts shall be subject to the following standards:

1. Banks shall only be located on lots with a minimum lot area of twenty thousand square feet (20,000 sq. ft.).
2. Banks shall only be located on lots that have frontage along Route 31, Route 64 and Route 25.
3. No more than one-third of the perimeter of the lot shall be adjoining or across the street from a residential zoning district.
4. For corner lots, access to the lot shall be provided from side streets rather than Route 25, Route 64 or Route 31.
5. For drive through banks, no more than two (2) drive through lanes shall be allowed.

(Ord. 2008-Z-3 § 3.)

F. Bed and Breakfast Establishment

Bed and breakfast establishments shall comply with the following standards:

1. Guest rooms shall not include cooking facilities.
2. A maximum of five (5) bedrooms may be provided for registered guests.
3. The maximum stay by any guest shall be limited to thirty (30) days.
4. All required guest parking shall be provided on-site.

(Ord. 1988-Z-8 § 1.)

G. Drive-Through Facilities and Car Washes

See Section 17.24.100 for requirements for drive-through facilities and car washes.

H. Gas Station

1. Restaurants in gas stations shall be required to meet the parking requirements for restaurants in addition to those for gas stations.
2. Fuel pumps shall be located no closer than twenty (20) feet from any lot line and shall be located so that a vehicle using the fuel pump does not encroach into the public right of way or onto adjoining property.

3. Gas station canopies shall be subject to the lighting standards of Section 17.22.040 (Site Lighting). Gas station canopies shall also meet all applicable setback requirements for the principal building.
4. The provisions hereof relating to Outdoor Sales shall apply if Outdoor Sales are included.

I. Group Homes

1. Group Home, Small: Off-street parking shall be provided in accordance with the requirements for dwelling units.
2. Group Home, Large: If off-street parking is needed in excess of what is required for a single family dwelling, it shall be provided in accordance with the specific needs of the group home, as a condition of the granting of a special use.

(Ord. 2001-Z-11 § 1.)

J. Home Occupations (See also definition in Chapter 17.30)

Home occupations are permitted in any dwelling unit. The purpose of home occupation standards is to allow home occupations to be conducted in a manner which is compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood. Home occupations shall conform to the following standards, which are intended to preserve the residential character of neighborhoods:

1. The home occupation shall be incidental to the residential use of the dwelling unit.
2. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling unit.
3. The home occupation shall be conducted entirely within the dwelling unit and shall be limited to the lesser of five hundred (500) square feet or twenty-five (25%) percent of the gross floor area of the dwelling unit, including any basement and attached garage.
4. Only one person who does not reside on the premises may be employed to work at the home occupation, with the exception that day care homes may have more than one (1) non-resident employee, to the extent required by State of Illinois licensing requirements.
5. Exterior building signs shall be permitted only as authorized by the sign regulations for the district.
6. No exterior storage or display of business equipment, materials, merchandise, inventory or heavy equipment shall be permitted.
7. A home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference discernible at the property line.
8. The home occupation shall not generate vehicular or pedestrian customer traffic between the hours of 9:00 pm and 8:00 am.
9. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the US Postal Service, similar parcel delivery service, or private passenger automobile.
10. The use of an accessory building for a home occupation shall be permitted provided the occupation is conducted wholly within the accessory building and the use does not exceed five hundred (500) square feet in area.
11. There may be more than one (1) home occupation permitted per dwelling unit; however, the total combined home occupations for any single dwelling unit shall not exceed any of the standards set forth in this Title.
12. No home occupation shall cause the rate of water usage (gallons per minute) to exceed the maximum rate capable of being produced by the existing water service.

(Ord. 1993-Z-19 § 3; Ord. 1990-Z-1 § 1; Ord. 1988-Z-8 § 1; Ord. 1983-Z-5 § 2; Ord. 1983-Z-5 § 1; Ord. 1960-16 § VII (A) (1); Ord. 1960-16 § III (part).)

K. Horse Stables, Private

Private horse stables shall meet the following standards:

1. Private horse stables are permitted only as an accessory use to a single-family detached dwelling and shall not be permitted on single-family lots of less than two (2) acres.
2. Not more than one (1) horse shall be kept for each fenced acre of pasture and not more than four (4) horses over the age of nine (9) months shall be kept on the premises.

3. Not more than fifty percent (50%) of the total lot area shall be devoted to the keeping of horses.
4. All structures used for the shelter of horses, and all storage areas for manure, shall be located a minimum of ninety (90) feet from side and rear lot lines, and one hundred fifty (150) feet from front lot lines.
5. Adequate utility services and drainage facilities, as determined by the City Engineer, shall be provided.
6. The method of manure storage and removal shall meet the requirements of the St. Charles Municipal Code and the Illinois Environmental Protection Agency, and must be conducted so as not to be offensive or injurious to public health.

I. Kennels

Kennels shall comply with the following standards:

1. Outdoor runs and exercise areas shall be a minimum of one thousand (1000) feet from any residential zoning district.
2. All animals shall be kept either within completely enclosed structures or under direct control of the kennel operator or staff at all times, and shall be kept within completely enclosed structures between the hours of 9:00 PM and 7:00 AM.
3. The operation of the kennel shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located, which occurs a) repeatedly over at least a seven-minute period of time at an average of at least twelve animal noises per minute, or b) repeatedly over at least a fifteen minute period of time, with one minute or less lapse of time between each animal noise during the fifteen-minute period.

M. Motor Vehicle Sales and Leasing Establishments

1. Newly established Motor Vehicle Sales and Leasing establishments shall have a minimum lot area of one hundred thousand (100,000) square feet.
2. All Outdoor Motor Vehicle Display areas shall be landscaped in accordance with Chapter 17.26, except:
   a. Where an Outdoor Motor Vehicle Display area adjoins a building wall containing showroom display windows, Building Foundation Landscaping may be relocated when:
      1. An equivalent amount of Building Foundation Landscaping is provided at an alternate location between the building wall and the street, at a location not more than 125 feet from the building wall.
      2. The vehicle display area adjacent to the building wall is constructed as a concrete-curbed platform, paved with decorative concrete or masonry.
      3. Building Foundation Landscaping is provided adjacent to or within 16 ft. of all exterior corners of the building wall.
   b. Internal Parking Lot Landscaping may be relocated to the perimeter of the Outdoor Motor Vehicle Display area in a location visible from streets adjoining the lot; however landscape islands shall be required at the end of all vehicle display rows.

(Ord. 2010-Z-2 § 2.)

N. Motor Vehicle Service and Repair, Minor

Minor motor vehicle service and repair shops shall not store or park any vehicle on the site for longer than five (5) business days. Minor motor vehicle service and repair shops with fuel pumps shall also comply with the requirements applicable to Gas Stations. All repair operations shall be fully enclosed, and wrecked or junked vehicles shall not be stored for longer time periods than those specified above.

O. Motor Vehicle Service and Repair, Major

Major motor vehicle service and repair shops shall not store or park any vehicle on the lot, including but not limited to wrecked or junk vehicles, for longer than forty-five (45) days. All repair operations shall be conducted within fully enclosed buildings and all storage of vehicles and equipment shall be fully screened by means of fencing or landscaping or a combination thereof.

P. Motor Vehicle Storage

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

1. Off-street parking facilities designed to conform with the requirements of Chapter 17.24 may be used for Motor Vehicle Storage, in compliance with the following requirements:
   a. No vehicles shall be stored in an off-street parking space required for any other use located on the same or another lot.
   b. Vehicles shall be parked within designated off-street parking spaces and shall not obstruct vehicular access to parking stalls or any portion of the lot.
2. Newly established Permanent Motor Vehicle Storage lots shall comply with the requirements applicable to Off-Street Parking Facilities, except:
   a. 17.26.090 A. Interior Parking Lot Landscaping
   b. 17.24.070 B. Dimensions, if a twenty-four (24) foot wide access drive is provided generally around the perimeter of the Motor Vehicle Storage lot.
   c. Direct access to individual spaces shall not be required.
3. Permanent Motor Vehicle Storage lots shall not be used as Off-Street Parking Facilities unless modified to comply with all requirements of this Title.
4. Commercial Vehicles shall only be stored in the M-2 district.
5. Stored vehicles shall be operable and no wrecked or junked vehicles shall be permitted.
6. Signage advertising the vehicles for sale or rental is prohibited.
7. Motor Vehicle Storage lots shall not be used to conduct retail sales and no retail customers shall be present at any time.
8 No single vehicle shall be stored in excess of 180 days.
9. Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District shall:
10. a. Not be located closer than 500 feet to any residentially zoned property.
    b. Not be located on a lot that is less than 2-acres in area.

(Ord. 2013-Z-8 § 3; Ord. 2008-Z-24 § 9.)

Q. Outdoor Uses Generally

All business, sales, service, storage and display of goods, manufacturing, and repairs shall be conducted wholly within enclosed buildings, except where a permanent or temporary outdoor use is specifically allowed by this Title.

R. Outdoor Dining

1. Permanent Outdoor Dining shall be permitted only as an accessory use to a restaurant or when specifically permitted in conjunction with a temporary use.
2. Outdoor Dining areas shall not be located in a required yard abutting any residential district.
3. The sound level of any music or other sound shall not exceed sixty (60) decibels, as measured at the property line, and no music or other sound under the control of the property owner shall occur outdoors between the hours of 10:00 pm and 10:00 am.

S. Outdoor Entertainment

Outdoor Entertainment shall be permitted only as an accessory use to a restaurant, except as a temporary use in accordance with Section 17.20.050 E.

T. Outdoor Sales

This Section regulates Outdoor Sales areas that are used for longer periods of time than Temporary Outdoor Sales areas permitted in Section 17.20.050 A, whether permanent or seasonal. These Outdoor Sales areas are permitted only if allowed by the regulations of the zoning district in which the lot is located, and shall conform to the following requirements:

1. Outdoor Sales shall not be conducted within 50 ft. of any residential zoning district or public street unless completely screened from view. Complete screening shall consist of an opaque barrier of landscaping, walls, fencing, berms or other methods sufficient in density and height to render the Outdoor Sales operation invisible from the lot line of any lot in a residential zoning district, and from the street. Outdoor sales located more than 50 feet from residential zoning districts and public streets need not be screened.

2. The lot coverage of Outdoor Sales areas on the lot shall be limited to not more than five percent (5%) of the lot area; the lot coverage of Temporary Outdoor Sales areas shall not be included in this calculation.
3. Outdoor Sales shall be conducted only within the designated area.
4. Outdoor Sales areas and the surrounding premises shall be maintained in an orderly manner, free of litter and other refuse. Storage of goods for sale shall be no more than five (5) feet in height. Outdoor Sales shall not obstruct required access to buildings or parking spaces on the site, or to adjoining property.
5. Outdoor Sales areas accessory to a Gas Station are permitted without a special use, provided their area is limited to a total lot coverage of 30 square feet multiplied by the number of dispensing pumps on the lot, and shall be located only within the pump islands or on a sidewalk adjoining the building. Outdoor Sales accessory to a Gas Station in excess of this limitation shall require a Special Use, if required by the district regulations.
6. See 17.20.050 A for additional provisions applicable to Temporary Outdoor Sales.

(Ord. 1986-Z-4 § 1.)

U. Outdoor Storage

Outdoor storage, other than parking and storage of commercial and recreational vehicles as regulated by Sections 17.24.120 and 17.24.130 shall only be allowed as an accessory use as provided in the district regulations, and shall be screened in accordance with Section 17.26.120.

(Ord. 2008-Z-36 § 4.)

V. Places of Worship in the M-1 Limited Manufacturing District

Newly established Places of Worship in the M-1 District shall meet the following requirements:

1. The minimum lot area shall be one (1) acre.
2. The lot, on which the Place of Worship is established, shall have frontage on one of the following major arterials Main Street, Randall Road, or Kirk Road.

(Ord. 2009-Z-7 § 3.)

W. Refuse Dumpsters and Recycling Containers

Outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard, and other refuse and recycling materials are permitted as an accessory use in any zoning district, provided that they are screened in accordance with Section 17.26.120 A, and that the refuse and recycling materials shall only be permitted to be present on the lot until the next regular refuse and recycling pickup date for the property served. (Ord. 2009-Z-7 § 4; Ord. 2003-Z-13 § 5.)

(Ord. 2008-Z-24 § 10.)

17.20.040 Temporary Uses – General Provisions

A permit shall be required for temporary uses allowed in this Title, except that temporary uses operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, but shall otherwise be subject to the requirements of this Chapter.

The applicant shall submit a site plan or other suitable description to the Building Commissioner, with any required permit fee. As a condition of permit issuance, the Building Commissioner may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this Chapter. If the Building Commissioner finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six months following revocation.

All temporary uses, including but not limited to those enumerated in Section 17.20.050 hereof, shall comply with the following requirements:

A. No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.

B. Temporary uses shall comply with all requirements of the Fire Prevention Code and other applicable codes and regulations. If necessary to ensure the protection of public safety due to the presence of a particular hazard, the Fire Chief may require the operator of the temporary use to employ a fire watch team and/or appropriate security personnel.

C. Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.

D. Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City Council authorizes the use of City-owned property or right of way.

E. When a permit is required for a temporary use, the Building Commissioner shall make an assessment of the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be located, on the basis of the particular temporary use, the seasonal demand for parking on the lot at the time the temporary use is proposed, and the availability of other public and private parking facilities in the area. The Building Commissioner may deny the permit for a temporary use if he finds that the temporary use will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.

F. During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area. Storage of goods for sale shall be no more than five (5) feet in height.

G. Signs for a temporary use shall be permitted only in accordance with the Chapter 17.28, Signs.

(Ord. 2003-Z-13 § 1; Ord. 1995-Z-14 § 1; Ord. 1994-Z-3 § 1; Ord. 1993-Z-29 § 1.)

17.20.050 Permitted Temporary Uses

A. Temporary Outdoor Sales

Temporary Outdoor Sales shall be limited to three (3) events within one (1) calendar year per lot. These events shall be restricted to the following time limits: one (1) event of not more than ninety (90) days, and two (2) events of not more than thirty (30) days each.

B. Farmstands and Farmers Markets

Outdoor Farmstands and Farmers Markets shall be permitted in any non-residential district. No products shall be exhibited or offered for sale except the following: fresh dairy goods, fruits, nuts, grains, vegetables, juices, flowers, plants, herbs and spices produced or grown by the vendor, baked goods made by the vendor, and food-related incidental items such as cook books.

C. Outdoor Arts, Crafts and Plant Shows, Exhibits and Sales

Outdoor arts, crafts and plant shows, exhibits and sales conducted by a nonprofit or charitable organization shall be permitted in any non-residential zoning district, and may be conducted in addition to the time limits for Outdoor Sales Areas for a period of not more than seven (7) days.

D. House, Apartment, Garage and Yard Sales

House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three (3) consecutive days, and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period. A permit or prior approval of the City shall not be required for such uses.

E. Temporary Outdoor Entertainment

Temporary Outdoor Entertainment shall be permitted as part of a community festival or an event hosted by the City, Park District, School District, or other governmental body, or as a temporary accessory use to a private business use. When Temporary Outdoor Entertainment is conducted as part of a community festival or event, no permit is required; when conducted as an accessory use to a business use, a permit is required and the following additional standards shall be met:

1. The application for a permit for Temporary Outdoor Entertainment shall be submitted a minimum of thirty (30) days before the date that the outdoor entertainment event is to commence. The applicant is encouraged to meet with the City staff to discuss the application and coordinate services that may be provided by the City. The Building Commissioner may refuse to issue a permit for Temporary Outdoor Entertainment when the application is received less than 30 days before the date that the entertainment is to commence, if he finds that there is

inadequate time to review the application and arrange for the provision of necessary City services.

2. Permits for Temporary Outdoor Entertainment accessory to a business use shall be limited to a maximum of three (3) days, and the permitted hours of operation shall be limited to between 12:00pm (noon) to 10:00pm. No business establishment shall be permitted more than two (2) Temporary Outdoor Entertainment permits per calendar year.
3. The sound level produced by Temporary Outdoor Entertainment accessory to a business use shall not exceed sixty (60) decibels, as measured at the property line in any residence district.

F. Carnivals

Carnivals shall meet the requirements of Chapter 5.48, Carnivals, of the St. Charles Municipal Code. Carnivals shall be limited to a maximum of 14 days, and a maximum of three (3) permits may be issued within one calendar year per lot.

G. Temporary Contractor Trailers and Real Estate Model Units

Temporary contractor trailers and real estate sales trailers or model units shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, as the case may be. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

H. Temporary Motor Vehicle Storage

Temporary Motor Vehicle Storage shall be limited to a period of one hundred eighty (180) days. No lot shall be used for Temporary Motor Vehicle Storage for more than one hundred eighty (180) days in any one-year period.

(Ord. 2008-M-24 § 11.)

Chapter 17.22

GENERAL PROVISIONS

Sections:

17.22.010	General Provisions
17.22.020	Accessory Buildings and Structures
17.22.030	Permitted Encroachments
17.22.040	Site Lighting
17.22.050	Environmental Performance Standards

17.22.010 General Provisions

A. **Number of Buildings on a Lot**

1. In residential districts, there shall be no more than one (1) principal building per lot. One (1) auxiliary dwelling unit may be permitted per lot in the RT-1, RT-2, RT-3 and RT-4 Districts in accordance with Section 17.20.020.C.
2. In the BL, BC, BR, CBD-1, CBD-2, M-1, M-2, O-R and PL districts, more than one (1) building may be erected on a single lot, provided that all Bulk requirements hereof shall be met for each building as though each building were a principal building on an individual lot. (Ord. 2004-Z-12 § 2; Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (C).)

B. **Minimum Lot Area, Two Or More Uses On A Lot**

Wherever two (2) or more permitted or special uses, each requiring a minimum lot area, are located in the same building or on the same lot, the total required minimum lot area shall be the sum of the areas required for each use individually. Where one or more of the uses does not have a required minimum lot area, the total minimum lot area shall be the sum of the lot coverage of the buildings occupied by the uses for which no minimum lot area is required, and the minimum lot area(s) required for the other uses.

C. **Frontage on a Public or Private Street**

All residential lots shall have frontage on a public or private street. Access may be provided from an alley where available, but an alley shall not serve as the frontage of a lot.

D. **Reduction Below Required Minimums**

No lot shall be reduced, divided or subdivided so that a yard or setback becomes less than required by this Title. If the yard or setback is already less than required by this Title, it shall not be reduced further. The minimum yard required for a building or structure shall not be considered a yard space for any other building or structure.

E. **Control over Bulk**

Except as provided in Section 17.08.050 (Nonconforming lots of record) all buildings and structures erected after the effective date of this Title shall meet the requirements for the zoning district or PUD in which they are located, and existing buildings and structures shall be enlarged, altered, reconstructed or relocated only in conformance with the requirements of the zoning district or PUD in which they are located.
(Ord. 1960-16 § IV (G).)

F. **Sight Triangle**

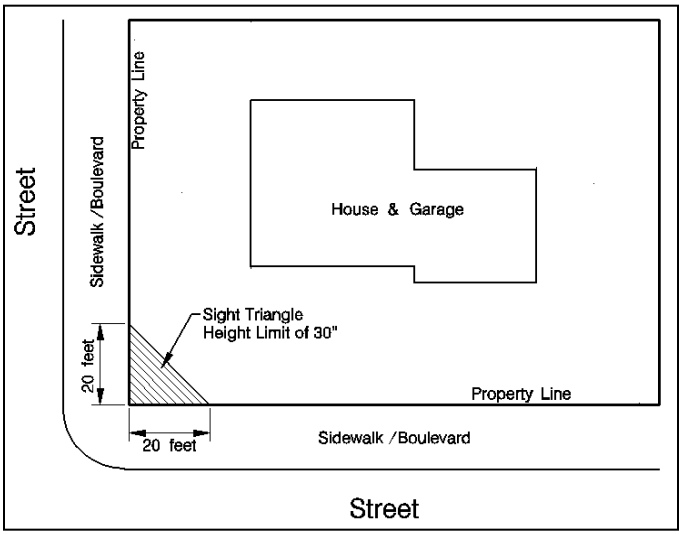
Notwithstanding any other provisions of this Title, a Sight Triangle shall be maintained on lots at the intersection of two (2) streets, of a street and an alley, and of a street and an active railroad right-of-way in conformance with this Section. The purpose of the Sight Triangle is to avoid the

obstruction of the view of motorists in relation to oncoming traffic. Two sides of the Sight Triangle shall be measured along the right of way lines abutting the lot, from their intersection to a point 20 feet distant. The third side of the triangle shall be a line connecting the ends of the first two lines. (See Figure 17.22-1)

Within the Sight Triangle, any sign, wall, fence, landscaping, or other object exceeding thirty (30) inches in height above the adjoining street or right of way grade is prohibited, except as specifically permitted as follows:

1. Within the CBD-1 District, a Sight Triangle is not required except where required by the Director of Public Works as provided in paragraph (5) hereof.
2. Directional signs are permitted within the Sight Triangle.
3. Fences with an opacity of less than fifty percent (50%) not exceeding 3 feet (36 inches) in height are permitted within the Sight Triangle.
4. The area of the Sight Triangle may be reduced and/or the allowable height of obstructions increased by the Director of Public Works if he determines that there would not be an undue risk to public safety because of traffic control devices, street design or alignment, or the relative grade of the property and the adjoining streets, alleys, or railroad rights of way.
5. The area of the Sight Triangle may be increased and/or the allowable height of obstructions reduced by the Director of Public Works if he determines that there would be an undue risk to public safety because of traffic control devices, street design or alignment, or the relative grade of the property and the adjoining streets, alleys, or railroad rights of way.

Figure 17.22-1: Sight Triangle

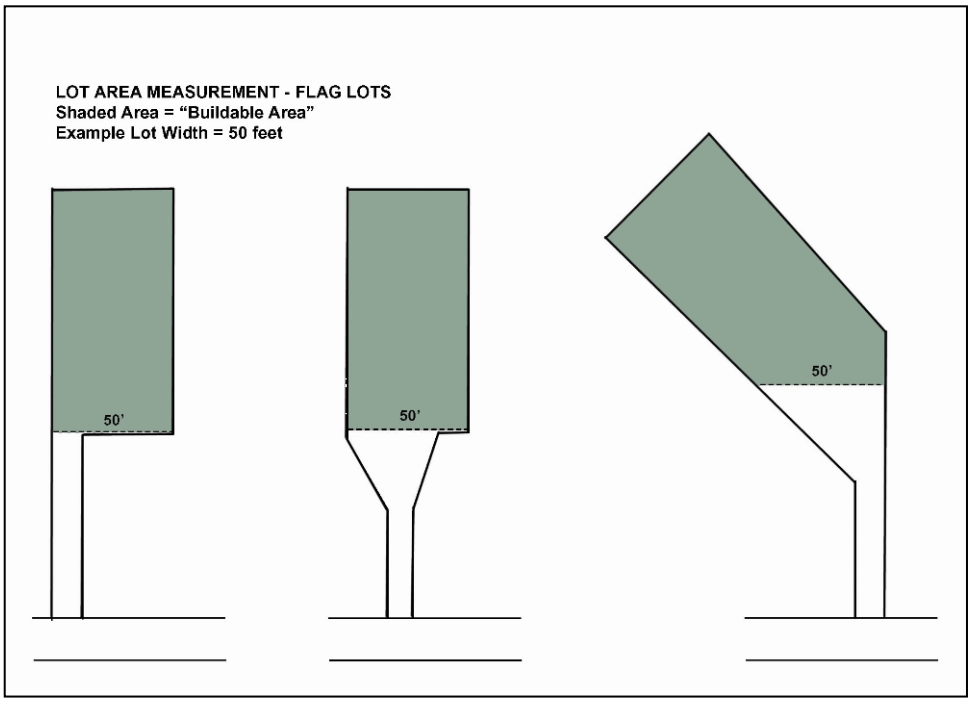


G. **Flag Lots**

1. Flag lots consist of a “buildable portion”, which is set back from the street access and located behind one (1) or more other lots, and a narrow access corridor (the “flagpole”), which extends from the buildable portion toward the street. Only the buildable portion of the lot shall be used in calculating the lot area. The buildable portion of the lot shall begin where the lot meets or exceeds the minimum lot width required in the underlying zoning district, as measured parallel to the street. See Figure 17.22-2.
2. A flag lot shall have a lot frontage of not less than fifteen (15) feet, and that part of the lot connecting its buildable portion with its lot frontage (the “flagpole”) shall be not less than fifteen (15) feet in width at any point. However, if two (2) flag lots share a common access onto a public right-of-way, the minimum lot frontage and the minimum width of the flagpole of the two (2) lots combined may be reduced to not less than eighteen (18) feet at any point.

3. No more than two (2) flag lots may have a shared access to a public right-of-way, and no more than two (2) "flagpoles" of flag lots may abut each other. In the case of a shared access, a maintenance agreement shall be required between the parties to ensure proper maintenance of the access drive.
4. The length of the flagpole of a flag lot, as measured from the lot frontage to the beginning of the buildable area, as defined herein, shall not exceed 200 feet.
5. Flag lots shall comply with all regulations of Chapter 15.28 (Fire Prevention Code) regarding driveway width, hydrant locations and turnarounds.
(Ord. 1994-Z-4 § 1.)

Figure 17.22-2: Flag Lots



17.22.020 Accessory Buildings and Structures

Accessory buildings and structures, as defined as in Chapter 17.30, Definitions, and as listed in the tables of permitted and special uses in Chapters 17.12, 17.14, and 17.16, are permitted subject to the following requirements and the location restrictions of Table 17.22-3:

A. **General Requirements**

1. All accessory buildings, structures, and uses shall be located on the same lot as the principal use, with the exception of off-street parking facilities, which may be located on another lot as provided for in Chapter 17.24, Location of Off-Street Parking.
(Ord. 2008-Z-24 § 12.)
2. The combined lot coverage of all detached accessory buildings and structures located within a required rear yard shall not occupy more than thirty percent (30%) of the required rear yard. For lots within an RT district, lot coverage for a detached garage structure may exceed thirty percent (30%) of the required rear yard to accommodate a 600 square foot detached garage structure, provided all structures in the rear yard do not occupy more than 40% of the required rear yard.
(Ord. 2011-Z-1 § 14.)

3. No accessory building shall be constructed prior to construction of the principal building to which it is accessory.
4. No accessory building in the RE, RS, and RT districts shall exceed 20 feet in height.
5. No accessory building shall be located in whole or in part on or over an easement for utilities, drainage, access, or related purposes.
6. Detached accessory buildings and structures shall be located a minimum of ten (10) feet from any principal building on the lot.
7. Accessory buildings and structures attached to the principal building shall comply with all yard and other requirements applicable to the principal building.

(Ord. 2008-Z-24 § 13; Ord. 1988-Z-8 § 1; Ord. 1960-16 § IV (H).)

B **Detached and Attached Garages Accessory to One and Two Family Dwellings**

1. Private garages for one and two family dwellings shall conform to the applicable yard and setback requirements of the District as modified by Table 17.22-3, but in no event shall a garage for a one or two family dwelling be located closer to any street right of way than 15 feet.
2. If a one or two family dwelling lot abuts a paved public alley, any detached or attached private garage shall be constructed so that access is from the public alley.
3. The maximum width of any garage door opening for a one or two family dwelling shall be twenty-two (22) feet.
4. Detached private garages for one and two family dwellings shall not be set back a shorter distance to the front lot line than the principal dwelling.
5. In the RT1, RT2, RT3, RT4, and CBD-2 Districts, the width of an attached private garage for a one or two family dwelling with an overhead door facing a street shall not exceed fifty percent of the width of the dwelling including the garage, as measured along the front building line or exterior side building line that it faces. For corner lots, this restriction shall only apply along the lot line facing the primary front door entry into the building, as determined by the Building Commissioner.
   (Ord. 2012-Z-5 § 4.)
6. In the RT1, RT2, RT3, RT4, and CBD-2 Districts, attached private garages for one and two family dwellings with an overhead door facing a street shall be set back from the front lot line or exterior side lot line that it faces at least five (5) feet more than the remainder of the dwelling. For corner lots, this requirement shall apply to at least one of the building lines facing the street, and shall apply to the other building line only when the width of an overhead door or doors facing a street is less than sixty-six (66) percent of the width of the dwelling including the garage, as measured along the front or exterior building line that it faces.
   (Ord. 2012-Z-5 § 4; Ord. 2008-Z-25 § 2.)

C. **Fences and Walls**

1. Construction Requirements
   a. A fence or wall, including all posts, bases and other structural parts shall be located completely within the boundaries of the lot on which it is located. No fence shall be located closer than twelve (12) inches from a public sidewalk.
   b. All fences shall be erected so that the finished side of the fence faces outward, or away, from the lot on which the fence is erected, except that where a fence on a residential lot is within five feet of property containing a nonresidential use or that is zoned for a nonresidential use, any part of the fence that satisfies this condition may be erected so that the finished side faces inward on the residential lot.
   c. All metal fences shall be at least nine (9) gauge wire or a minimum of .148 inch diameter wire.

d. In residential districts, chain link and woven wire fences are prohibited in front yards and exterior side yards. If located in a rear yard in a residential district, chain link and woven wire fences are prohibited within twenty (20) feet of any right of way line.

e. Barbed wire, razor wire and fences of similar material are permitted only in the BC, BR, M1, M2 and PL Districts.

2. Maintenance

All fences shall be maintained in good condition at all times by the owner and/or occupant of the property. If a fence is found to be in a deteriorated condition and/or in need of repair, the Building Commissioner may order the fence to be repaired, replaced or removed depending upon the condition of the fence. Such order shall be in writing.

3. Height Requirements

All fences shall comply with the height requirements listed in Table 17.22-1 (Maximum Allowable Fence Height), except as provided in Table 17.22-2 (Fence Height Exceptions).

TABLE 17.22-1
MAXIMUM ALLOWABLE FENCE HEIGHT BY ZONING DISTRICT

Fence Location	RE, RS, RT and RM Districts	BL, BC, BR, and OR Districts	CBD-1 and CBD-2 Districts	M-1, M-2 and PL Districts
In Required Front Yard	4 feet	6 feet, 4 inches	4 feet	4 feet
In Required Rear Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Required Exterior Side Yard and Required Rear Yard of Through Lot	If yard is adjacent to a Front Yard on an adjoining lot: 4 feet (See also Table 17.22.2 Fence Height Exceptions) If yard is adjacent to an Exterior Side Yard, Rear Yard, or Rear Yard of Through Lot on an adjoining lot: 6 feet, 4 inches	6 feet, 4 inches	4 feet	4 feet
In Required Interior Side Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Buildable Area of Lot	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
Sight Triangle	All Fences are subject to the sight triangle requirements of Section 17.22.010 (G).			

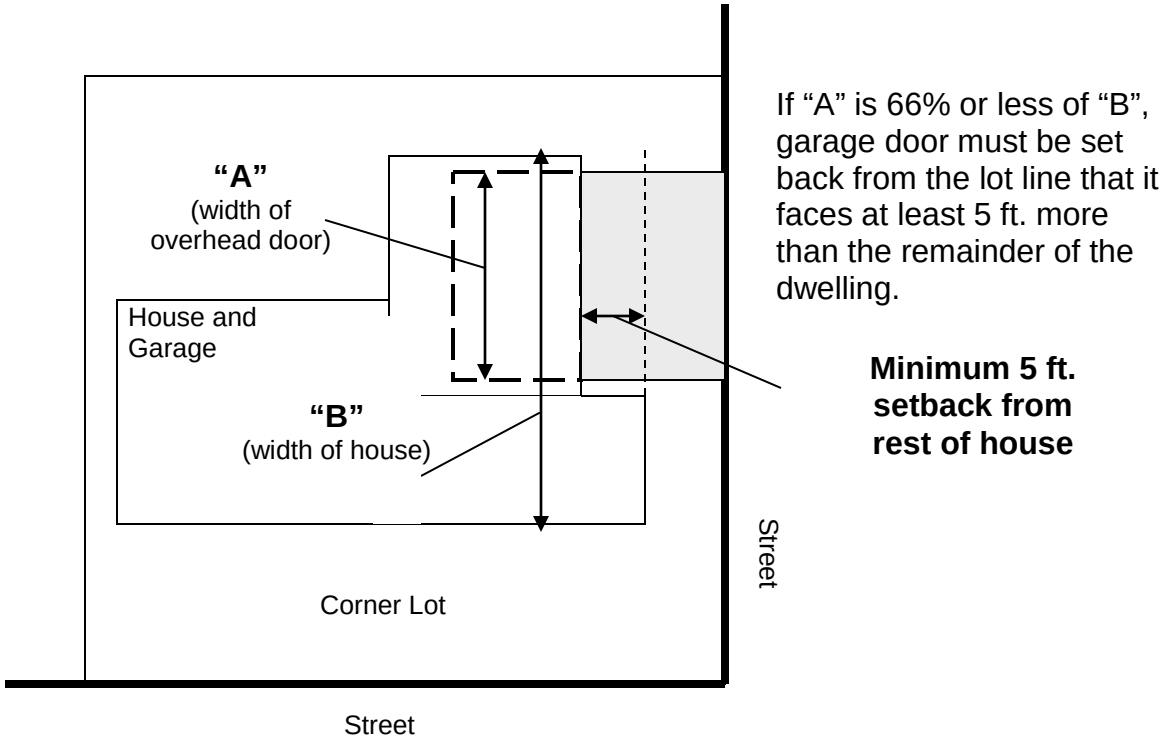
(Ord. 2013-Z-18 § 2.)

TABLE 17.22-2 FENCE HEIGHT EXCEPTIONS		
Exception	Maximum Allowable Fence Heights	Where Exception Applies
Fences within 40 feet of the right of way of major arterials.	4 feet or less (except where the provisions of this Title are more restrictive)	Any lot abutting Main Street (Illinois Route 64), Randall Road and Kirk Road
Fences in Exterior Side Yards and in the Rear Yard of Through Lots that are adjacent to a Front Yard on an adjoining lot: Where the fence is set back from the right of way line a minimum of 5 feet and the area between the fence and the right of way line is landscaped with at minimum one shrub for every 5 feet of fence length. The landscaping design may be flexible in its arrangement by grouping plant materials and providing open areas around gates or other fence openings.	6 feet 4 inches	Residential Districts
Fences on lots in residential districts abutting a nonresidential use or vacant property zoned for nonresidential use	Interior side and rear yards only: (8) feet; may be higher than 8 feet where required by topographic conditions to provide screening between a 6 ft. high person standing in the first floor of the residence and a 6 ft. high person standing in the parking area of the nonresidential use, but in no case more than ten (10) feet	Residential Districts
For tennis courts: shall be erected not less than 5 feet from a lot line and the finished side of the fence shall face outward or away from the lot on which the fence is erected	12 feet in all yards; open fences only	All Districts
Swimming Pools	In accordance with St. Charles Municipal Code requirements as set forth in Title 15	All Districts
Public or private utility facility (for security or screening purposes)	15 feet in all yards	All Districts
Public or private school, public park land, other publicly owned land, or golf course/driving range	15 feet in any yard; 25 feet for backstops located on ball fields	All Districts

(Ord. 2013-Z-18 § 3.)

EXHIBIT "A"

Figure 17.22-3: Attached Garages on Corner lots in RT district



(Ord. 2008-Z-25 § 3.)

4. Prohibitions and Limitations
   a. Fences in Detention/Retention Areas
      Fences shall not be installed less than ten (10) feet from any stormwater inlet or outlet opening; however, the City Engineer may require a greater distance in keeping with generally accepted engineering practice.
   b. Fences in Utility Easements
      Fences shall not be permitted in utility easements where such fence would interfere with the operations of a utility. Applications for a permit for a fence to be installed in or across a utility easement shall be subject to an affidavit and release by the property owner, in a form acceptable to the City, stating that he/she has read the requirements for fences located in easements and that he/she agrees to comply with them, and that he/she does for himself/herself, heirs, successors and assigns indemnify and hold harmless the City from any liability asserted by others in connection with the placement of the fence and that he/she permits the removal of any fence or any other structure or form of landscaping within the utility easement area by the City if the fence or landscaping obstructs the City utility or access thereto. The affidavit shall be recorded at the property owner's expense by the City in the Office of the County Recorder of Deeds.
      (Ord. 2004-Z-27 § 1; Ord. 2002-Z-9 § 1.)

D. **Mechanical Equipment**

See Section 17.26.120 for screening requirements applicable to exterior HVAC units, compressors, pumps, and similar mechanical equipment.

Roof-mounted equipment shall be located at least six (6) feet from any supporting wall of the building, so as to permit safe access to the roof by the Fire Department.

E. **Communication Antennas**

1. General Requirements
   a. Communication Antennas shall conform to the applicable yard and setback requirements of the zoning district except as modified by Table 17.22-3
   b. Communication Antennas shall be concealed through location on a roof or site so as to limit their visibility from public streets and adjoining property, to the extent possible without impairing the antenna's ability to receive a signal.
   c. Communication Antennas shall be permanently installed on a building, in the ground or on a foundation, not on a portable or movable structure.
   d. Communication Antennas, except for non-commercial wireless antennas (amateur radio), shall not extend more than twenty (20) feet above the height of the principal building on the lot.
   e. Cables and lines serving ground-mounted Communication Antennas shall be located underground.
   f. All exposed surfaces and supports of Communication Antennas shall be kept clean and painted. The Building Commissioner may require repair or removal of antennas that are damaged, deteriorated or no longer in use.
   g. No additional signs or advertising are allowed on Communication Antennas except for logos affixed by service providers or antenna manufacturers.
2. Small Satellite Dish Antennas
   Small Satellite Dish Antennas as defined in this Title shall comply with the General Requirements for Communication Antennas.
3. Large Satellite Dish Antennas
   Large Satellite Dish Antennas as defined in this Title shall comply with the General Requirements for Communication Antennas, in addition to the following:
   a. Large Satellite Dish Antennas shall be screened in accordance with Section 17.26.120, Screening of Large Satellite Dish Antennas.

b. There shall be not more than one (1) Large Satellite Dish Antenna per single-family, two-family, or townhouse dwelling unit. For all other uses, there shall not be more than one (1) Large Satellite Dish Antenna per building on a lot.

c. Large Satellite Dish Antennas shall not be mounted on a building containing single-family, two-family, or townhouse dwelling units.

d. Large Satellite Dish Antennas shall not exceed a dish diameter of twelve (12) feet or an overall height of twelve (12) feet.

(Ord. 2008-Z-20 § 2.)

F. **Communication Towers**

1. All setbacks shall be measured from the base of the tower to the property line or street right-of-way. If a tower is to be placed on a leased portion of a larger lot owned by someone other than the tower owner, setbacks shall be measured from the boundaries of such larger lot.
   a. In residential districts, Communication Towers shall be set back from all property lines by a minimum distance of one hundred percent (100%) of the height of the tower, plus ten (10) feet.
   b. In non-residential districts, Communications Towers must meet the setback requirements for the underlying zoning district, and shall be set back from any residential district a minimum distance of five hundred (500) feet.
2. Height shall be measured from grade level at the tower base to the highest point on the tower.
   a. In residential districts, the maximum height shall be one hundred (100) feet.
   b. In non-residential districts, the maximum height shall be one hundred fifty (150) feet.

(Ord. 2008-Z-20 § 2.)

G. **Wind Energy Turbine, Structure Mounted (WET-SM)**

1. WET-SMs shall only be permitted as accessory to an existing principal building or use.
2. WET-SMs shall be mounted onto existing principal or accessory structures.
3. Any sound generated by the WET-SM shall not be audible at the property line.
4. WET-SMs shall not exceed a height of fifteen (15) feet above the highest point of the structure it is mounted upon.

(Ord. 2011-Z-11 § 4.)

H. **Wind Energy Turbine, Tower Mounted (WET-TM)**

1. WET-TMs shall only be located on lots that are one (1) acre in area or greater.
2. There shall be no more than three (3) WET-TMs per lot.
3. Only free-standing monopole towers without guy wires shall be permitted.
4. Towers shall be set back from all property lines by a minimum distance of one hundred percent (100%) of the height of the tower, plus ten (10) feet, and shall be set back from any residential district a minimum distance of five hundred (500) feet. All setbacks shall be measured from the base of the tower to the property line or street right-of-way.
5. The total height of the WET-TM shall not exceed 120 feet. Tower height shall be measured as the vertical distance from the ground level of the base of a WET-TM to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET-TM.
6. WET-TMs shall not be artificially illuminated unless required by the FAA.
7. All exposed surfaces and supports of the WET-TM shall be kept clean and painted. The Building Commissioner may require repair or removal of towers that are damaged, deteriorated or no longer in use.
8. Sound generated by the WET-TM shall not be audible at the property line.

(Ord. 2011-Z-11 § 4.)

I. **Donation Boxes**

Donation Boxes shall be permitted in the BC and BR Zoning Districts in accordance with the following:

1. Boxes shall only be permitted on properties defined as Shopping Centers in Section 17.30.030.

2. Boxes shall not be permitted on properties in which the Shopping Center buildings are 100% vacant.
3. Written permission of the property owner must be obtained before placing the box on any property.
4. There shall be no more than three (3) boxes located in a Shopping Center.
5. Boxes shall not be located in the front or exterior side yard parking or building setback.
6. Boxes shall not be located within the required Sight Triangle in accordance with Section 17.22.010.F.
7. Boxes shall not be located within any off-street parking space.
8. Boxes shall not be placed as to obstruct pedestrian or vehicular traffic.
9. Boxes shall be located on a hard permanent surface.
10. Boxes shall be located so that they are inconspicuous from the public right-of-way, as determined by the Director of Community Development.
11. Boxes shall be limited to a maximum height of 7 feet.
12. Individual boxes shall be limited to a maximum foot print area of 25 square feet.
13. Signage lettering on the box cannot exceed 5 inches in height.
14. The name, address, email, and phone number of the box operator shall be posted on the box.
15. Pick up times for removal of the donated contents shall be posted and be visible on the front of the box.

(Ord. 2012-Z-7 § 2.)

17.22.030 Permitted Encroachments

Encroachments into required yards shall be permitted as provided in Table 17.22-3 (Permitted Encroachments), subject to the specific limitations applicable to the particular encroachment described.

TABLE 17.22-3
PERMITTED ENCROACHMENTS

P= Permitted NP= Not permitted;
Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified
No permitted encroachments are allowed in the sight triangle as described in Section 17.22.010 E

Type of Structure or Use Encroachment	Required Yards			
	Front Yards, Exterior Side Yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Accessibility Ramps	P	P	P	P
Air Conditioner Window Units	P, 18 inches	P, 18 inches	P, 18 inches	P, 18 inches
Arbors and Trellises	P	NP	P	P
Balconies	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Basketball standards and backboards	P	P	P	NP
Bay Windows no more than 1 story in height and occupying no more than 33% of the exterior length of the wall	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Canopies accessory to gas stations, drive-through restaurants, drive-through banks, etc.	P but must comply with yard requirements for parking facilities	P but must comply with yard requirements for parking facilities	P but must comply with yard requirements for parking facilities	NP
Chimneys	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Compost Piles, Firewood Storage, Refuse and Recycling Receptacles (except when temporarily placed near the street for collection)	NP	NP	P	NP
Decks	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP
Dog houses and dog runs	NP	NP	P	NP
Eaves, including gutters	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Fences	P, except per 17.22.	P	P	P
Fire Escapes (Open)	NP	P	P	P
Flag Poles	P	P	P	P

TABLE 17.22-3 PERMITTED ENCROACHMENTS P= Permitted NP= Not permitted; Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified No permitted encroachments are allowed in the sight triangle as described in Section 17.22.010 E				
Type of Structure or Use Encroachment	Required Yards			
	Front Yards, Exterior Side Yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Garages, Detached (RT Districts)	P in exterior side yard in RT-2, RT-3, & RT-4, but shall be min. 15 ft. from right of way	P, min. 3 ft. from lot line	P, min. 5 ft. from rear lot line w/o alley, min. 3 ft. from side lot line and from alley	NP
Garages, Detached (other than RT Districts)	NP	P, min. 3 ft from lot line	P, min. 5 ft from rear lot line w/o alley, min. 3 ft from side lot line and from alley	NP
Gazebos and Pergolas	NP	NP	P, min. 3 ft. from lot lines	P
Hot Tubs	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP
Landscape plantings, ornamental lighting, and benches, statues, bird baths, sculptures, and similar decorative fixtures	P	P	P	P
Laundry Drying Equipment (clotheslines and poles)	NP	P	P	NP
Marquees, Awnings and Canopies	P, maximum 30 inches	P, maximum 30 inches	P, maximum 30 inches	NP
Ground mounted mechanical equipment units, including central air conditioning, heating, ventilating, compressors, pool and filtering equipment	NP/P[1]	P, min.5 ft. from lot line	P, min. 5 ft. from lot lines	NP
Non-commercial wireless antennas (amateur radio)	NP	NP	P, min. 3 ft. from lot lines	NP
Outdoor Fireplaces	NP	NP	P, min. 3 ft. from lot lines	NP

[1] Where it is impractical to locate mechanical equipment within the interior side or rear yard of a single family or two family dwelling, the Building Commissioner may approve an alternative location in the yards indicated, provided the mechanical equipment is screened from view from adjoining property and public streets in accordance with Section 17.26.120.

TABLE 17.22-3 PERMITTED ENCROACHMENTS P= Permitted NP= Not permitted; Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified No permitted encroachments are allowed in the sight triangle as described in Section 17.22.010 E				
Type of Structure or Use Encroachment	Required Yards			
	Front Yards, Exterior Side Yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Parking lots,surface, drive-thru lanes, and access aisles	See Chapter 17.24, Off-Street Parking, Loading and Access	See Chapter 17.24, Off-Street Parking, Loading and Access	See Chapter 17.24, Off-Street Parking, Loading and Access	NP
Playground and recreational equipment and play houses accessory to residential uses, except basketball standards and backboards	NP	NP	P, min. 3 ft from lot lines	NP
Porches, Enclosed (including screened-in porches)	NP	NP	NP	NP
Porches and Stoops, Unenclosed	P, maximum 8 ft. encroachment	NP	P, maximum 8 ft. encroachment	NP
Refuse enclosure (subject to standards for Fences and Walls and per 17.26.120)	NP	P, 3 ft from lot lines	P 3 ft from lot lines	NP
Satellite Dish Antenna, Small	NP/P[1]	NP/P[1]	P	NP/P[1]
Satellite Dish Antenna, Large	NP	NP	P, 5ft from lot lines	NP
Sheds and Private Greenhouses	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP
Sidewalks, walkways and patios	P	P	P	P
Signs, subject to Chapter 17.28, Signs	P	P	P	NP
Stairways and Steps, 4ft. high or less, extending not more than 30 inches into the required yard or, if there is a front porch, 30 inches from the porch	P	P	P	P
Swimming Pools, subject to Chapter 15.36, Swimming Pools, of the St. Charles Municipal Code	NP	NP	P, subject to Chapter 15.36, of the City Code, "Swimming Pools"	NP
Tennis Courts, excluding those located on park/playground or school sites	NP	NP	P, min. 10 feet from lot lines	NP
Transformers, switchgear, and other utility installations	P	P	P	P

[1]Where a Small Satellite Dish Antenna cannot receive a clear signal within the yard and setback requirements of the zoning district or the rear yard, the dish may be located in an alternative location in the yards indicated in compliance with Section 17.22.020 Communication Antennas.

(Ord. 2008-Z-25 § 4; Ord. 2008-Z-24 § 14; Ord. 2008-Z-20 § 3; Ord. 2002-Z-24 § 1; Ord. 2002-Z-14 § 1; Ord. 2002-Z-9 § 4; Ord. 1994-Z-9 § 1; Ord. 1993-Z-15 §§ 1,2; Ord. 1988-Z-21 § 1; Ord. 1988-Z-8 § 1; Ord. 1983-Z-6 § 1; Ord. 1983-Z-3 § 1; Ord. 1979-Z-7 § 1; Ord. 1963-12 §§ 1,2,3; Ord. 1960-16 § IV (K); Ord. 1960-16 § IV(J).)

17.22.040 Site Lighting

A. **Applicability**

The provisions of this Section are applicable to all exterior lighting in the City of St. Charles installed after the effective date of this Section, except for lighting installed and maintained within a public right-of-way, lighting used in conjunction with public safety operations, and hazard or warning lights required by a governmental agency. No exterior lighting shall be installed or modified so as to violate the provisions of this Section.

B. **Light Source Visibility**

1. For all property other than one and two family dwellings and townhomes, all exterior lighting shall be designed, shielded and directed so that direct light from the lamp (point light source) is not directly visible from residential properties or public rights-of-way within a distance of 500 feet or less. This can be accomplished using luminaries which a) by their design, direct the light downward; b) have opaque shielding installed that prevents direct illumination from reaching adjacent properties or public rights of way; or c) utilize a translucent material to diffuse the light. This provision shall not apply to lighting for outdoor uses of a governmental entity such as a Park District or School District, provided all other requirements of this section are met.
2. For one and two family dwellings and townhomes, all exterior lighting sources shall be either: a) limited to 900 lumens in the case of flood or spot luminaires and 1800 lumens for all other luminaires, or b) designed, shielded and directed as required for uses other than one and two family dwellings and townhomes.

C. **Light Intensity at Property Lines**

All exterior lighting shall be designed and maintained at or below the following average foot-candles, as measured horizontally at the property line, at a distance of 3.5 feet above grade:

Location	**Light Intensity**
1. Property line abutting right-of-way:	Horizontal foot candles: 0.5
2. Property line abutting RE, RS, RT and RM Districts:	Horizontal foot candles: 0.5
3. Property line abutting all other zoning districts:	Horizontal foot candles: 2.0
4. Motor vehicle sales display lots only, property line abutting right-of-way:	Horizontal foot candles: 15.0

(Ord. 2008-Z-24 § 15.)

D. **Glare**

No exterior lighting shall be maintained on a lot so as to shine into, or upon, any other lot or any right of way with an intensity great enough to reduce a viewer's ability to see, or to cause momentary blindness.

E. **Interference with Traffic Safety**

The following are specifically prohibited:

1. Exterior lighting used in a manner that could interfere with the safe movement of motor vehicles on public streets and alleys.
2. Any light that could be confused with, or construed as, a traffic control device, unless authorized by State, Federal, City or County government.

F. **Uniformity**

The uniformity ratio of exterior lighting on a lot, as defined by the Illuminating Engineering Society of North America (IESNA), for all property other than one and two family dwellings and townhomes, shall be 4:1.

G. **Prohibited Sources**

High pressure sodium and fluorescent lamps are prohibited because their color is significantly different from the daylight spectrum.

H. **Uplighting and Architectural Lighting**

Uplighting and architectural lighting is permitted to light a building façade, walkway, driveway, landscaping, sign or primary entrance, provided that all direct illumination from uplighting shall be directed onto the building wall, walkway, driveway, landscaping, sign or entrance it is intended to illuminate, and the light intensity at the property line does not exceed the light trespass standards specified in the preceding paragraph C. Illumination to highlight architectural features may include lines of low-intensity unshielded incandescent bulbs of a single color, or neon tube type lighting, but only where such lighting is consistent with and will enhance the architectural character of the building and does not constitute part of a sign, trademark, or other advertising display.

I. **Building Mounted Luminaires**

1. Luminaires mounted on buildings that are designed to illuminate parking lots, driveways, loading areas, and similar areas and that are not encompassed within the description of "uplighting and architectural lighting" in the preceding paragraph, shall be a non-adjustable full cut-off design and shall be directed downward at an angle of no greater than 45 degrees from the vertical plane, and shall not project above the height of the building.
2. Luminaires exceeding 2000 lumens mounted on one and two family dwellings and townhomes shall be a non-adjustable full cut-off design and shall be directed downward at an angle of no greater than 45 degrees, and shall not project above the height of the building.

J. **Canopy Lighting**

Luminaires mounted on gas station, drive-through and other outdoor canopies over vehicular use areas shall be a full cut-off design and shall be directed downward at an angle of no greater than 45 degrees from the vertical plane, or shall be completely recessed into the canopy with flat lenses, or shall be shielded by other means, to block direct view of the light sources as viewed from the property line at a height of three and one half feet (3 ½') above grade.

K. **Light Pole Height**

The maximum height of light poles, as measured from finished grade at the base to the bottom of the luminaire, shall not exceed the maximum building height in the zoning district in which they are located. Lighting for an Outdoor Recreation use owned and operated by a governmental entity such as a Park District or School District shall be exempt from this height limitation, provided all other requirements of this section are met.

L. **Signs**

Sign illumination is governed by Chapter 17.28 (Signs).

M. **Blinking Lights**

Blinking, flashing, moving, revolving, flickering, changing intensity and changing color lights shall be prohibited, except for temporary holiday displays, lighting for public safety or traffic control, or lighting required by the FAA or other governmental agency for air traffic control and warning purposes.

N. **Exemptions for Historic Lighting Fixtures**

Nonconforming historic lighting fixtures which are consistent with the character of a historic structure located within a Historic District or on a designated Landmark may be exempted from the regulations of this Section 17.22.040, provided that the Historic Preservation Commission has made a finding that the fixtures are an important architectural or historic element, the removal of which would be detrimental to the historic or architectural character of the building or site.

O. **Exemptions for Private Street Lighting**

Lighting for private streets that is reviewed and approved as part of a Subdivision or PUD plan shall be exempt from the requirements of this Section.

(Ord. 2006-Z-12 § 1.)

17.22.050 Environmental Performance Standards

All uses shall comply with the performance standards established in this Section unless any Federal, State, County or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

(Ord. 1960-16 § IX (A) (5) (part).)

A. **Noise**

No activity or use shall be conducted in a manner that generates a level of sound as measured on another lot greater than that allowed by Noise Regulations of the State Pollution Control Board, as amended from time to time. The limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

(Ord. 1960-16 § IX (A) (5) (a).)

B. **Glare and Heat**

Any activity or operation of any use producing glare or heat shall be conducted so that no glare or heat from the activity or operation shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

(Ord. 1960-16 § IX (A) (5) (g).)

C. **Vibration**

No earthborne vibration from the operation of any use shall be detectable at any point off the lot on which the use is located.

(Ord. 1960-16 § IX (A) (5) (b).)

D. **Dust and Air Pollution**

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means. No persons shall cause, or allow, the emission of fugitive particulate matter across lot lines visible to an observer looking generally toward the zenith, beyond the property line. This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour. Determination of wind speed for the purposes of this rule shall be by a one (1) hour average or hourly-recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.

(Ord. 1960-16 § IX (A) (5) (c).)

Chapter 17.24

OFF-STREET PARKING, LOADING & ACCESS

Sections:

17.24.010	Off-Street Parking and Loading General Provisions
17.24.020	Computation
17.24.030	Construction of Parking and Loading Facilities
17.24.040	Collective Provisions
17.24.050	Shared Parking
17.24.060	Location of Off-Street Parking
17.24.070	Design of Off-Street Parking Facilities
17.24.080	Special Standards for CBD-1, CBD-2 and BT Overlay Districts
17.24.090	Accessible Parking
17.24.100	Drive-Through Facilities
17.24.110	Required Off-Street Parking for Manufacturing, Light & Heavy, and Warehouse/Distribution Uses
17.24.120	Commercial Vehicles
17.24.130	Recreational Vehicles
17.24.140	Required Off-Street Parking Spaces
17.24.150	Design of Off-Street Loading Spaces
17.24.160	Required Off-Street Loading Spaces

17.24.010 Off-Street Parking and Loading General Provisions

The provisions of this Chapter shall apply as follows:

A. **Existing Facilities**

Existing off-street parking and loading facilities shall not be reduced below the requirements of this Chapter with respect to the number of spaces provided or the design of such facilities. If an existing facility provides less than the required number of parking or loading spaces, no parking or loading spaces shall be removed. If an existing facility provides less than the dimensions, landscaping, or other characteristics regulated by this Chapter, no nonconforming dimension, landscaping or other characteristic regulated by this Chapter shall be further decreased. Existing off-street parking and loading facilities which do not conform to the requirements of this Title, but were lawfully existing when the parking or loading facilities were established or substantially modified, may be allowed to continue as legal nonconforming uses, subject to the limitations of the provisions of Chapter 17.08, "Nonconformities". Notwithstanding the previous sentence, if an existing parking lot is resurfaced or reconstructed, and the parking lot does not meet the current parking setback requirement, the required set back may be reduced by fifty percent (50%). If the existing parking lot is set back at a distance greater than fifty percent (50%) of the required parking lot setback of the Zoning District, the existing parking lot setback shall not be reduced further than the distance the existing parking lot is setback from the property line.

(Ord. 2013-Z-21 § 3.)

B. **Damage or Destruction**

When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that which existed

at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Chapter.

C. **Change in Use and Intensity of Use**

When the intensity of use[1] of a building, structure or lot is increased, or the use of a building, structure or lot is changed so as to increase the required number of parking or loading spaces, additional parking or loading spaces, as the case may be, shall be provided. The number of additional spaces provided shall be the incremental difference between the required number of parking or loading spaces for the new use(s) and the required number of parking or loading spaces for the previous use(s). In no event, however, shall spaces be required in excess of the number required for the new use. (This condition would occur when the number of existing parking or loading spaces exceeded the number of parking or loading spaces that were required for the previous use.)

When the intensity of use of any building, structure or parcel of land is decreased, the number of parking and loading spaces may be reduced, to the extent that the requirements of this Chapter are met for the entire building, structure or parcel of land, as modified.

D. **Provision of Additional Spaces**

Nothing in this Chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities shall be in accordance with this Chapter.

(Ord. 1991-Z-7 § 1; Ord. 1960-16.)

17.24.020 Computation

The number of required parking and loading spaces shall be based upon the principal use as listed in Table 17.24-3. For principal uses having more than one functional area, such as a manufacturing facility having associated offices, the number of required parking and loading spaces shall be based only upon the principal use. When more than one principal use occupies a building or lot, the number of required spaces shall be the sum of the separate requirements for each principal use. Additional parking spaces shall be required for an accessory use only if it is listed in Table 17.24-3.

In computing the number of off-street parking or loading spaces required by this Chapter, the following standards shall apply:

A. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the requirement for any off-street loading space or access aisle or portion thereof.

B. For the purpose of determining the number of required off-street parking or loading spaces, Gross Floor Area ("GFA" in Table 17.24-3) shall be as defined in Chapter 17.32, Definitions.

C. A fraction of less than one-half (½) may be disregarded and a fraction of one-half (½) or more shall be counted as one (1) parking or loading space.

D. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each twenty-four (24) inches of seating width shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities.

E. Except as otherwise specified, parking or loading spaces required on an employee basis shall be based on the maximum number of employees normally present on the premises at any one time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or managers, as well as contractors present on a regular basis shall be counted as employee(s).

(Ord. 1991-Z-7 § 1; Ord. 1960-16.)

[1] Intensity of use is defined as square feet of gross floor area, number of dwelling units, number of employees, or other factors used as a basis for requiring parking or loading facilities

17.24.030 Construction of Parking and Loading Facilities

A. **Permit Required**

A Building Permit is required prior to any construction, alteration or addition of any parking facility providing five (5) or more parking spaces, and for any loading facility. For purposes of this Section, construction, alteration or addition shall include all paving of previously unpaved surfaces, placement or replacement of pavement, binder and/or surface courses, construction of curbing, installation of new parking lot landscaping, and similar activities. Construction, alteration or addition shall not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, isolated pavement repairs, sealing, re-striping, or other maintenance activities. (Ord. 2013-Z-21 § 4.)

B. **Time of Completion**

The off-street parking and loading facilities required by this Chapter shall be completed prior to the issuance of the occupancy permit for the use they serve. If weather conditions do not permit such completion, the Building Commissioner may issue a temporary occupancy permit for a maximum period of eight (8) months. The off-street parking and loading facilities shall be completed prior to the expiration of the temporary occupancy permit.

(Ord. 1991-Z-7 § 1; Ord. 1960-16.)

17.24.040 Collective Provisions

Off-street parking spaces for separate uses may be provided collectively on the same lot, if the aggregate number of spaces provided is not less than the sum of the spaces required for each separate use. No parking or loading space, or portion thereof, shall serve as the required space for more than one (1) use unless the Director of Community Development has approved shared parking as provided in Section 17.24.050.

17.24.050 Shared Parking

The same off-street parking spaces may be shared between two (2) or more separate uses on the same lot, but only to the extent that the demand for such spaces by the separate uses will not occur at the same hours during the same days of the week. No shared parking shall be approved unless the Director of Community Development makes a finding that the use of shared parking spaces will not occur at the same hours during the same days of the week, based upon the type of uses and their hours of operation.

17.24.060 Location of Off-Street Parking

A. **Location in Residential Districts**

All required parking facilities accessory to uses in residential districts (RE, RS, RT and RM) shall be located on the same lot as the building or use served.

B. **Location in Nonresidential Districts**

Required parking facilities accessory to uses in the BL, BC, BR, OR, M1, M2, PL, and BT Overlay districts shall be located on the same lot as the building or use served, or on a different lot in the same zoning district within 300 feet walking distance of the use served.

Required parking facilities accessory to uses in the CBD-1 and CBD-2 districts may be located on the same lot, or on a different lot in the CBD-1 or CBD-2 district within 500 feet walking distance for nonresidential uses, and within 200 feet walking distance for residential uses.

C. Where required accessory parking facilities are provided on a separate lot, the owner of the lot containing the building or use shall demonstrate the right to maintain and use such parking by providing the appropriate documentation to the Director of Community Development in accordance with the following:

1. Change in Use and/or Intensity of Use per Section 17.24.010 – a recorded permanent easement or other recorded instrument demonstrating the right to use the required number of parking spaces on the lot containing the parking.

2. Construction of a new building or facility – a recorded permanent easement demonstrating the right to use the required number of parking spaces on the lot containing the parking.

(Ord. 2012-Z-5 § 5; Ord. 2011-Z-1 § 15.)

17.24.070 Design of Off-Street Parking Facilities

All off-street parking facilities shall comply with the following standards:

A. **Setbacks and Yard Coverage**

1. Single-family, two-family and townhouse dwellings

   Off-street parking facilities and access drives may be located in any yard, but shall not cover more than the front or exterior side yard in which it is located than is specified below:

   a. For circular driveways, up to fifty percent (50%) of the front yard, if both access points intersect with the front lot line, b) up to fifty percent (50%) of the exterior side yard, if both access points intersect with the exterior side lot line or c) up to twenty-five percent (25%) of the total area of the front and exterior side yards, if one access intersects the front lot line and the other intersects the exterior side lot line.

   b. For all other driveways, forty percent (40%), except that one driveway of at least 18 feet wide generally perpendicular to the street is permitted regardless of the percentage of the yard it occupies.

   (Ord. 2014-Z-14 § 1)

2. All uses other than single-family, two-family and townhouse dwellings

   a. Off-street parking facilities shall not be located within the front or exterior side yard applicable to parking facilities as required in the district regulations; where no specific yard requirement for parking facilities is specified in the district regulations, the requirement applicable to buildings in the district shall apply.

   b. An access drive generally perpendicular to a public street may traverse any front or exterior side yard but shall not cover more than twenty-five percent (25%) of the front or exterior side yard in which it is located, except that one driveway of at least 24 feet wide generally perpendicular to the street is permitted, regardless of the percentage of the yard it occupies.

3. Other requirements for all uses

   a. Off-street parking shall not be located in a Landscape Buffer (Section 17.26.070).

   b. Buildings, parking decks, carports and other structures containing off-street parking shall comply with the front, rear and side yard setback requirements for such structures applicable to the district in which the lot is located.

   c. When any parking lot containing five or more open off-street parking spaces abuts a lot in any RE, RS, RT or RM district, it shall be set back a minimum of five (5) feet from the lot line, and the setback area shall be landscaped in accordance with Chapter 17.26, "Landscaping and Screening".

(Ord. 2013-Z-16 § 2; Ord. 2006-Z-12 § 3; Ord. 1991-Z-7 § 1; Ord. 1960-16.)

B. **Dimensions**

Off-street parking spaces shall be at least nine (9) feet in width, except required off-street parking spaces in surface parking lots accessory to grocery stores and multiple-family dwellings shall be at least nine and one-half (9½) feet in width. Off-street parking spaces, aisles and driveways shall have a minimum vertical clearance of seven (7) feet. The minimum dimensions of off-street parking spaces, aisles and layout shall be in accordance with the following standards in Table 17.24-1 and Figure 17.24-1:

TABLE 17.24-1 DIMENSIONS OF OFF-STREET PARKING SPACES (IN FEET)					
9 FOOT SPACE:	DIAGRAM:	45°	60°	75°	90°
Stall width parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length	B	18.0	18.0	18.0	18.0
Stall line length	C	27.0	23.2	20.4	18.0
Stall depth to wall	D	19.1	20.0	19.7	18.0
Stall depth to face of curb	E	17.7	18.3	17.8	16.0
Stall depth to interlock	F	15.9	17.8	18.6	18.0
Aisle width	G	12.0	15.0	21.5	24.0*
Module, wall to interlock	H	47.0	52.8	59.8	60.0
Module, interlocking	I	43.8	50.6	58.7	60.0
Module, curb face to interlock	J	45.6	51.1	57.9	58.0
Bumper overhang	K	1.4	1.7	1.0	2.0
One-way cross aisle	L	14.0	14.0	14.0	14.0
Two-way cross aisle	M	24.0	24.0	24.0	24.0
*In the CBD-1 District, aisle width for 90° layouts may be reduced to 23 feet within a parking garage/structure where the spaces are available to the general public and/or customers.					
*In the CBD-1 District, aisle width for 90° layouts may be reduced to 22 feet within a parking garage/structure where the spaces are assigned to owners or tenants or the parking is otherwise not available to the general public.					
Parking parallel to aisle:	8-foot width, 22-foot length				

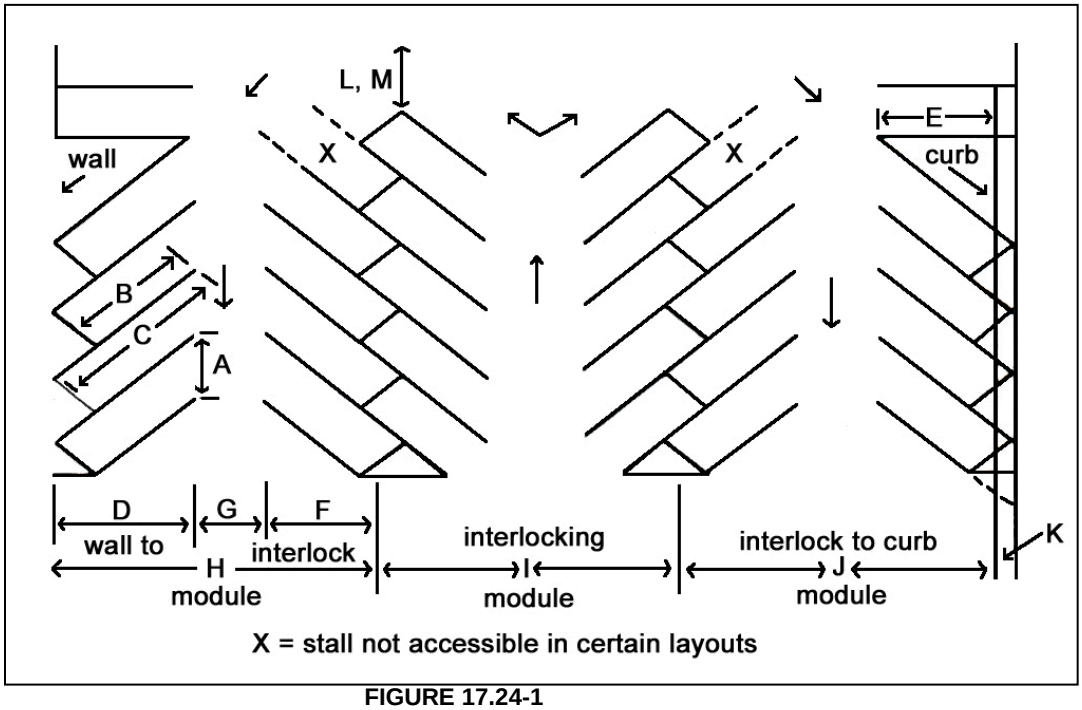


FIGURE 17.24-1

C. **Access**

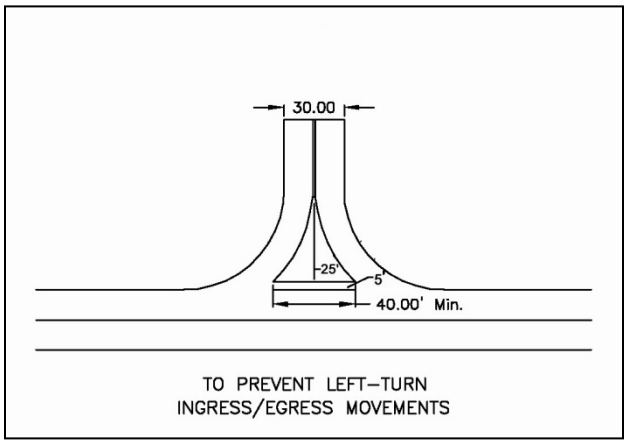
1. Adequate access shall be provided for all off-street parking spaces by means of driveways conforming to the dimensions set forth in this Title. Off-street parking lots shall not be designed so as to necessitate backing movements for ingress or egress, except for entering or exiting individual parking spaces. Vehicular ingress and egress shall be from minor streets wherever possible, rather than from arterial or collector streets.
2. One-way driveways shall be clearly marked with appropriate signs or pavement markings. If traffic conditions in the vicinity of the site warrant the restriction of turning movements or access to or from a parking facility, signs and driveway modifications necessary to accomplish said restrictions shall be provided by the property owner. The Director of Public

Works may impose such restrictions based upon applicable State and Federal requirements or, if no requirements are applicable, good engineering practice.

3. Driveway width adjoining public streets, measured parallel to the curb or edge of pavement at the property line, shall be as follows:
   a. For single and two-family dwellings, a maximum of twenty-four (24) feet in width for a single driveway, or for a lot with two driveways, a maximum of eighteen (18) feet in width per driveway. No more than two driveways shall be permitted per lot. (Ord. 2013-Z-16 § 3.)
   b. Two-way driveways shall be limited to a maximum of thirty (30) feet in width, except for high traffic generators, which shall be limited to a maximum of forty-eight (48) feet in width. High traffic generators shall be considered those land uses which typically generate over 100 trips during their peak hour, as established by the Institute of Traffic Engineers (ITE), or that generate over 750 trips in an average day.
   c. Driveways forty-eight (48) feet or more in width shall contain medians of a minimum width of four (4) feet and a minimum length of twenty-five (25) feet and shall be offset from the right-of-way five (5) feet. Driveway medians for driveways that are less than forty-eight (48) feet in width require design approval from the Director of Public Works.
   d. In the M-2 district, driveways designed to be utilized by semi-trucks to access designated loading docks may be expanded to a maximum of forty-eight (48) feet in width when adjoining non-arterial and non-collector streets, and no driveway median shall be required.

   (Ord. 2009-Z-20 § 2.)
4. Driveways that are designed to prohibit left turns in and out shall have a channelizing island, as shown in Figure 17.24-2 (Channelizing Island), with the exception of driveways entering streets with barrier medians. Limited turn driveways are subject to the following requirements:
   a. Channelizing island width, measured parallel to the street: Forty (40) feet minimum
   b. Channelizing island length: Twenty-five (25) feet
   c. Channelizing island offset from right of way: Five (5) feet
   d. Driveway width: Maximum Thirty (30) feet

Figure 17.24-2: Channelizing Island



5. Newly established or expanded driveways shall be located outside of any public street intersection sight distance triangle, as determined by the standards of the American Association of State Highway and Transportation Officials (AASHTO), to the extent

practical as to allow access to a lot, subject to a determination by the Director of Public Works that the proposed driveway design follows good engineering practice and will not impede public safety.
(2009-Z-20 § 3.)

D. **Slope**
No area of any parking facility shall have a slope of more than five percent (5%). In general, no access ramp shall have a slope of more than eight percent (8%).

E. **Curbing and Bumper Stops**
Bumper stops, wheel stops or curbing shall be provided to prevent vehicles from damaging or encroaching upon any sidewalk, landscaped area or parking lot island, fence, wall or building. Curbing or other methods shall be in provided to protect landscaping in accordance with Chapter 17.26.

F. **Striping**
Parking spaces shall be delineated with paint or other permanent materials, which shall be maintained in clearly visible condition.
(Ord. 2008-Z-24 § 16.)

G. **Surfacing**
All parking facilities, loading facilities, Outdoor Motor Vehicle Display, and outdoor storage of commercial vehicles, recreational vehicles, trailers and intermodal containers shall be graded and paved with bituminous concrete, portland cement concrete, concrete pavers, brick pavers, or pervious pavement material. All pavement for parking areas shall conform to the following, or have an equivalent structural number:

1. Parking spaces and Outdoor Motor Vehicle Display spaces:
   - 1 ½ inches Class I bituminous surface course
   - 1 ½ inches Class I binder Course
   - 8 inches Class I base course (compacted CA-6 or approved equal)
     or
   - 6 inch Portland cement concrete
   - 4 inches compacted CA-6 or approved equal
2. Minor access drives (i.e., parking access aisles):
   - 1 ½ inches Class I bituminous surface course
   - 1 ½ inches Class I binder course
   - 10 inches Class I base course (compacted CA-6 or approved equal)
     or
   - 6 inch Portland cement concrete
   - 4 inches compacted CA-6 or approved equal
3. Main access drives, truck access drives and loading areas:
   - 1 ½ inches Class I bituminous surface course
   - 2 ½ inches Class I binder course
   - 10 inches Class I base course (compacted CA-6 or approved equal)
     or
   - 9 inch Portland cement concrete
   - 4 inches compacted CA-6 or approved equal

(Ord. 1999-Z-21 § 1.)

H. **Drainage**
Open off-street parking facilities shall comply with the drainage requirements of Title 18 of the St. Charles Municipal Code, as amended.

I. **Visibility**

Parking facilities, sidewalks and landscaping shall be located so that visibility at interior and street intersections is not inhibited. Landscaping and other obstructions at such intersections shall comply with the sight triangle requirements of Chapter 17.22.

J. **Lighting**

Lighting shall be provided for parking lots with five or more parking spaces in accordance with Chapter 17.22.

K. **Landscaping and Screening**

All parking lots shall be landscaped in accordance with Chapter 17.26, Landscaping and Screening.

(Ord. 2002-Z-2 § 1; Ord. 1998-Z-15 § 1; Ord. 1993-Z-5 § 1; Ord. 1991-Z-7 § 1.)

17.24.080 Special Standards for CBD-1, CBD-2 and BT Overlay Districts

A. **Parking Exemption in CBD-1 and CBD-2 Districts:**

All uses allowed in the CBD-1 and CBD-2 Districts, except for Public Service Facilities, Motor Vehicle Rental, and Drive-through Facilities shall be exempt from the requirement to provide off-street parking spaces, but only when all of the following conditions are satisfied:

1. The lot is located within a Special Service Area, the purpose of which is to provide and maintain downtown off-street parking (including but not limited to SSA 1-A), and within a Special Service Area, the purpose of which is downtown revitalization (including but not limited to SSA-1B).
2. Any non-residential use is located within five hundred (500) feet walking distance of a parking lot or structure having spaces available for use by the general public during the business hours of the use served. Any residential use is located within two hundred (200) feet walking distance of a parking lot or structure having spaces available for overnight parking.
3. Existing off-street parking spaces on the lot shall not be eliminated unless a) the same number of private, off-street spaces are constructed elsewhere by the property owner, within the distance specified in 17.24.080 (A)(2) or b) the City Council determines that, based upon a parking study approved by the City Engineer, adequate public parking is available within the required distance to serve the use.

If any of the preceding conditions cannot be satisfied, off-street parking spaces shall be required for the proposed uses in accordance with Section 17.24.130 (Off-street Parking Requirements).

B. **Credit for on-street parking spaces in CBD-1 and CBD-2 Districts**

Within the CBD-1and CBD-2 Districts, on-street parking spaces located within three hundred (300) feet of the use may be credited to meet up to twenty-five percent (25%) of the requirement for off-street parking for non-residential uses.

C. **Additional requirements for off-street parking facilities in the BT Overlay District**

1. Parking spaces shall be provided to satisfy the minimum requirements for both residential and non-residential uses.
2. Parking spaces for non-residential uses shall not be located within the front yard or exterior side yard.
3. Parking lots shall not be illuminated later than 10:00 p.m.
4. Vehicular ingress-egress shall be from minor streets wherever possible, rather than from main thoroughfares.
5. The number of curb cuts shall be limited to the existing number of curb cuts on the lot. Additional curb cuts shall not be permitted for residential conversions of existing buildings into non-residential uses.

(Ord. 2011-Z-1 § 16.)

17.24.090 Accessible Parking

A. **Required Spaces**

Parking spaces and accessible routes for handicapped persons shall be provided in accordance with applicable State and Federal regulations and laws. The number of accessible parking spaces shall be included in the total number of required parking spaces.

B. **Dimensions and Design**

Accessible spaces shall comply with the design standards of the Illinois Accessibility Code, provided that in no instance shall the width of any one (1) accessible space be less than sixteen (16) feet. Such spaces shall be identified by a sign and pavement markings indicating handicapped parking only. Accessible parking spaces shall be closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

17.24.100 Drive-Through Facilities

A. **Design**

Drive-Through Facilities and Car Wash establishments shall be designed so that:

1. The minimum dimension of stacking spaces shall be nine (9) feet in width and twenty (20) feet in length.
2. Stacking spaces shall be placed in a single line up to the point of service.
3. Stacking spaces shall be located so that, when in use, they do not obstruct ingress/egress to the site, they do not obstruct access to required parking or loading spaces, and do not otherwise interfere with vehicle circulation on the site.
4. Vehicle stacking and equipment associated with the Drive-Through or Car Wash shall be concealed from view from public streets and surrounding property to the greatest extent possible by their orientation, design or by screening. This will often involve orienting the Drive-Through or Car Wash to the side or rear of the building, away from the public street.
5. On a lot in the CBD-1 District, if a Drive-Through Facility adjoins a public street, the building shall be designed to extend over the Drive-Through lanes with windows located on this building extension facing the street, in order to maintain the street wall. In the CBD-1 District, establishments shall be limited to two (2) Drive-Through lanes.

B. **Number of Required Spaces**

1. The number of required stacking spaces shall be in accordance with Table 17.24-3 (Required Off-Street Parking).
2. For a Car Wash, stacking spaces shall begin behind the last vehicle being washed. For all other drive-through uses, stacking spaces shall include the vehicle stopped at a last point of service, such as a window.

C. **Reduction of Required Spaces**

The number of required stacking spaces may be reduced by the City Council, after receiving a recommendation from the Plan Commission, if the petitioner presents a study with quantifiable evidence based on comparable facilities that demonstrates that the number of stacking spaces may be reduced without affecting the ability of the proposed facility to meet the applicable requirements. The approval of a reduced number of stacking spaces shall apply only to the specific business for which the study was conducted.

D. **Maintenance**

The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

17.24.110 Required Off-Street Parking for Manufacturing, Light & Heavy, and Warehouse/Distribution Uses

A. **Required Spaces.** One (1) space per one thousand (1,000 sq. ft.) square feet of GFA; except for buildings in the M-1 district of five-thousand (5,000) square feet or less of GFA, the requirement may be administratively reduced to two-thirds (0.66) spaces per one-thousand (1,000) square feet GFA.

B. **Reduction of Required Spaces for Buildings over 5,000 square feet GFA in the M-1 District.**

1. Required off-street parking spaces for Manufacturing, Light & Heavy, and Warehouse/Distribution uses located within buildings over five-thousand (5,000) square feet of GFA in the M-1 district may be reduced by up to thirty-three percent (33%) by the City Council, after receiving a recommendation from the Plan Commission, if the petitioner presents a study with quantifiable evidence based on comparable facilities that demonstrates:
    a. The number of parking spaces may be reduced without affecting the ability to adequately accommodate vehicles for employees, business-owned vehicles, vehicles for visitors, and all other vehicles necessary for the business, and provide adequate spaces during an overlap of employee shifts.
    b. The reduction in parking shall not cause a shortage of parking for other uses or businesses located in the area.
2. The approval of a reduced number of parking spaces shall apply only to the specific business for which the study was conducted. Should the business change the intensity of the use, expand the facility, or leave the premises, the reduction granted by this provision shall no longer be valid.

C. **Land Banking of Required Spaces in the M-2 District.**

1. Required off-street parking spaces for Manufacturing, Light & Heavy, and Warehouse/Distribution uses in the M-2 district may be land banked for future construction, for up to twenty-five percent (25%) of the requirement, upon approval by the City Council, after receiving a recommendation from the Plan Commission, if the petitioner presents a study with quantifiable evidence based on comparable facilities that demonstrates:
    a. The number of parking spaces may be reduced without affecting the ability to adequately accommodate vehicles for employees, business-owned vehicles, vehicles for visitors, and all other vehicles necessary for the business, and provide adequate spaces during an overlap of employee shifts.
    b. Land banked parking shall not cause a shortage of parking for other uses located in the area.
2. The petitioner shall submit a Land Bank Parking Plan to include the following:
    a. Depiction of the full number of parking spaces required for Manufacturing, Light & Heavy, and Warehouse/Distribution uses.
    b. A detailed floor plan depicting the layout of all proposed and future manufacturing/warehouse areas.
    c. Depiction of the interim use of the land banked area.
    d. Acknowledgement that the land banked parking area shall satisfy all applicable sections of the City Code.
    e. Acknowledgement that the associated stormwater management systems are designed and constructed to accommodate all land banked spaces.
3. Termination of the Land Bank. The approval of land banked parking spaces shall apply only to the specific business for which the study was conducted. The Director of Community Development or Building and Code Enforcement Division Manager shall have the right to require a property owner or business owner to construct land banked parking facilities if the intensity of use increases, if a new business occupies the building, or if a shortage of parking is identified on the property. The Director of Community Development or the Building and Code Enforcement Division Manager shall notify the property owner or operator of the business, in writing, that the land banked parking facilities shall be constructed within one hundred eighty (180) days from the date of said notice.

(Ord. 2008-Z-36 § 2.)

17.24.120 Commercial Vehicles

A. **Commercial Vehicle Parking Restricted in Residential Districts**

The parking and storage of semi-trailers, semi-tractors, farm machinery, tractors and intermodal containers and any vehicle that exceeds eight thousand one (8001) pounds in gross vehicle weight on a lot in an RE, RS, RT, or RM District shall be permitted only within a completely enclosed structure, except as provided by Federal law and regulations.

1. Commercial vehicles other than semi-trailers, semi-tractors, farm machinery, tractors and intermodal containers and any vehicle of eight thousand (8000) pounds or less in gross vehicle weight may be parked on a lot in an RE, RS, RT, or RM District, provided they are limited to only one such vehicle at any one time.
2. Commercial vehicles providing service, and portable pallet or roller type storage containers, may be parked on a lot in an RE, RS RT or RM District, but only for the period of time required to provide the service or to load and unload the container. In no event shall a portable storage container be present on a lot in an RE, RS, RT or RM District for more than fifteen (15) days.

B. **Commercial, Office/Research and Industrial Districts**

1. On property within the BL, BC, BR, CBD-1, CBD-2, and OR districts, semi-trailers and intermodal containers shall only be parked or stored in an approved loading area, and shall not be parked or stored outdoors without a wheel assembly attached.
2. On property within the M-1, M-2 and PL districts, semi-trailers and intermodal containers may be parked or stored on any paved area that will not interfere with vehicular circulation or emergency access, but if not located within an approved loading area they shall be completely screened from view from public streets and residential districts.
3. Trailers used for temporary storage during construction may be stored continuously until 30 days after issuance of an occupancy permit for the construction.

(Ord. 2008-Z-36 § 3; Ord. 2005-Z-3 § 1; Ord. 2000-Z-26 § 1; Ord. 1999-Z-25 § 1; Ord. 1991-Z-7 § 1; Ord. 1960-16.)

17.24.130 Recreational Vehicles

A. No recreational vehicle shall be parked on private property in such a manner as to impair the safety of pedestrians or vehicular traffic, for example, by obstructing visibility in such a manner that could impair the safe entrance and exit of any vehicle from and upon adjacent properties, or the safety of pedestrians in the public right of way or on private property.

B. Not more than one recreational vehicle may be parked or stored outdoors on a lot in an RE, RS, or RT district. Between October 15 and April 15, a recreational vehicle parked or stored out of doors on a lot in an RE, RS, or RT district shall not be located within the required front yard or required exterior side yard, except for a period not to exceed forty-eight (48) hours within any one week period for loading and unloading.

C. All parking and storing of recreational vehicles shall be on a hard surface such as portland cement concrete, bituminous concrete, or concrete or clay pavers; parking on gravel or crushed stone shall not be considered a hard surface.

D. No recreational vehicle shall be used for living, sleeping or housekeeping purposes in any zoning district, except in an RE, RS, RT or RM residential district a recreational vehicle may be so used for a period not to exceed (7) seven consecutive days and no more than three (3) times per calendar year.

(Ord. 2008-Z-36 § 3; Ord. 2005-Z-3 § 1; Ord. 2000-Z-26 § 1; Ord. 1999-Z-7 § 1; Ord. 1960-16.)

17.24.140 Required Off-Street Parking Spaces

The minimum number of required off-street parking spaces shall be as provided in Table 17.24-3. Where there is more than one use of a building or lot, the required parking spaces for the various uses shall be computed separately, and added together to determine the total parking required.

TABLE 17.24-3 REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
RESIDENTIAL USES	
Artist Live/Work Space	1 per du
Assisted Living Facility	0.25 parking spaces per unit
Bed & Breakfast Establishment	1 space + 1 per guestroom
Dwelling Unit, Auxiliary, Attached or Detached	1 per du
Dwelling, Multi-Family	Studio, efficiency & one-bedroom units: 1.2 per du Two-bedroom units: 1.7 per du Three- or more bedroom units: 2 per du In CBD-1 & CBD-2, 1 per du
Dwelling, Single-Family	2 per du, except in CBD-1 & CBD-2 1 per du
Dwelling, Two-Family	2 per du, except in CBD-1 & CBD-2 1 per du
Dwelling, Townhouse	2 per du, except in CBD-1 & CBD-2 1 per du
Group Home, Large and Small	2 spaces, plus 1 space for each three residents in excess of 6.
Independent Living Facility	0.5 parking spaces per dwelling unit
CULTURAL, RECREATIONAL AND ENTERTAINMENT USES	
Art Gallery/Studio	1 per 1,000sf of GFA + 1 per every artist occupying the site on a full-time basis
Bowling Alley	4 per lane
Lodge or Private Club	3 per 1,000sf of GFA
Cultural Facility	3 per 1,000sf of GFA
Driving Range	2 per tee
Fairground	As determined by the City Council based upon the requirements for the most similar uses contained herein
Golf Course	50 parking spaces for each 9 holes + 1 per 2 employees
Health/Fitness Club	5 per 1,000sf of GFA
Indoor Amusement & Indoor Recreation (unless otherwise specified)	4 per 1,000sf of GFA
Indoor Paintball Marking Facility	1 per player based on maximum occupancy + 1 per employee on the shift Parking spaces for spectators, if spectator space is provided, shall be determined by City Council
Outdoor Amusement	4 per 1,000sf of GFA
Outdoor Recreation	4 per 1,000sf of GFA
Park, Neighborhood	None (except as may be required for other uses on the lot)
Theater	1 per 4 seats
GOVERNMENT AND INSTITUTIONAL USES	
College/University	1 per student, based on rated design capacity
Convent/Monastery	1 per 1,000sf of GFA
Homeless Shelter	1 per staff member
Hospital	1 per 2 beds + 2 spaces for every 3 employees
Library	2.5 per 1,000sf of GFA
Nursing Home	0.25 per bed
Office, Government	4 per 1,000sf of GFA
Place of Worship	1 per 3 seats based on the maximum capacity in the main place of worship
Post Office	3 per 1,000sf of GFA
Public Service Facility	As determined by the City Council based upon the requirements for the most similar uses contained herein In the CBD-1 & CBD-2 Districts, at least 1 per 2 employees + an adequate number of spaces to serve the visiting public, as determined by the City

TABLE 17.24-3 REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
	Council.
School, Private Boarding	1 per faculty & staff + 1 per 4 students, based on rated design capacity
School, Specialized Instructional	1 per 2 faculty & staff members + 1 per student, based on rated design capacity
School, Primary (Elementary and Junior High)	1.5 per classroom
School, Secondary (High School)	1 per 4 students, based on rated design capacity
RETAIL AND SERVICE USES	
Adult Use	6 per 1,000sf of GFA
Bank	4 per 1,000sf of GFA + 5 stacking per drive-in lane & ATM lane when there are 3 or less such lanes, or 4 stacking spaces per drive-in lane & ATM lane when there are 4 or more such lanes
Carpet Store	3 per 1000 sf of GFA
Car Wash, Automatic	2 per bay + 10 stacking spaces per bay
Car Wash, Manual/Hand Wash	1 per 2 bays + 2 stacking spaces per bay Where employees operate the vehicle in and out of the bay, and wash the vehicle in the bay, (hand-wash), no stacking is required, but the number of required parking spaces shall be increased by 1 per bay
Coffee or Tea Room	5 per 1,000sf of GFA
Day Care Center	3.5 per 1000 sf of GFA
Drive-Through Facility, except as specifically listed elsewhere	5 stacking spaces per drive-in service lane
Electronics Superstore	3 per 1000 sf of GFA
Financial Institution	4 per 1,000sf of GFA
Furniture Store	3 per 1000 sf of GFA
Gas Station (with or without retail sales of goods other than motor vehicle fuels)	1 per service bay + 4 per 1,000sf of GFA, provided that the number of required spaces may be reduced by the number of fuel pumps that can be accessed at any one time
Greenhouse/Plant Nursery	1 per 1,000sf of GFA + 3 per 1,000sf of outdoor sales area
Heavy Retail and Service	3 per 1,000sf of GFA + 3 per 1,000sf of outdoor sales area
Home Improvement Center	3 per 1,000sf of GFA + 4 per 1,000sf of outdoor sales area
Hotel/Motel	1 per room In CBD-1 & CBD-2, 1 per 4 lodging rooms
Kennel	1 per 1,000sf of GFA
Laundromat	2 per 1,000sf of GFA
Live Entertainment	10 per 1,000sf of GFA
Motor Vehicle Rental	3 per 1,000sf of GFA
Motor Vehicle Sales and Leasing	3 per 1,000sf of GFA (no required parking spaces shall be used for the display or storage of vehicles for sale or lease)
Motor Vehicle Service and Repair, Major or Minor	2 per service bay + 2 per 1,000sf of GFA
Outdoor Sales Area, Permanent	2 per 1,000sf of outdoor sales area
Pawn Shop	4 per 1,000sf of GFA
Personal Services Establishment	3 per 1,000sf of GFA
Restaurant	10 per 1,000sf of GFA + 15 stacking spaces per drive-thru lane
Restaurant, Carry-Out Only	4 per 1,000sf of GFA + 15 stacking spaces per drive-thru lane
Retail Sales	4 per 1,000sf of GFA
Shopping Center	4 per 1000sf of GFA, except that additional parking shall be provided for specific uses requiring more than 4 per 1000sf of GFA (for example, floor area within a shopping center occupied by a restaurant is required to provide 10 per 1000sf of GFA in lieu of 4 per 1000 of GFA.)

TABLE 17.24-3 REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
Tattoo Parlor	4 per 1,000sf of GFA
Tavern/Bar	10 per 1,000sf of GFA
INDUSTRIAL AND OFFICE USES	
Junkyard	0.5 per employee + 1 per 5,000sf of GFA
Manufacturing, Light & Heavy	See Section 17.24.110
Medical/Dental Clinics	4 per 1,000sf of GFA
Mini-Warehouse	1 per 10 storage units
Office, Business or Professional (except Medical/Dental)	3 per 1,000sf of GFA
Professional Training Center	Administrative Facilities of 70,000sf or less: 3 per 1,000sf of GFA Administrative Facilities of 70,000sf or more: 2.5 per 1,000sf of GFA Classroom Facilities of 500,000sf or less: 0.7 per 1,000sf of GFA Classroom Facilities of 500,000sf or more: 0.55 per 1,000sf of GFA
Research and Development Use	4 per 1,000sf of GFA
Veterinary Office/Animal Hospital	4 per 1,000sf of GFA
Warehouse/Distribution	See Section 17.24.110
OTHER	
Other Uses Not Specifically Listed	As determined by the City Council upon the recommendation of the Plan Commission

(Ord. 2011-Z-1 § 17; Ord. 2008-Z-36 § 5; Ord. 2008-Z-36 § 3; Ord. 2008-Z-24 § 17; Ord. 2004-Z-25 § 2; Ord. 2004-Z-16 § 1; Ord. 2004-Z-12 § 4; Ord. 2003-Z-1 § 1; Ord. 2001-Z-10 § 1; Ord. 1998-Z-7 § 1; Ord. 1993-Z-19 § 7; Ord. 1993-Z-19 § 6; Ord. 1993-Z-14 § 1; Ord. 1991-Z-7 § 1; Ord. 1960-16.)

17.24.150 Design of Off-Street Loading Spaces

A. **Location**

1. All off-street loading spaces shall be located on the same lot as the building or use served and shall not project into a street or alley.
2. Off-street loading spaces shall not be located within a required front or exterior side yard.
3. All off-street loading spaces shall be located a minimum of fifty (50) feet from the lot line of any lot in a residential zoning district.
4. No permitted or required loading space shall be located within twenty five (25) feet of the nearest point of intersection of any two (2) streets.

B. **Dimensions**

All required off-street loading spaces shall be at least ten (10) feet in width and at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least fourteen (14) feet.

C. **Surfacing**

Open off-street loading spaces shall be graded and paved with bituminous concrete, portland cement concrete, concrete pavers, brick pavers, or pervious pavement material.

D. **Access Control and Signage**

Each required off-street loading space shall be designed with adequate means of vehicular access to a street or alley in a manner that will provide for all truck maneuvering on private property and truck maneuvering shall not be allowed on any public street or alley. Location of off-street loading shall minimize interference with traffic movement, as determined by the City Engineer, based upon good engineering practice.

One-way driveways shall be clearly marked with appropriate entrance and exit signs or pavement marking. If traffic in the vicinity of the site warrants the restriction of turning movements or access to or from a loading facility, as determined by the City Engineer, the property owner shall provide the signs and driveway modifications necessary to accomplish said restrictions.

E. **Pedestrian Visibility**
Notwithstanding any provision hereof to the contrary, loading facilities, driveways and drive approaches shall be constructed and maintained so that a pedestrian within ten (10) feet of the driveway is visible to the driver of a vehicle using the driveway.

F. **Drainage**
Open off-street loading facilities shall comply with the requirements of Chapter 18 of the St. Charles Municipal Code, as amended.

G. **Lighting**
Lighting installed for the purpose of illuminating off-street loading facilities shall be in accordance with Section 17.22 (Site Lighting).
(Ord. 2008-Z-24 § 18.)

H. **Landscaping and Screening**
All loading facilities shall be screened in accordance with Chapter 17.26, Landscaping and Screening.

(Ord. 2008-Z-36 § 3; Ord. 1993-Z-6 § 1,2; Ord. 1993-Z-5 § 2; Ord. 1991-Z-7 § 1; Ord. 1960-16.)

17.24.160 Required Off-Street Loading Spaces

In all zoning districts where a building, structure or use requires receipt and distribution of materials or merchandise by trucks or other vehicles larger than eighteen (18) feet in length, off-street loading facilities shall be provided, based on demand as determined by the Director of Community Development, based on similar facilities and the particular needs of the proposed occupant.
(Ord. 2008-Z-36 § 3; Ord. 1993-Z-19 § 7; Ord. 1991-Z-7 § 1; Ord. 1960-16.)

Chapter 17.26

LANDSCAPING AND SCREENING

Sections:

17.26.010	Purpose
17.26.020	Landscape Plan Improvements
17.26.030	General Design Principles and Standards
17.26.040	Selection and Installation of Plant Materials
17.26.050	Completion and Maintenance
17.26.060	General Landscaping Requirement
17.26.070	Landscape Buffers
17.26.080	Building Foundation Landscaping
17.26.090	Parking Lot Landscaping
17.26.100	Sign Landscaping
17.26.110	Retaining Walls
17.26.120	Additional Screening Requirements

17.26.010 Purpose

Landscaping contributes to the health, safety and welfare of the City by enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing habitat for wildlife, conserving energy, and providing shade and windbreaks. Specifically, these regulations are intended to minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, visual pollution and other objectionable impacts on public and private property.

The use of native vegetation in managed landscapes, which is encouraged by this Chapter, may provide additional ecologic, economic, and aesthetic benefits. It provides wildlife habitat, reduces emissions from lawn mowing, reduces the use of chemical pesticides, herbicides, and fertilizers, provides enhanced erosion control and stormwater infiltration, and improves water quality.

17.26.020 Landscape Plan Improvements

A. Landscape Plan and Landscape Improvements Required

1. A landscape plan containing the information specified in Appendix A (Submittal Items) and depicting the landscape improvements required by this Chapter ("Landscape Plan") shall be prepared and approved in accordance with the provisions of this Chapter. The improvements depicted on the approved Landscape Plan shall be installed and maintained in accordance with the provisions of this Chapter.
2. A Landscape Plan shall be required as part of Design Review (Section 17.04.230) and for PUD Preliminary Plans and PUD Final Plans. If a Landscape Plan submitted at the time of building permit for a lot within a Planned Unit Development does not substantially conform to the approved Landscape Plans, it shall be submitted to the City Council as a change to the PUD Preliminary Plan, and shall be reviewed as provided in Section 17.04.430 (Ord. 2011-Z-1 § 18.)
3. No Landscape Plan shall be required in connection with construction of or any improvements to a detached single family or two family dwelling or lot. A landscape plan shall be required, however, for any common areas, including those within single-family subdivisions.

B. The Director of Community Development shall consult with a landscape architect registered in Illinois, or a horticultural expert, in the review and implementation of Landscape Plans.

C. For existing developments that lack the landscaping required by this Chapter, a Landscape Plan

showing the required landscape improvements for all areas of the site to be disturbed by the proposed construction shall be required when one or more of the following conditions applies:

1. When any new principal building is constructed on the site.
2. When any addition to a principal building is constructed that increases its gross floor area by twenty percent (20%) or more.

D. Resurfacing/Reconstruction of Existing Parking Facilities

1. When an existing parking facility or Drive-Through Facility is resurfaced or reconstructed such that: the amount of pavement to be resurfaced exceeds 50% of the parking facility, the pavement is located within a required parking setback and/or within ten feet (10') of the required parking setback line, the resurfaced/reconstructed parking facility shall at a minimum conform to the following:
   a. The setback of the parking facility shall conform to the standards established in Section 17.24.010.A Existing Facilities.
   b. The required setback area shall be landscaped in accordance with the standards established in Section 17.26.090.A Public Street Frontage Landscaping and Section 17.26.090.B Screening of Parking Lots, Motor Vehicle Displays, and Drive-Through Facilities.
   c. No existing landscaping shall be eliminated, unless it exceeds the minimum requirements of this chapter. "

E. Field Adjustments to Landscape Plans

Minor changes in planting locations that do not reduce the quantity of plant material may be approved by the Director of Community Development without amending the approved Landscape Plan. Reductions in the size of plant materials and changes to the species shown in the approved Landscape Plan shall not be permitted without submitting a revised Landscape Plan for review as a major, minor, or administrative change in the case of a Planned Unit Development, or by the Director of Community Development in the case of other property.

(Ord. 2013-Z-21 § 5.)

17.26.030 GENERAL DESIGN PRINCIPLES AND STANDARDS

The Landscape Plan shall address the following criteria:

A. Sensitivity to the Site

Landscape improvements shall be designed to integrate the building and other improvements with the site and its surroundings, with sensitivity to natural topography, watercourses, and existing vegetation. Existing landscape material and topography shall be taken into account and preserved where feasible, particularly where mature trees are part of the site. (See also St. Charles Municipal Code, Chapter 8.30 regarding tree preservation requirements.)

B. Scale and Arrangement of Landscaping Material

The scale and arrangement of landscaping materials and the size of planting beds shall be appropriate to the size of existing and proposed structures and site improvements. For example, larger-scale buildings shall generally be complemented by plantings that are larger-scale at both the time of installation and at maturity. Whenever possible, plantings shall be arranged in groupings and masses to provide a more natural appearance.

C. Existing Trees and Other Vegetation

Subject to the approval of the Director of Community Development, existing trees and other vegetation may be utilized in lieu of installing new plant material to satisfy the requirements of this Chapter. The Landscape Plan shall accurately show the existing trees and other vegetation to be so utilized, and shall include the types and quantities of plantings that will be installed if the existing plant material dies.

D. Storm Water Management

Natural drainage patterns and features such as swales, filter strips, wetlands and rain gardens shall be integrated into the landscape design, and shall be preserved or restored if existing. To the greatest extent possible, stormwater detention and retention basins and associated landscaping shall

be designed to resemble natural landforms. Grading of stormwater basins shall be designed so as to accommodate the proposed plantings. The Landscape Plan shall be coordinated with the stormwater management plan to slow storm water runoff, increase infiltration on the site, and filter suspended solids and contaminants. Landscaping is required around the perimeter of all retention and detention basins, and a planting scheme using native grasses and forbs to discourage waterfowl in developed areas is encouraged.

E. Softening of Walls and Fences

Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail. Conversely, where walls, fences, and other barriers are designed with articulation and/or architectural detail, there is less need for softening with landscaping.

F. Irrigation

Landscape designs shall be cognizant of the need for water conservation and irrigation, depending on the site environment and type of plant material selected. Where no permanent source of water for irrigation is available, the landscape design shall not rely on irrigation to maintain healthy plantings.

G. Energy Conservation

Plant material placement shall be designed to reduce the energy consumption needs of the development.

1. Locate sun tolerant trees and plants on the south and west sides of buildings to provide shade from the summer sun.
2. Locate shade tolerant trees and plants on the north and west sides of buildings to dissipate the effect of winter winds.

H. Berming

Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, where berms and existing topographic features can be combined with plant material to provide effective screening. Berms shall be no steeper than a 4:1 proportion on average and shall have a rounded top surface a minimum of five (5) feet in width to accommodate plantings. Berming more than one foot in height is prohibited over utility easements when located parallel to, or approximately parallel to, the easement. Berming located perpendicular to utility easements is permitted.

I. Landscape Protection

Landscaping in proximity to vehicular areas shall be protected by curbs, wheel stops, decorative bollards, retaining walls, or other methods integrated into the site improvements or Landscape Plan.

J. Clear Zones

1. Notwithstanding any provision hereof to the contrary, landscaping around fire hydrants shall be installed and maintained in accordance with the provisions of Section 16.44.070 M of the St. Charles Municipal Code, as amended.
2. A clear zone of three (3) feet shall be maintained in all directions from a pad-mounted electrical transformer; a ten (10) foot clear zone shall also be maintained in front of transformer access doors to allow for operation and maintenance activities, in accordance with the guidelines established by the St. Charles Electric Utility. Plantings within this zone shall be limited to non-woody plants or turf grass.

K. Parking Lot Landscape Islands

Landscape islands shall be a minimum of eight (8’) feet in width and a minimum of 160 square feet in area, their surface shall be at least six (6”) inches above the surface of the parking lot and shall be crowned to allow for positive drainage, and shall be protected with concrete curbing, except in the case of a bioswale design. Bioswales, which are continuous, planting beds designed for the conveyance, absorption, or filtration of stormwater runoff, may be provided as an alternative design to conventional planting islands. Landscape islands shall be planted with a variety of shade trees, ornamental trees, shrubbery, grasses and perennials, ground cover and other plant materials.
(Ord. 2011-Z-1 § 19.)

17.26.040 Selection and Installation of Plant Materials

A. Selection of Plant Material

Plant material shall be selected for its form, texture, color, size, and suitability to local conditions. The use of native woody and herbaceous plants is encouraged, unless a more traditional approach would be more compatible with the predominant landscape design in the area, or with the architecture of the building.

All plant materials shall be of good quality and of a species capable of withstanding the climate extremes of northeastern Illinois and the conditions of the site. Size and density, both at the time of planting and at maturity, shall be considered when selecting plant material. The use of drought and salt tolerant plant material is preferred.

Appendix C (Plant Palette) lists recommended and prohibited plant materials. Plant materials other than those listed as recommended may be approved if consistent with the design standards and requirements of this Chapter.

B. Shade Trees

All shade trees shall have a minimum trunk size at planting of two and one half to three inches (2 ½" to 3") in caliper at planting, unless otherwise specified. Minimum caliper shall be measured six inches above grade.

C. Evergreen Trees

Evergreens trees shall have a minimum height of six (6) feet at planting. Evergreens are useful in those areas where year-round screening and buffering is required. However, evergreens are generally incompatible with prairie plants.

D. Ornamental Trees

Ornamental trees shall have a minimum height of six (6) feet at planting, with the exception of true dwarf species, which may be shorter.

E. Shrubs

Shrubs shall have a minimum height of twenty-four inches (24") feet at planting.

F. Planting Beds

Unless otherwise specified, planting beds shall be mulched with shredded hardwood mulch. Mulch shall not be used as a substitute for plant materials. (Ord. 2011-Z-1 § 20.)

G. Installation

All landscaping materials shall be installed in accordance with the planting procedures established by the American Association of Nurserymen in effect at the time the Landscape Plan is submitted. All plant materials shall be free of disease and shall be installed so that sufficient soil and water are available to sustain healthy growth.

17.26.050 Completion and Maintenance

A. Completion Guarantee

All required landscaping and screening materials shown on the approved Landscape Plan shall be installed prior to the issuance of an occupancy permit, weather permitting. In periods of weather conditions adverse to planting the landscaping materials shown on the approved Landscape Plan, a temporary occupancy permit may be issued prior to installation of landscaping and screening when the property owner provides the following:

1. A completion guarantee in the form of a cash escrow or irrevocable letter of credit in an amount equal to one hundred fifteen percent (115%) of the estimated cost of the landscaping installation, as certified by a landscape contractor or an Illinois registered landscape architect. (This completion guarantee shall not be required where the property owner is a unit of federal, state, or local government.)
2. Written permission from the property owner giving the City and its agents the right to enter upon the property to complete the installation of required landscaping, in case of forfeiture of the performance guarantee. (This provision shall not be required where the property owner is a unit of federal, state, or local government.)

If the landscaping is not completed within six (6) months after the issuance of the temporary occupancy permit, the cash escrow or irrevocable letter of credit may be used by the City to complete the installation of the required landscaping.

B. Maintenance

The owner of the premises, and any lessee, shall be jointly and severally responsible to maintain, repair and replace all landscape materials and other improvements shown on the approved Landscape Plan over the entire life of the development.

All trees and shrubs shall be maintained in good condition, including appropriate pruning. Planting beds shall be maintained by seasonal mulching and weed control, and shall be kept free of refuse and debris. Any plant materials such as trees, shrubs, perennials and ground covers that die, are in decline, or are supporting less than fifty percent (50%) of healthy leaf growth shall be replaced within six (6) months of notification by the City, in compliance with the approved Landscape Plan; however, the Director of Community Development may approve alternative materials if he determines that they would be more suitable than the originally approved plant materials and will provide an equivalent landscape effect. Plant materials that are diseased shall be treated, and if treatment is not successful, shall be replaced. Fences, refuse disposal areas, barriers and retaining walls shall be maintained in good repair. Irrigation systems, if provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water. If existing vegetation that was used in lieu of new plantings to satisfy a requirement of this Chapter dies, the responsible party shall install new plant materials in conformance with the provisions of this Chapter and the approved Landscape Plan.

For natural landscaping the following replacement thresholds shall apply. Plantings not meeting the minimum threshold shall be replaced after the time period specified.

1. Plantings of potted herbaceous perennials shall meet or exceed eighty-five percent (85%) survivorship of all plants and a minimum of seventy-five percent (75%) survivorship of any one species in healthy, vigorous condition, one full growing season following completion.
2. Plantings of seeded grasses, sedges and forbs shall meet or exceed seventy percent (70%) plant cover after one full growing season, eighty percent (80%) after two full growing seasons, and ninety-five percent (95%) after four full growing seasons following completion.

17.26.060 General Landscaping Requirement

The minimum percentage of a lot or parcel that is landscaped shall be:

1) 20% for a lot or parcel with on-site stormwater storage
2) 15% for a lot or parcel with off-site stormwater storage
3) No minimum for a lot or parcel in the CBD-1 Zoning District

If the total landscaped area resulting from the requirements of subsequent Sections of this Chapter is less than the percentage required by this Section, additional landscaped area shall be provided to meet the minimum requirement of this Section.

Landscaping to meet this requirement may include any combination of the following:

1) Live plant materials such as trees, shrubs, herbaceous perennials, ground cover, turf grass, and annual plantings;
2) Decorative surfaces such as pavers, flagstone, boulders, etc.;
3) Stormwater detention and retention basins, including planting areas and water surface, but not including retaining walls more than three feet (3’) in height;
4) Displays of public art, pedestrian plazas, walkways and seating areas open to the general public or to employees and patrons; and
5) Play surfaces such as ball fields, baseball diamonds, tennis courts and other sport courts that are available for use by the general public.

Paving for vehicular access, concrete sidewalks, and curbing shall not be counted as landscaped area, except that systems designed to integrate a drivable surface with turf grass or other plant growth may be counted as landscaped area, where they are provided for emergency access routes.

(Ord. 2011-Z-1 § 21.)

17.26.070 Landscape Buffers

A. The Landscape Plan shall provide for Landscape Buffers to enhance privacy and provide screening between dissimilar uses, wherever the zoning district regulations require a Landscape Buffer Yard. Where Landscape Buffers overlap with other landscape requirements with respect to the same physical area on the lot, the requirement that yields more intensive landscaping shall apply, but the requirements need not be added together.

B. The Director of Community Development, in the case of Design Review, or the City Council, in the case of a Planned Unit Development, may reduce or waive the requirements of this Section where existing conditions make it impractical to provide the required Landscape Buffer, or where providing the Landscape Buffer would serve no practical purpose. Examples include, but are not limited to, instances where existing topography or structures effectively screen the more intensive use and provide a measure of privacy to the less intensive use.

C. Within required Landscape Buffers along common property lines, opaque, year-round screening shall be provided by means of berming, landscaping, fencing and/or decorative walls to a height of six feet (6') above the grade of the common property line.

D. Along right of way lines, where a Landscape Buffer of forty feet or more in width is required, opaque, year-round screening shall be provided by means of berming, landscaping, fencing and/or decorative walls, to a minimum height of six feet (6') above the grade of the right of way line. Such opaque, year-round screening shall be designed so that the first twenty feet (20') of the Landscape Buffer abutting the right of way line is relatively open and consists primarily of landscaping, and the elements of screening that provide opacity are located twenty feet (20') or more from the right of way line. Opaque, year-round screening is not required within Landscape Buffers of less than 40 feet in width along right of way lines.

E. For each 400 square feet of required Landscape Buffer, there shall be at least one shade tree or two evergreen trees, plus ornamental trees, shrubs, ornamental grasses, or perennials as needed to soften the appearance of solid forms such as fences, walls and berms that may used to provide a visual screen.

F. If a new building or outdoor use is added on a lot where other buildings or uses exist, a Landscape Buffer, where required by the district regulations, shall be provided to buffer adjoining lots from the new building or use, but an additional Landscape Buffer beyond that which is required for the new building or use need not be provided to buffer adjoining lots from the existing buildings or uses.

(Ord. 2011-Z-1 § 22.)

17.26.080 Building Foundation Landscaping

A. General Requirements

Building foundation landscaping shall be provided around the perimeter of all new non-residential and multi-family residential buildings. In the CBD-1 and CBD-2 Districts, foundation landscaping shall only be required in a setback of 5 feet or more from the building wall to the right-of-way or property line.

B. Guidelines for Location and Design

1. Building foundation landscaping shall include a range of sizes and types of plants, which relate to the size of the building. Consideration should be given to including shade trees, ornamental trees, evergreens, shrubs, decorative grasses, perennials, ground cover, and flowers, in a coordinated design.
2. Building foundation landscaping shall be continuous, except where walkways, driveways, or loading areas provide access to the building.
3. Building foundation landscaping planting beds shall be located immediately adjoining the building wall or, where the intervening space is designed for pedestrian use, the interior side of the planting bed shall be not more than sixteen (16) feet from the nearest building wall.
4. Turf grass shall not be counted as part of the required building foundation landscaping.

C. Requirements for Building Foundation Landscaping

1. The amount of plants required shall be calculated by dividing the total lineal feet of the building's walls by fifty (50). A combination of the following landscape materials shall be required per every fifty (50) lineal feet of building wall:
   a. Any combination of two (2) shade, ornamental, or evergreen trees.
   b. Any combination of twenty (20) shrubs, bushes, and perennials. Ground covers, annuals, and turf grasses shall not count towards fulfilling this requirement.
2. Not less than seventy-five percent (75%) of the horizontal dimension of the front wall of the building shall be landscaped. The front wall shall be considered the wall on which the primary public entrance to the building is located.
3. Not less than fifty percent (50%) of the total horizontal dimension of the remaining building walls shall be landscaped. The landscaping may be distributed among all non-front building walls.
4. The minimum width of planting beds for building foundation landscaping shall be eight feet (8'), measured perpendicular to the building, unless otherwise specified as follows:
   a. CBD-1 and CBD-2 Districts: No minimum width
   b. BL and BT districts: Five (5) feet
5. Special Requirements for the M-1 and M-2 Districts
   Within the M-1 and M-2 Districts, building foundation landscaping as required in the preceding sections may be modified along walls that face lot lines which abut another lot in the M-1 or M-2 district and do not abut a street. The requirement shall only be modified for the portion of such walls located a distance greater than two times the required yard setback from any street, in compliance with the following:
   a. Where off-street parking or loading areas abut a building wall, building foundation landscaping shall not be required.
   b. Where off-street parking or loading areas do not abut a building wall, building foundation landscaping shall be required; however this requirement shall be waived if an equivalent area of landscaping is provided in an alternate location, subject to the approval of the Director of Community Development. Shade or ornamental trees may be utilized to meet this requirement at a rate of one tree per 160 square feet of required building foundation landscape area.

(Ord. 2011-Z-1 § 23; Ord. 2008-Z-29 § 2.)

17.26.090 Public Street Frontage and Parking Lot Landscaping

A. Public Street Frontage Landscaping
   1. General Requirements
      Landscaping is required in the front and exterior side yard adjoining a public street right-of-way in the RM-1, RM-2, RM-3, BL, BC, BR, OR, M-1 and M-2 zoning districts.
   2. Guidelines for Location and Design
      a. Shade trees, ornamental trees, evergreen trees, ornamental and evergreen shrubs, perennials, decorative walls, fencing, and berming shall be placed in naturally appearing groupings as opposed to distributed in a linear fashion. These groupings shall be placed strategically to accentuate the development's architecture or other significant features while concealing mechanical or other physical structures that do not add to the aesthetic value of the site. The groupings shall also be designed to create visual interest by varying the heights and widths of plant materials.
      b. Types of plants chosen should be salt and drought tolerant.
      c. Types of plants and plant groupings should provide four-season color and variety in texture and shape.
   3. Required Landscape Materials
      a. One shade, ornamental, or evergreen tree is required per every 50 lineal feet of public street frontage.
      b. No less than 75% of the public street frontage as measured horizontally along the lot

lines abutting the street shall be planted with a combination of ornamental shrubs, evergreen shrubs, and perennials. This requirement may be reduced to 40% if a minimum of 50% of the street frontage is supplemented with decorative walls, ornamental fencing, or sculptured berming, or the design includes permanent quasi-public usable open space or a visual focal feature abutting the right-of-way, such as water features, public art, public seating areas, or a similar improvement of visual interest, then the requirement for trees and shrubs shall be reduced to 40%, provided the landscaping is designed to enhance the aesthetics of the wall, fence, berm, or feature provided.

(Ord. 2013-Z-21 § 6.)

B. Screening of Parking Lots, Motor Vehicle Displays, and Drive-Throughs

1. Screening from Public Streets

Parking lots with more than five spaces, a Motor Vehicle Display, or a Drive-Through facility abutting a public street shall be screened to a minimum height of thirty inches (30”) for no less than 50% of public street frontage measured horizontally along the lot line abutting the street and adjoining the parking lot, Motor Vehicle Display, or Drive-Through facility, except where driveways and walkways generally perpendicular to the street are located. Screening shall be designed to soften and partially conceal the view of vehicles in parking or stacking spaces from the street.

2. Screening of Residential Parking Lots adjoining other Residential Uses

Parking lots of more than 5 spaces located on a residential lot that adjoins a residential use on a separate lot shall be screened in accordance with the requirements of Section 17.26.070 Landscape Buffers, regardless of whether a Landscape Bufferyard is required.

C. Interior Parking Lot Landscaping

1. General Requirements for all Parking Lots

All interior rows of parking shall be terminated by a landscape island or other landscaped area, except that this requirement may be waived for islands that would obstruct an accessible route (as defined in the Illinois Accessibility Code) from handicap parking spaces to the building.

2. Parking Lots Containing Twenty (20) or More Parking Spaces

a. General Requirements

A minimum of ten percent (10%) of the interior area of the parking lot shall be devoted to landscaping. The “interior area” of a parking lot means the area within a perimeter bounded by the backs-of-curbs (or edge of pavement where curbs are not used) encompassing the outer limits of parking spaces and circulation drives. Landscape islands extending into the parking lot from its edges may count toward the 10% minimum requirement. Landscaping located outside of the interior area of the parking lot shall not count toward the 10% minimum interior landscape requirement, nor is it used in calculating the interior area of the parking lot.

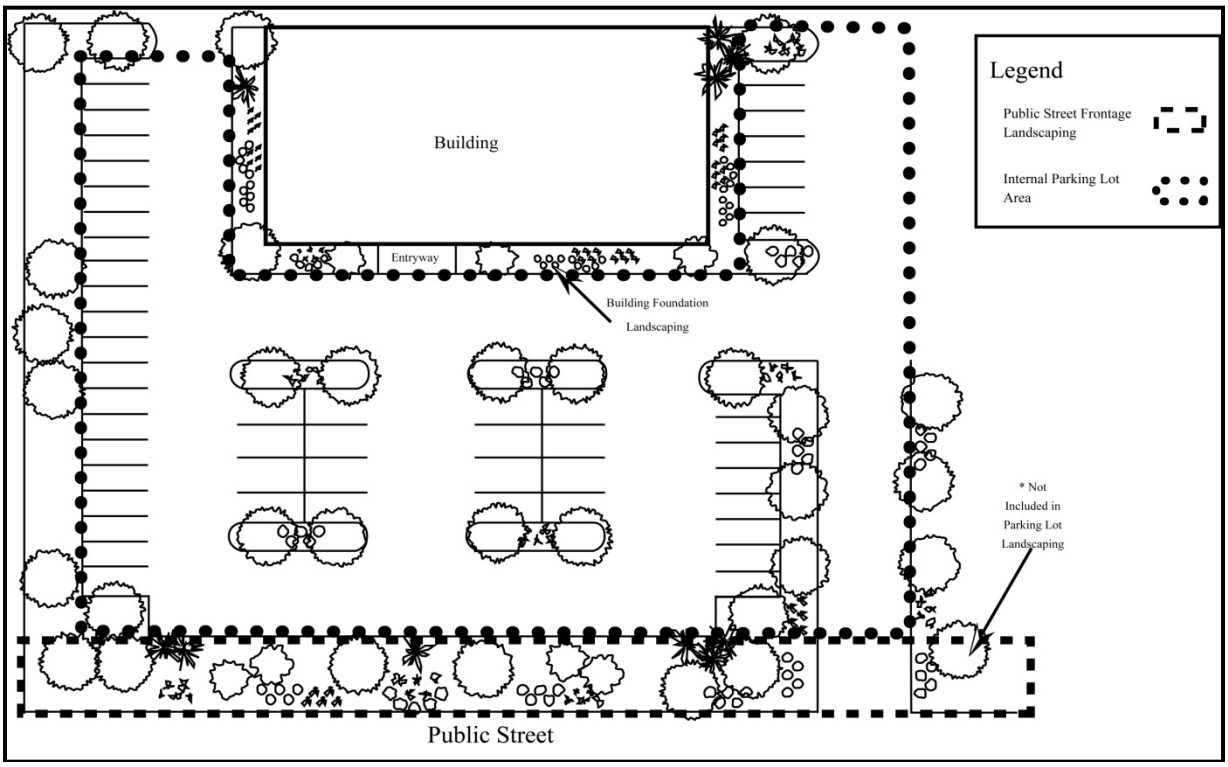
b. Guidelines for Location and Design

Landscape islands shall be distributed throughout the interior area of the parking lot to provide shade and enhance the visual appeal of the site. In general, the maximum distance between landscape islands should be approximately 60 to 100 feet.

c. Required Landscape Materials

The minimum number of shade trees required for interior parking lot landscaping shall be the product of dividing the total area of required interior parking lot landscaping, in square feet, by 160. These trees shall be located primarily within the interior of the parking lot, and may be evenly spaced or grouped, depending on their growth characteristics and the desired design effect.

(Ord. 2011-Z-1 § 24.)



(Ord. 2011-Z-1 § 24.)

17.26.100 Sign Landscaping

Freestanding signs shall be landscaped at the base of the sign in accordance with the following:

A. The landscaping shall extend a minimum of three (3) feet from the outer edge of the sign base on all sides. Where the area around the base of a sign is insufficient in size to accommodate landscaping, the Director of Community Development may permit installation of a portion of the required landscaping at an alternate location on the site.

B. Freestanding signs shall be landscaped with small shrubs, ornamental grasses, and/or perennials to a height of twelve inches (12") to three feet (3') at planting, depending on the height of the sign.

17.26.110 Retaining Walls

A. The Building Commissioner may require review of retaining walls by a structural and/or civil engineer for stability and drainage.

B. In the CBD-1 District, retaining walls shall be of a historic character, preferably brick and mortar or cut limestone, or other material approved by the Director of Community Development.

C. For retaining walls over four (4) feet in height, a terrace or stepping back of the wall shall be required to allow for a planting area. The terrace shall be between one-third ($^1/_3$) and one-half (½) of the total retaining wall height, as measured from the base of the wall. The planting area shall be no less than two (2) feet in width and shall be planted with a combination of turf, shrubs and perennials.

17.26.120 Additional Screening Requirements

A. Refuse Dumpsters and Recycling Containers

Outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard, and other refuse and recycling materials that are visible from public streets or adjoining property shall be enclosed and screened on all sides by a masonry screen wall or opaque fence, at a height sufficient to provide screening of the container, unit, material and pallets. Such enclosures shall be gated and situated on a concrete apron that extends a minimum of six (6) feet beyond the

opening of the enclosure. No material shall be permitted to accumulate such that it is visible above the height of the enclosure.

B. Outdoor Storage

Where outdoor storage areas accessory to nonresidential uses are visible from a public street or from any lot in a residential district, opaque, year-round screening shall be provided by means of berming, landscaping, fencing and/or masonry walls, to a minimum height of six feet (6') above the grade of the right of way line or property line, as the case may be. Where feasible, fences and walls used to provide the screening that are located along public rights-of-way shall be landscaped to provide a softening effect in accordance with Section 17.26.030 E (Softening of Walls and Fences). The height of materials stored outdoors shall not exceed the height of the screening provided.

C. Loading Berths

Except in the M-1 and M-2 Districts, loading berths shall be located and oriented so that they are not visible from the public right-of-way, or shall be screened from the public right of way to a height of eight feet (8 ft.) above the elevation of the right of way line.

If any lot in any district containing a loading berth adjoins or is across the street from a lot in a residential district, the loading berth shall be screened from view from the residential property to a height of eight feet (8') above the elevation of the common property line or right of way line, as the case may be.

D. Screening of Mechanical Equipment

1. Ground-Mounted Equipment

   a. In accordance with the provisions of Table 17.22-3 (Permitted Encroachments), where it is impractical to locate ground-mounted HVAC and other mechanical equipment within the rear or interior side yard of a single-family or two-family dwelling, the Building Commissioner may approve an alternative location if the mechanical equipment is screened with landscaping, hedges, berming, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five feet above grade.

   b. For multi-family residential and non-residential buildings, ground-mounted mechanical equipment, such as HVAC units, refrigeration units, and pool equipment is discouraged. Wherever possible, this equipment should be contained within the building or roof-mounted. Where the nature of the mechanical equipment or the design of the building precludes its location within the building or on the roof, it shall be screened from view from public streets and adjoining residential dwellings by landscaping, berming, walls and/or fencing. Color and texture of any screening wall or fence shall be compatible with the color and texture of the primary buildings on the site.

2. Building or Roof-Mounted Equipment

   a. All newly installed or enlarged mechanical equipment, such as HVAC units, refrigeration units, and pool equipment located on the roof of any structure in any zoning district shall be screened from view from public streets and adjoining residential dwellings by its location on the roof (away from the parapet), by an architectural element of the building (e.g. a parapet), by a screening wall that is compatible with materials of the building, or a combination thereof. Where the majority of an individual unit of equipment is screened by its location, a parapet wall, and/or the building architecture, and where installation of a screening wall would increase the visual mass of the equipment, a screening wall may not be required, provided the unit is painted to blend with the building.

   b. For existing buildings with roof-mounted equipment lacking screening, equipment may be replaced or added without additional screening, provided the equipment has been located in the most unobtrusive location available on the roof. Where possible, new equipment shall be grouped with existing equipment in an organized manner that is consistent with the architecture of the building.

(Ord. 2011-Z-1 § 25.)

E. Screening of Large Satellite Dish Antennas

Large Satellite Dish Antennas shall be fully screened so as not to be visible from any public street or adjoining lot when viewed from an observation height of five feet above grade. Ground-mounted antennas shall be screened by landscaping, berming, walls and/or fencing. Roof-mounted antennas shall be screened by their location on the roof (away from the parapet), by an architectural element of the building (e.g. a parapet), by a screening wall, or a combination there of. Any screening wall or fence shall be compatible with the color texture, and/or materials of the primary buildings on the site.

(Ord. 2008-Z-20 § 4.)

Chapter 17.28

SIGNS

Sections:

17.28.010	Purpose
17.28.020	General Provisions
17.28.030	Sign Area Computation
17.28.040	Sign Standards By Type
17.28.050	Permitted Signs By Zoning District
17.28.060	Illumination
17.28.070	Historic Signs
17.28.080	Prohibited Signs
17.28.090	Exemptions
17.28.100	Temporary Signs Requiring a Permit
17.28.110	Master Sign Plan
17.28.120	Amortization of Nonconforming Signs

17.28.010 Purpose

The purpose of this Chapter is to establish a framework for a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs that will:

A. Balance the rights of individuals to identify their businesses and convey their messages, and the rights of the public to be protected against the unrestricted proliferation of signs.
B. Protect the public health, safety, comfort, convenience and general welfare.
C. Reduce traffic hazards.
D. Enhance the attractiveness of the City.
E. Protect property values.
F. Promote economic development.
G. Further the objectives of the Comprehensive Plan.
H. Preserve the right of free speech exercised through the use of signs containing noncommercial messages.

17.28.020 General Provisions

A. **Violations**

It shall be unlawful for any person to erect, relocate, modify or alter any sign, or structure supporting a sign, in violation of the provisions of this Title. Signs which are not allowed by this Chapter as permitted signs or exempt signs, shall be prohibited. No sign shall be placed on a lot without prior consent of the property owner.

B. **Placing Signs on Public Right of Way**

No signs shall be erected on any public right of way other than those placed by agencies of government or signs whose placement has been authorized by the jurisdiction having authority over the right of way. The City, without notice, may remove any sign placed on public right of way without authorization.

C. **View Obstruction**

All signs and attention getting devices shall comply with the sight triangle provisions of Section 17.22.010 F and the provisions of Section 12.04.200 of Title 12 of the St. Charles Municipal Code

regarding corner obstructions, except that directional signs otherwise meeting the requirements of this Chapter may be located within the sight triangle.

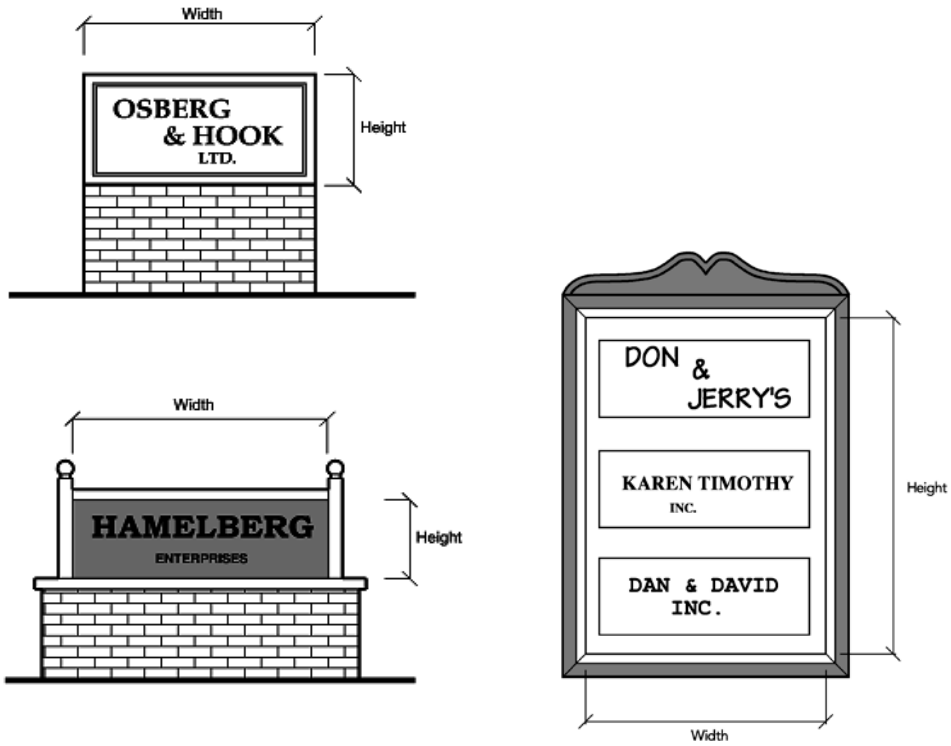
D. **Removal of Unused Structural Supports**

No foundation, pole, frame, cabinet, or other structural support for a sign shall be erected or maintained independently of a sign allowed by this Chapter. All such structural supports shall be removed at the time of removal of any sign or signs for which they provide support, except that a structural support may remain for a period of not more than 30 days following the issuance of a permit to change the face of a sign, or erect a different sign, using the same structural support.

17.28.030 Sign Area Computation

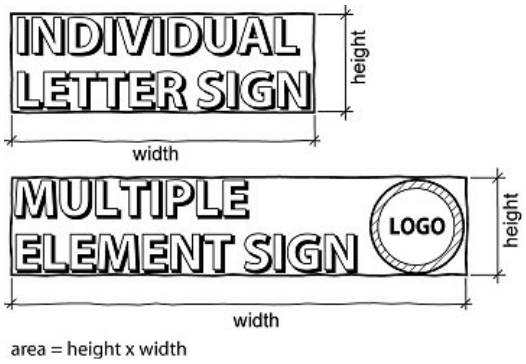
A. **Area of Signs in Cabinets, Frames, and on Panels:**

The area of a sign enclosed in a frame or cabinet or painted on or affixed to a panel shall be the area of the sign contained within the outer limits of the frame, cabinet or panel. The area of such sign shall not include any external architectural framing elements or supporting structure such as a post, unless the architectural elements, or supporting structure is designed as an integral part of the message or face of the sign. When there are multiple display signs within a frame, cabinet, or panel, the sign area shall be the area encompassed by the entire frame, cabinet, or panel, and not the area of the individual display signs.



B. **Area of Signs Composed of Individual Letters or Elements**

The area of a sign comprised of individual letters or other elements attached to a building wall or freestanding wall shall be the area of the smallest square or rectangle that can be drawn around the letters and/or elements.

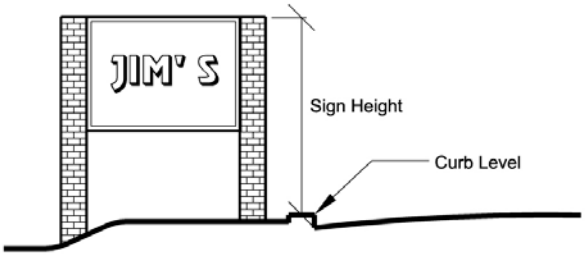


C. Area of Double-Faced Signs

The sign area for a sign with two faces shall be a) when the sign faces are connected at an interior angle of sixty degrees (60°) or more, the sign area shall be computed by measurement of both faces; when the sign faces are parallel or connected at an interior angle of sixty degrees (60°) or less, the sign area shall be computed by the measurement of one (1) of the faces.

D. **Measurement of Sign Height**

Sign height shall be the vertical distance from the highest point of the sign to the grade of the adjoining street curb; if there is no adjoining curb, to the grade of the edge of the adjoining street pavement.



E. **Measurement of Sign Setback**

Required setbacks for freestanding signs shall be measured horizontally, from the closest point of the sign structure to the property line extended vertically.

17.28.040 Sign Standards By Type

A. **Freestanding Signs**

1. The primary support of a permanent freestanding sign shall be erected in such a manner that at least forty-two (42) inches of the length of the structural support is underground. This requirement may be increased based upon the size of the sign and the height of the sign if necessary to provide for wind loads or other structural factors, as determined by the Building Commissioner. The Building Commissioner may require documentation from a structural engineer or manufacturer that indicates proper design and installation in relation to the sign's structural support.
2. Freestanding monument signs shall be mounted on a decorative masonry, metal or natural stone base. Alternative materials may be approved where they correspond with the appearance of one or more materials used on the exterior of the building. The width of the base of any monument sign, as measured parallel to the sign face, shall be a minimum of fifty percent (50%) of the width of the sign face.

B. **Wall and Projecting Signs**

1. Wall and projecting signs shall be safely and securely attached to the building wall. No sign affixed to a building shall project higher than the building height.

2. Except as permitted in the CBD-1 and CBD-2 Districts, signs shall not project into the public right-of-way.
3. Wall signs shall be affixed flat against the building wall and shall not project more than twelve (12) inches. No wall sign shall cover wholly or partially any wall opening or architectural feature.

17.28.050 Permitted Signs By Zoning District

A. **Residential Districts**

Table 17.28-1 lists signs permitted in residential districts. Other signs may be permitted in residential districts, as specifically provided elsewhere in this Chapter.

B. **Business and Mixed Use Districts**

Table 17.28-2 lists signs permitted in business and mixed use districts CBD-1, CBD-2, BL, BC, and BR. Other signs may be permitted in these districts, as specifically provided elsewhere in this Chapter.

C. **Office Research, Manufacturing, and Public Lands Districts**

Table 17.28-3 lists signs permitted in office research, manufacturing, and public lands districts. Other signs may be permitted in these districts, as specifically provided elsewhere in this Chapter.

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TABLE 17.28-1 PERMITTED SIGNS FOR RESIDENTIAL DISTRICTS (RE, RS, RT, RM)					
Type	**Maximum Number**	**Minimum ROW setback**	**Maximum Area**	**Maximum Height**	**Other Requirements**
Residential Uses:					
Development Identification Signs	Two, plus one for each additional external street frontage for developments of more than ten acres	5 ft	10-30 units: 50 sf 30+ units: 75 sf	8 ft	Monument signs only; Shall not be internally illuminated
Nameplates	One per single family dwelling	5 ft if freestanding	2 sf	8 ft	May be attached to the building or freestanding
Bed and Breakfast Establishments:					
Identification signs	One	10 ft	6 sf	8 ft	Shall not be internally illuminated
Wall, awning and canopy signs	One	--	6 sf	--	Shall not be internally illuminated
Places of Worship:					
Identification Signs	One per street frontage	5 ft	On lots of 35,000 sf or more: 50 sf All other lots: 25 sf	8 ft	
Wall, awning and canopy signs	1 per building wall, but no more than 2 signs	--	1.5 sf per linear ft of wall on which located	--	
Other Non-Residential Uses (Includes non-residential uses allowed in the BT Overlay District; not permitted for Home Occupations):					
Identification Signs	One per lot	10 ft.	16 sf	8 ft	Shall not be internally illuminated
Wall signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	--	Shall not be internally illuminated
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited

(Ord. 2004-Z-5 § 2; Ord. 1998-Z-18 § 1; Ord. 1995-Z-6 § 3; Ord. 1991-Z-14 § 2; Ord. 1989-Z-4 § 1; Ord. 1988-Z-8 § 1; Ord. 1986-Z-22 § 1, 2; Ord. 1960-16 § VII (A)(2).)

TABLE 17.28-2
PERMITTED SIGNS FOR BUSINESS AND MIXED USE DISTRICTS

Type		Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements
CBD-1 District:						
Shopping Center Signs (freestanding)		One per street frontage	10 ft	100 sf	15 ft	
Identification Signs		One per lot	Type A signs: none Type B signs: 10 ft.	Type A signs: 16 sf Type B signs: 50 sf	Type A signs: 8 ft. Type B signs: 12 ft.	Type B signs permitted only on lots with ten or more accessory parking spaces
Wall Signs	Primary	One per business, one per building street frontage, or one per business street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located, or 125 sf, whichever is less	No higher than height of building	
	Secondary	One per wall without street frontage facing a parking lot or public plaza or One per additional public entrance to a building located on a wall without street frontage	--	1.5 sf per linear ft of wall on which located, or 100 sf, whichever is less	No higher than height of building	Only permitted on wall meeting the conditions for Secondary Wall signs
Awnings and Canopies		One per business, one per building street frontage, one per business street frontage, or one per public entrance to business, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	No higher than height of building	Awnings shall be made of cloth. Backlit awnings are prohibited
Projecting Signs	Primary	One per business	Maximum projection 4 ft from wall	18 sf; Additional 12 sf permitted for a clock or time display.	No higher than height of building	Minimum spacing between signs with a clock or time display is 200 ft; changeable copy prohibited
	Secondary	For buildings with street frontage on Main Street: One per business, plus one additional per business for upper floor businesses	Maximum projection 2 ft from wall	8 sf per sign	No higher than height of building	Must be located on wall directly opposite Main Street frontage; changeable copy prohibited

TABLE 17.28-2 PERMITTED SIGNS FOR BUSINESS AND MIXED USE DISTRICTS					
Type	**Maximum Number**	**Minimum ROW Setback**	**Maximum Area**	**Maximum Height**	**Other Requirements**
Banners on freestanding poles	Not more than two designs or color schemes per lot	5 ft.[1]	Total area = 1 sf per 10 sf of lot frontage[1]	--	Only permitted in parking lots[1]; minimum vertical clearance 9 ft
Shopping District Signs/Banners	One per building	Maximum projection 4 ft. from wall	20 sf	15 ft	May identify only the Shopping District[2] in which located; shall be of a uniform design within a Shopping District

(Ord. 2010-Z-3 § 2; Ord. 2008-Z-24 § 19.)

[1] Not applicable when banners are located on right of way or other public property.
[2] Shopping Districts include First Street South (First Street Redevelopment District); Third Street North (Old St. Charles); Riverside Drive/First Avenue (East Bank); and Century Corners.

TABLE 17.28-2 Continued					
CBD-2 District:					
Identification Signs	1 per lot	Type A signs: none Type B signs: 10 ft.	Type A signs: 16 sf Type B signs: 50 sf	Type A signs: 8 ft. Type B signs:10 ft.	Type B signs permitted only on lots of more than 35,000 sf and at least one nonresidential use
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited
Projecting Signs	1 per business or 1 per 50 linear feet of wall, whichever is less	Maximum projection 4 ft. from wall	8 sf	--	Changeable copy prohibited
Shopping District Signs/Banners	One per building	Maximum projection 4 ft. from wall	20 sf	15 ft	May identify only the Shopping District[3] in which located; shall be of a uniform design within a Shopping District

[3] Shopping Districts include First Street South (First Street Redevelopment District); Third Street North (Old St. Charles); Riverside Drive/First Avenue (East Bank); and Century Corners.

TABLE 17.28-2 Continued					
BL, BC, and BR Districts:					
Type	**Maximum Number**	**Minimum ROW Setback**	**Maximum Area**	**Maximum Height**	**Other Requirements**
Shopping Center Sign	1 per Shopping Center	10 ft	225 sf	30 ft	
Additional Shopping Center Signs	1 per additional Shopping Center street frontage	10 ft	100 sf	15 ft	Only permitted if Shopping Center has more than one street frontage
Identification Signs	1 per lot	10 ft	1.5 sf per linear frontage of the building, or 100 sf, whichever is less	15ft.	Minimum separation between freestanding signs = 100 ft
Additional Identification Signs	1 per additional principal building	10 ft	0.75 sf per linear frontage of the additional building or 50 sf, whichever is less	15 ft	Minimum separation between freestanding signs = 100 ft
Additional Identification/Motor Vehicle Sales/Leasing Signs	1 Manufacturer: 0 2 Manufacturers: 1 3 or more Manufacturers: 2	10 ft	0.75 sf per linear frontage of the additional building or 50 sf, whichever is less	15 ft	Minimum separation between freestanding signs = 100 ft
Wall Signs	One per business or street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	Where use has no exterior wall frontage the area shall not exceed 1.5% of the floor area
Awnings and Canopies	1 per business or street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited
Projecting Signs	1 per business	Maximum projection 4 ft. from wall	8 sf	--	
Banners on freestanding poles	Not more than two designs or color schemes per lot	10 ft.	Total area = 1 sf per 10 sf of lot frontage	--	Only permitted in parking lots; minimum vertical clearance 9 ft

(Ord. 2005-Z-7 § 1; Ord. 2004-Z-6 § 1; Ord. 2002-Z-18 § 1; Ord. 2002-Z-3 § 1; Ord. 1999-Z-26 § 1; Ord. 1994-Z-12 § 1, 2; Ord. 1993-Z-15 § 5, 6; Ord. 1992-Z-9 § 1; Ord. 1991-Z-14; Ord. 1988-Z-21 § 1; Ord. 1972-Z-46 (A, B, C) (part); Ord. 1968-31 (part); Ord. 1966-4 (part); Ord. 1960-16 § VIII (F) (6); Ord. 1960-16 § VIII (D) (8); Ord. 1960-16 § VIII(B) (6).)

TABLE 17.28-3
PERMITTED SIGNS FOR OFFICE RESEARCH, MANUFACTURING, AND PUBLIC LAND DISTRICTS

Type	Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements
O-R District:					
Identification Signs	1 per street frontage	10 ft	50 sf	8 ft.	
Office Park Sign	1 monument sign per office park, in lieu of one Identification Sign	10 ft	100 sf	Office park 2.5 to 5 acres: 12 ft Office park over 5 acres: 15 ft	Office park under unified ownership or control. Monument sign only.
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited
M-1, M-2 Districts:					
Identification Signs	1 per lot	10 ft	1.5 sf per linear ft frontage of the building or 100 sf, whichever is less	10 ft	Minimum separation between freestanding signs = 100 ft
Additional Identification Signs	1 per additional principal building	10 ft	0.75 sf per linear ft frontage of the additional building or 64 sf, whichever is less	15 ft	Minimum separation between freestanding signs = 100 ft
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth; Backlit awnings are prohibited
PL District:					
Identification Signs	1 per lot, plus one per public vehicular entrance	5 ft	64 sf	10 ft	
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.0 sf per linear ft of wall on which located	No higher than height of building	Where use has no exterior wall frontage the area shall not exceed 1.5% of the floor area

(Ord. 2013-Z-7 § 2; Ord. 1991-Z-14; Ord. 1968-32; Ord. 1960-16 § IX (B) (5).)

17.28.060 Illumination

A. **Flashing Signs**

No sign or other advertising structure shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except that electronic reader boards that change copy or illumination are permitted in all Zoning Districts where internally illuminated signs are permitted as follows:

1. Electronic reader board signs shall be permitted to change no more frequently than once per every 15 seconds and shall not exceed 50% or 50 square feet, whichever is less, of the sign on which it is located.
2. Electronic reader board signs in the CBD-1 and CBD-2 Districts shall be permitted to change no more frequently than once per every 30 seconds and shall not exceed 30% or 30 square feet, whichever is less, of the sign on which it is located.
3. The change of copy or illumination is of a duration of one second or less, shall be permitted.

(Ord. 2012-Z-5 § 6.)

B. **Limitations on Neon and Series Lighting**

1. Neon advertising signs shall be permitted as wall signs, subject to the standards of this Chapter and this Title.
2. Series lighting or neon tubing used to accentuate or trim windows, architectural features, or to outline borders of signs or buildings, is specifically prohibited.

C. **Hours of Illumination**

Exterior signs shall be illuminated only during business hours or between the hours of 7:00am and 11:00pm, whichever is later.

D. **Direction of Illumination**

All sign illumination shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent streets and surrounding properties.

(Ord. 2012-Z-5 § 7.)

17.28.070 Historic Signs

A small number of existing signs in the City may be closely identified with a cultural or commercial entity or building that forms a part of the character or history of the community. Such signs, however, may have been erected under a previous code and may not conform to all of the provisions of this Chapter. The intent of this Section is to permit such signs to be maintained. Therefore, a sign erected at least forty (40) years prior to the year of application for Historic Sign designation that does not conform to one or more provisions of this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

A. The sign was lawfully erected at least forty (40) years prior to the year of application for Historic Sign designation and has been continuously maintained in the same location since that year.
B. The sign:
   1. Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or
   2. Is located on a site that has been continuously operated for the same business use for at least 40 years prior to the year of application for Historic Sign designation.
C. The sign is of a unique shape or type of design representative of its era, and that is not commonly found in contemporary signs.
D. The sign identifies a building or business that is associated with a family, business or organization that was noteworthy in the history of the St. Charles community.
E. The sign does not violate Section 17.28.080, Prohibited Signs.

(Ord. 2014-Z-21 § 1)

A. **Signs which Constitute a Traffic Hazard**

No sign shall:

1. Obstruct free and clear vision at any street, intersection, parking lot entrance or exit, or driveway.
2. Interfere with, obstruct the view of, or be designed so as to be confused with any authorized traffic sign, signal or device because of its position, shape or color.
3. Make use of the words STOP, LOOK, DETOUR, DANGER or any other word, phrase, symbol or character in a manner that misleads, interferes with or confuses traffic.
4. No sign in direct line of vision of a traffic signal shall be illuminated in red, green or amber color in such a manner that the sign illumination could be confused with the illumination from a traffic signal.

B. **Moving Parts**

No sign shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind, except for the movable hands of street clocks, and movement caused by the wind in the case of banners or flags.

C. **Signs of an Offensive Nature**

No sign shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

D. **Obstruction of Doors, Windows or Fire Escapes**

No sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress to and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

E. **Signs on Parked Vehicles**

No sign shall be displayed on a vehicle parked in an off-street parking or loading area, or in an outdoor motor vehicle display area, except in the following instances:

1. The sign pertains to the sale, lease or rental of the vehicle on which it is displayed; or
2. The sign is painted or otherwise affixed to a truck, bus or other vehicle that is used to carry goods or people or to provide services at least one day per week, as an accessory use to the business identified on the sign.

Signs resting on, or attached to, vehicles or trailers used as a means to circumvent the provisions of this Chapter are prohibited.

(Ord. 1991-Z-35; Ord. 1975-Z-7; Ord. 1968-30; Ord. 1960-16 § IV (M).)

F. **Portable Signs**

Portable signs are prohibited, except when authorized by a governmental agency in conjunction with construction or enforcement activities.

G. **Off-Premise Signs**

Signs which advertise a business or service not located on the same lot or within the same PUD or Shopping Center, or which otherwise do not relate to the uses permitted on the lot or within the same PUD or Shopping Center, such as billboards, are prohibited in all districts except PL Districts.

17.28.090 Exemptions

A. **Maintenance Operations**

The following maintenance operations are allowed and do not require a permit:

1. Changing the advertising copy or message on an existing changeable copy sign or similar approved sign, whether illuminated or non-illuminated.
2. Painting, repainting, cleaning, or other normal maintenance of a sign, not involving structural changes, changes to the permanent copy displayed on the sign, or changes in the electrical components of the sign.

B. **Political Signs**

Political signs are allowed and do not require a permit.

C. **Community Event Signs**

Temporary signs in conjunction with special events conducted by governmental agencies, educational institutions or charitable, not-for-profit organizations, such as philanthropic campaigns, church activities and other community activities, are allowed and do not require a permit, subject to the following:

1. Such signs shall not exceed thirty-two (32) square feet in area.
2. Such signs shall not be erected earlier than 30 days prior to the event or series of events, and shall be removed not later than 7 days following the conclusion of the event or series.
3. Such signs may be located on a lot or lots owned by Federal, State or local governmental agencies with permission of the lot owner, not including public rights of way unless specifically authorized by the agency having jurisdiction.

D. **Regulatory Signs**

Permanent signs erected by a governmental agency regulating vehicular or pedestrian traffic, or designating or giving directions to streets, schools, historic sites, community facilities or public buildings, posting rules of use for a facility, identifying or interpreting features of a site, sports scoreboards, and similar signs are allowed and do not require a permit.

Signs erected on a lot containing a public facility owned by a governmental agency may include sponsor identification and advertising, provided that the advertising is sized, located and oriented so as to be viewed primarily by patrons of the public facility, and not by the general public traveling on public streets or adjoining property. Such signage is allowed in any non-residential district and does not require a permit unless the sign is electrically operated or illuminated, in which case a permit is required to ensure compliance with applicable codes.

E. **Memorial Plaques**

Memorial or commemorative plaques or tablets such as those denoting a person or persons memorialized, a natural or manmade feature, a building name and/or date of erection, or a location of historic significance, and not exceeding eight (8) square feet in area are allowed and do not require a permit.

F. **Flags**

Flags of any government or governmental agency, or any patriotic, religious, charitable, civic, educational or fraternal organization are allowed and do not require a permit.

G. **Temporary Displays or Decorations for Holidays and Special Occasions**

Temporary displays or decorations for holidays and special occasions are allowed and do not require a permit, subject to the following:

1. Temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration shall be erected no earlier than forty-five (45) days before and removed no later than fourteen (14) days after the holiday or celebration.
2. Temporary displays or decorations announcing special occasions including, but not limited to, the birth of a child and birthdays shall be displayed for a maximum of five days.

H. **Small Real Estate Signs**

Non-illuminated real estate signs that are six square feet or less in area and a) if freestanding, do not exceed 5 feet in height, or b) if attached to a building or structure, do not exceed 20 feet above grade, are allowed and do not require a permit; there shall be not more than one such sign per lot, except that on a corner or through lot, two signs, one adjoining each street, are allowed.

I. **Garage Sale Signs**

Temporary signs advertising a permitted garage or yard sale are allowed and do not require a permit. Such signs shall only be located on the lot or lots that are participating in the garage or yard sale. Such signs shall be posted no earlier than forty-eight (48) hours prior to the commencement of the event, and removed no later than twenty-four (24) hours after the conclusion of the event.

J. **Directional Signs**

Directional signs are allowed and do not require a permit unless the sign is electrically operated or illuminated, in which case a permit is required to ensure compliance with applicable codes, Such signs shall be subject to the following:

1. One (1) directional sign is permitted for each driveway access from a public street. One (1) additional directional sign is permitted for each intersection of driveways within a site, to identify traffic routing, entrances, and services, such as drive-in lanes.
2. Directional signs shall be set back from the right-of-way a minimum of five (5) feet.
3. Directional signs may have a maximum surface area of five (5) square feet and shall not exceed a maximum height of four (4) feet above the adjacent street or driveway grade, as measured at a point on the street or driveway pavement closest to the sign.
4. Pavement markings such as directional arrows, stop bars, and parking space boundaries are not subject to the limitation on area.

K. **Miscellaneous Information**

Information appearing on gasoline pumps, newspaper vending boxes and other vending machines, automatic teller machines, or matter appearing on or adjacent to entry doors such as PUSH, PULL, OPEN and/or CLOSED, or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information, are allowed and do not require a permit.

L. **Drive-Through Menu Board Signs**

One permanent freestanding Drive-Through Menu Board Sign shall be permitted per each permanent ordering station related to the approved Special Use for a Drive-Through. Drive-Through Menu Boards Signs shall not exceed thirty-two (32) square feet in area. Drive-Through Menu Board Signs require a building permit to ensure compliance with applicable codes. (Ord. 2012-Z-5 § 8.)

M. **Window Signs**

Window Signs shall not exceed fifty percent (50%) of the total area of the window frame on which the sign is located. Signs that are not permanently affixed to the window do not require a permit. (Ord. 2012-Z-5 § 9.)

17.28.100 Temporary Signs Requiring A Permit

Temporary signs, including attention getting devices, are permitted in accordance with the provisions of this Section, except that where other sections of this Title regulate such signs, the more restrictive regulation shall apply.

A. **Permit Required**

A permit is required to erect the temporary signs and attention getting devices listed in the following paragraphs of this Section 17.28.100, in accordance with Section 17.28.020 A (Sign Permit).

B. **Time Limit**

Unless otherwise permitted, displays of temporary signs shall be limited to fourteen (14) days per permit, and not more than four (4) such permits shall be issued to an applicant per calendar year. There shall be a minimum separation of thirty (30) days between temporary sign displays. All temporary signs permitted by this Section shall be removed no later than seven (7) days following the conclusion of the event or other condition to which the sign pertains.

C. **Setbacks**

No setback is required for temporary signs and attention getting devices that are six (6) square feet or less in surface area and five (5) feet or less in height. All other freestanding temporary signs and attention getting devices shall be set back a minimum of five (5) feet from all right-of way lines.

D. **Real Estate and Other Temporary Signs Requiring a Permit**

1. In the BL, BC, BR, CBD-1, O-R, M-1, M-2, and PL Districts, one (1) temporary sign is permitted for each street frontage of the lot. The maximum sign area and height shall be:
   a. For lots one (1) acre and under: Thirty-two (32) square feet of surface area. Freestanding signs shall not exceed eight (8) feet in height.

b. For lots one (1) to five (5) acres: Sixty-four (64) square feet of surface area. Freestanding signs shall not exceed eight (8) feet in height.

c. For lots five (5) acres and above: One hundred (100) square feet of surface area. Freestanding signs shall not exceed ten (10) feet in height.

d. Real estate and other temporary signs of 6 square feet or less are allowed without a permit in accordance with Paragraph 17.28.090.

2. In the BT Overlay and CBD-2 Districts, one (1) temporary sign is permitted for each street frontage of the lot. Each sign shall not exceed sixteen (16) square feet in surface area. Freestanding signs shall not exceed six (6) feet in height.

3. Real Estate signs advertising a property for sale or lease shall not be subject to a time limit but shall be removed no later than seven (7) days following the sale or lease of the property.

4. During construction or reconstruction of public improvements, if the Director of Community Development determines that the construction activity will disrupt access to lots and/or visibility of lots directly adjacent to the construction, the Director may authorize the following for lots adjacent to the construction:

a. Temporary signs shall not be subject to time limits specified in Section 17.28.100.B, but shall not be placed for longer than the duration of the construction.

b. One (1) additional temporary sign per lot shall be permitted, subject to all other applicable requirements.

c. A permit for temporary sign authorized under this Section may be terminated if the conditions stated herein are not complied with.

(Ord. 2012-Z-8 § 2.)

(Ord. 2009-Z-10 § 2; Ord. 2008-Z-24 § 20.)

E. **Real Estate and Other Temporary Signs in Residential Districts**

1. In residential districts, one temporary sign is permitted for each street frontage of the lot. The maximum sign area and height shall be:

a. For developed lots over 4 acres and vacant lots over 1 acre: 32 square feet in surface area; freestanding signs shall not exceed 8 ft. in height and wall signs shall not exceed the building height.

b. For developed lots 4 acres or less and vacant lots 1 acre or less: Real estate and other temporary signs are limited to 6 square feet or less and are allowed without a permit in accordance with Paragraph 17.28.090.

2. Real Estate signs advertising a property for sale or lease shall not be subject to a time limit but shall be removed no later than seven (7) days following the sale or lease of the property. (Ord. 2008-Z-24 § 21.)

F. **Construction Signs**

Construction signs identifying the architect, engineer, developer and/or contractor placed upon a construction site shall not exceed thirty-two (32) square feet in area and eight (8) feet in height for lots 4 acres or less, and 64 square feet for lots of more than 4 acres. Such signs shall not be erected prior to issuance of building or site development permit and shall be removed no later than seven (7) days after issuance of an occupancy permit or completion of the project. Construction signs shall be limited to one (1) sign per street frontage.

G. **Attention-Getting Devices**

Attention-getting devices are permitted only in the BL, BC, BR, CBD-1, O-R, M-1, M-2 and PL Districts. Attention getting devices shall be displayed only in association with a grand opening or special event. Attention getting devices shall comply with the following restrictions:

1. Balloon Signs

The longest dimension of the balloon portion of a balloon sign shall not exceed seven (7) linear feet. The length of the entire balloon sign, as measured from the longest dimension of the balloon and including the tether, shall not exceed ten (10) feet.

2. Pennants, Flags, Valences and Streamers

a. Pennants, flags, valences and streamers, if attached to the building, shall not extend above the building height; if attached to a freestanding permanent sign, they shall not extend above the height of the sign.

b. Pennants, flags, valences and streamers shall be mounted with a vertical clearance of at least 9 feet from the ground.

3. Searchlights

Searchlights shall be oriented skyward not breaking an angle of forty-five degrees (45°) from the ground. Searchlights shall not be operated between the hours of 11:00pm and 7:00am.

H. **Christmas Tree Sales**

Where Christmas tree sales are a permitted temporary use, one (1) temporary sign is permitted per sales operation, for a maximum period of thirty-five (35) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(Ord. 1996-Z-1 § 1.)

17.28.110 Master Sign Plan Required

When more than one (1) wall sign, awning or canopy is proposed on any building with multiple tenants, the applicant shall submit a master sign plan for review by the Building Commissioner. Any master sign plan lawfully approved prior to the effective date of these regulations shall remain valid after such effective date only to the extent it complies with the regulations of this Title. No sign shall be installed pursuant to any master sign plan except in conformance with the regulations of this Title.

17.28.120 Amortization of Nonconforming Signs

See Section 17.08.060 for provisions regarding amortization of non-conforming signs.

Chapter 17.30

DEFINITIONS

Sections:

17.30.010 Interpretation of Generic Uses
17.30.020 Use Definitions
17.30.030 General Definitions

17.30.010 Interpretation of Generic Uses

Certain terms in this Chapter define a category of uses, to allow some flexibility and in order to eliminate overly detailed lists of uses. These terms are referred to in this Title as generic uses, and are indicated by including (G) in the definition.

Requirements for parking and loading or other provisions of this Title may apply differently to individual uses within a generic use category. A change from one use within a generic use category to another use shall be considered a change in use, even if the latter use is within the same generic use category as the initial use.

17.30.020 Use Definitions

Accessory Use (G). A use that is subordinate in area, extent and purpose to the principal use on the lot, and that is customarily maintained for the benefit of a permitted principal use. Examples of accessory uses include off-street parking facilities and outdoor storage.
(Ord. 1988-Z-8 § 1.)

Adult Uses. Adult Uses means adult bookstores, adult entertainment cabarets, adult motion picture theaters, adult novelty stores, or any combination thereof, as follows:

A. **Adult Bookstore.** An establishment having at least twenty-five percent (25%) of its sales or display area devoted to books, magazines, films and/or videos for sale or rent, or other media or publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.
(Ord. 2011-Z-1 § 26.)

B. **Adult Entertainment Cabaret.** A public or private establishment which features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows, not infrequently features entertainers who display Specified Anatomical Areas or features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of Specified Sexual Activities.

C. **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein or for viewing on premises by use of motion picture devices or by coin-operated means,

D. **Adult Novelty Store.** An establishment having at least twenty-five percent (25%) of its sales or

stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for Specialized Sexual Activities or Specified Anatomical Areas, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.
(Ord. 2011-Z-1 § 27.)

E. **Specified Sexual Activities.** For the purpose of this Title, Specified Sexual Activities means: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; and 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

F. **Specified Anatomical Areas.** For the purposes of this Title, Specified Anatomical Areas means: 1) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola; and 2) human genitals in a discernable turgid state, even if completely and opaquely covered.
(Ord. 2011-Z-1 § 28.)

Agriculture. The use of land for agricultural purposes, including farming, limited to cultivation of grain crops, horticulture, floriculture and viticulture. This use does not include retail sales, such as nurseries or farm stands.

Airport. A facility where winged aircraft may land and take off, which may include runways, hangars, facilities for refueling and repair, accommodations for passengers, air traffic control towers, communications towers and antennas, lighting for runways and other facilities, and administrative offices.
(Ord. 1960-16 § III (part).)

Art Gallery/Studio. Premises used principally for the sale, display and exhibition of art. This use may include accessory production of art products and instruction in the production of art using paint, clay, fabric or other media. This use does not include the mass production or manufacture of objects.

Artist Live/Work Space. Floor area used, or designed to be used, as both a dwelling unit and a place of work by an artist, artisan or craftsperson, including persons engaged in the application, teaching or performance of fine arts including, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing.

Assisted Living Facility. A facility providing residential accommodations and daily assistance for elderly or disabled residents that meets the definition of assisted living established in the Assisted Living and Shared Housing Act (210 ILCS 9/1 et seq.)
(Ord. 2006-Z-19 § II.)

Bank. An establishment such as a bank, savings bank, or credit union that offers financial services including maintaining checking and savings accounts, and issuing loans and other credit. Investment and other financial services may be provided as part of a bank's range of services. This use is distinct from Financial Services Institution, which does not offer checking and savings accounts.

Bed and Breakfast. Single-family residences, occupied by owners or resident managers, which offer lodging on a temporary basis to paying guests in a room(s) without cooking facilities, and may offer breakfast or other meals to these guests. Bed and Breakfast Establishment is differentiated from a Hotel/Motel in that they typically were designed originally as a single-family residence and have a smaller number of rooms.
(Ord. 1988-Z-8 § 1.)

Car Wash. A building or portion thereof containing facilities for washing vehicles, using either automatic or manual equipment, where the vehicle washing service is available to the general public.

Carpet Store. A carpet store is a full-service retail facility that specializes in the sale of floor coverings such as carpeting, tile, wood, etc.

Cemetery. This use includes cemeteries for the burial of people or animals, mausoleums and memorial parks, excluding crematoriums.

Coffee or Tea Room. A limited menu restaurant which is located in conjunction with and on the same premises as a retail use. As a permitted use, a Coffee or Tea Room need not meet the definition of an accessory use in relation to the retail use. As an accessory use, the Coffee or Tea Room must meet the definition of an accessory use in relation to the retail use.

College/University. Public or private colleges, universities, community colleges or other institutions of higher learning that primarily teach classes that would count toward an associates, bachelor's, masters or doctoral degree, and that may include associated dormitories. College/University shall not include Schools, Specialized Instructional, as defined herein.

Communication Antenna. Any exterior apparatus designed for telephone, personal wireless services, broadband, radio or television communications through the sending and/or receiving of electromagnetic waves.
(Ord. 1996-Z-12 § 2.)

Communication Tower. A structure designed and constructed primarily for the purpose of supporting one or more Communication Antennas, including self-supporting lattice towers, guy towers and monopole towers. This use includes radio and television transmission towers, personal communications service (PCS), microwave towers, common-carrier towers, cellular telephone towers, and the like. This use does not include any structure erected solely for a residential, non-commercial individual use, such as television reception antennas, satellite dishes or non-commercial wireless antennas (amateur radio).
(Ord. 2008-Z-20 § 5; Ord. 1996-Z-12 § 2.)

Convent/Monastery. A building where persons (such as nuns or monks) reside under religious vows.

Correctional Facility. A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of a civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. Temporary holding cells in police stations are not considered correctional facilities, provided they are accessory in area, extent and purpose to the police station.

Cultural Facility (G). Facilities open to the public including, but not limited to, museums, cultural centers, and aquariums. Cultural Facility does not include Library, Place of Worship or Lodge or Private Club, as defined herein.

Currency Exchange. A business that, for compensation, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a Financial Institution, as defined herein, or a Retail Goods Establishment or Personal Services Establishment where the cashing of checks or money orders is incidental to the principal use.

Day Care Center. Any child or adult care facility, whether established for gain or otherwise, which regularly provides care for less than twenty-four (24) hours per day for more than three (3) children or adults in a facility other than a residential building, which meets the licensing requirements of the State of Illinois, Department of Children and Family Services. Day Care Center does not include programs operated by public or private elementary and secondary schools, or institutions of higher learning which serve children who are three (3) years of age or older.
(Ord. 1993-Z-4 § 1A.)

Day Care Home. A dwelling in which a permanent occupant of the dwelling provides care for more than three (3) to a maximum of sixteen (16) children other than the resident family's natural, adopted or foster children for gain or otherwise, that is licensed by the State as a day care home and/or night care home in accordance with the Illinois Department of Children and Family Services Licensing Standards for Day and Night Care Homes. This use does not include facilities that receive children from a single household or a Day Care Center, as defined herein.
(Ord. 1983-Z-1 § 1.)

Drive-Through Facility (G). A facility or part thereof that provides goods or services to patrons while they remain in a motor vehicle. Also commonly referred to as a drive-in or drive-up facility. (Ord. 1980-Z-2 § 1.)

Dwelling Unit, Auxiliary. An attached or detached dwelling unit conforming to the following provisions:

A. **Auxiliary Dwelling Unit, Attached.** A dwelling unit attached to a single-family detached dwelling unit. The attached auxiliary dwelling unit may have permanent, independent provisions for living, sleeping, eating, cooking and sanitation. A separate exterior entrance to the auxiliary dwelling unit may be provided. An interior connection between the auxiliary dwelling unit and the single-family detached dwelling unit is not necessary, unless required to meet building or fire prevention code requirements.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

B. **Auxiliary Dwelling Unit, Detached.** A dwelling unit surrounded by open space, which is constructed on the same lot as a single-family detached dwelling unit. The detached auxiliary dwelling unit may have permanent, independent facilities for living, sleeping, eating, cooking and sanitation.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling, Multiple-Family. A building with three (3) or more dwelling units not designed as townhouses (see Dwelling, Townhouse), where each dwelling unit is provided an individual entrance to the outdoors or to a common hallway.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling, Single-Family. A detached dwelling containing a single dwelling unit. Travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing are not included in this definition.

Dwelling, Townhouse. A building with three (3) or more dwelling units arranged side-by-side, sharing common fire-resistive walls without openings, where each dwelling unit occupies an exclusive vertical space with no other dwelling unit above or below, and where each dwelling unit has at least one individual exit directly to the outdoors.

Dwelling, Two-Family. A building containing two (2) dwelling units attached either vertically or horizontally. This use does not include Accessory Dwelling Units as defined herein.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling, Upper Level. A dwelling unit located on a floor above a nonresidential use.

Electronics Superstore. An establishment with more than 30,000 square feet of floor area that specializes in the sale of electronic merchandise. Examples of items sold in these stores include: televisions, audio and video players and recorders; software; telephones; computers; and general electronics accessories. Major home appliances may also be sold at these facilities.

Emergency Medical Center. A facility, other than a hospital, that provides emergency medical care and that is licensed by the State of Illinois as an emergency center under the Emergency Medical Services (EMS) Systems Act.

Fairground. An area wherein buildings, structures and/or land are used for the exhibition of livestock, farm products, and other goods, community events, and/or for carnival-like entertainment, by an organization established under the Illinois Agricultural Fair Act, 30 ILCS 120/1 et seq.

Financial Institution (G). An establishment, the principal use or purpose of which is the provision of financial services including, but not limited to, mortgage companies and investment services. Financial Institution shall not include currency exchanges, banks, credit unions, and savings banks.

Furniture Store. A furniture store is a full-service retail facility that specializes in the sale of furniture. Furniture stores are generally large and may include storage areas. Although some home accessories may be sold, furniture stores primarily focus on the sale of pre-assembled furniture.

Gas Station. An establishment offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, which may also offer convenience goods such as food, beverages, and other items typically found in a convenience market. Gas Station does not include Motor Vehicle Service and

Repair, Minor, as defined herein. For Gas Station facilities with drive-through fast food windows, see Drive-Through Facility.

Golf Course. Land used for playing the game of golf by the public or by members and guests of a private club, and which may include any of the following: clubhouse, meeting rooms, food and beverage services, tennis facilities, landscaping, irrigation systems, driving ranges, paths and golf greens and tees.

Group Home. A dwelling unit where disabled individuals are provided residential care. Where a sponsoring agency of the group home is required to be licensed or certified by the State of Illinois, that sponsoring agency shall maintain a valid Illinois State license or certification to operate group homes. A group home does not include an Assisted Living Facility, Hospital, Day Care Center, or a dwelling unit or other living quarters that house persons as an alternative to incarceration for a criminal offense.

A. **Group Home, Small.** A group home providing living accommodations for not more than eight (8) residents, including disabled persons and live-in staff. Visiting staff who do not reside within the group home shall not be counted for purposes of establishing the number of residents.

B. **Group Home, Large.** A group home providing living accommodations for more than eight (8) residents, including disabled persons and live-in staff. Visiting staff who do not reside within the group home shall not be counted for purposes of establishing the number of residents.
(Ord. 2001-Z-11 § 1.)

Health/Fitness Club. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Heavy Retail and Service (G). A retail and/or service establishment where a) outdoor service or storage areas or partially enclosed structures are used in conjunction with the business, or b) the sale of goods or services to the general public at retail is secondary to the sale of goods or services to contractors, service professionals, and the like at wholesale. This use includes, but is not limited to, equipment rental and leasing, lumberyards and other building material and building supply establishments; auto parts establishments, commercial greenhouses and garden centers; landscape, construction and lawn maintenance contractor yards; contractor's offices and storage; bulk materials sales and storage; swimming pool sales; deck and patio sales, playground equipment sales, and recreational vehicle and mobile home dealers. Outdoor Sales Areas and outdoor storage are permitted as accessory uses. Heavy Retail and Service does not include Home Improvement Center, Retail Sales, Personal Services, Pawn Shops, Motor Vehicle Sales and Leasing, or Adult Uses, as defined herein.

Heliport. An area used or intended to be used for the landing and take-off of helicopters that is certified by the State of Illinois as such.

Home Improvement Center. An establishment with more than 50,000 square feet of floor area that sells building supplies, construction equipment, home decorating fixtures and accessories, and related goods and services to the general public. Outdoor Sales, Permanent and Temporary, are permitted as accessory uses. Home Improvement Center is distinct from Heavy Retail and Service, as defined herein.

Home Occupation (G). The conduct of a business or profession within a dwelling unit by one or more members of the family residing therein, which is incidental and secondary to the residential use. Home Occupation includes, but is not limited to, the following: the practice of medicine, dentistry, law, engineering, architecture, and accounting; brokerage; business offices; instruction in or the practice of art, photography, music, language, or dance; computer services; hair cutting and styling; and day care homes. The following occupations, as well as others which do not have a character similar to those listed above, are specifically excluded from the definition of home occupation: restaurants, bed-and-breakfast establishments, nursing homes, mortuary establishments, and retail sales establishments with stock displayed and/or sold on the premises.
(Ord. 1983-Z-5 § 1; Ord. 1960-16 § III (part).)

Homeless Shelter. A facility that provides temporary sleeping and/or living accommodations and meals to homeless persons and which may include counseling, accessory offices, recreational facilities for occupants.

Horse Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Hospital. An institution that provides emergency room and other services including but not limited to physical or mental health services, in-patient or overnight accommodations, and medical or surgical care services, that is licensed by the State of Illinois under the Hospital Licensing Act (210 ILCS 85/1 et seq.).
(Ord. 1980-Z-11 § 1.)

Hospice. A facility licensed by the State of Illinois that meets the definition of Hospice Residence under the Hospice Program Licensing Act (210 ILCS 60/1 et seq.).

Hotel/Motel. A building where guest rooms or suites are offered for a fee to temporary or transient guests to provide temporary sleeping and/or living accommodations. This use is distinct from Bed and Breakfast Establishment and Homeless Shelter as defined herein.
(Ord. 1960-16 § III(part).)

Independent Living Facility. A multiple-family dwelling that is limited to occupancy by persons who are fifty-five (55) years of age or older or, if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older. Such facilities may include offering congregate meals in a common dining area. This use may include incidental medical services for the convenience of residents, but is distinct from an Assisted Living Facility or Nursing Home, as defined herein.

Indoor Recreation and Amusement (G). Indoor facilities including Health/Fitness Clubs, sports arenas, swimming pools, ice or roller skating rinks, bowling alleys, tennis, handball and other court games, sports clubs, indoor golf, paintball marking, pool, billiards, foosball, table tennis, shuffleboard, pinball machines, video games and similar recreation or amusement facilities. This use may include accessory uses such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Junkyard. An open area where waste, and/or used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. This use includes auto salvage yards, but does not include a Recycling Facility as defined herein.
(Ord. 1960-16 § III (part).)

Kennel. Any lot or premises, or portion thereof, where more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or where more than two (2) such animals are boarded for compensation. This use includes animal day care establishments, but does not include the retail sale of household domestic animals unless animals are kept or exercised out of doors.

Library. A public or private facility where books, periodicals, recordings, and other documents are principally maintained for borrowing and use by patrons, rather than being offered for sale. This use may include the incidental sale of surplus materials and other goods.

Live Entertainment (G). The performance of singing, playing musical instruments, spoken word, or dancing by live performers within an establishment such as a Restaurant or Tavern/Bar, or portion thereof. Live Entertainment does not include Theaters that may have live musical performances as part of a theatrical production, or Restaurants that play low volume background music. Live Entertainment is conducted indoors, while Temporary Outdoor Entertainment is subject to the use standards of Section 17.20.020 (Temporary Uses).

Lodge or Private Club. A non-profit association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, where the use of the premises is restricted to members and their guests.

Manufacturing, Heavy (G). Activities or processes that may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process, and

may involve outdoor operations. Typical heavy manufacturing uses include, but are not limited to: concrete batch plants, concrete, tile or brick manufacturing, automobile, truck and tire assembly, ammonia or chlorine manufacturing, metal casting or foundries, grain milling or processing, metal or metal ore production, refining, smelting or alloying, petroleum or petroleum product refining, boat, pool and spa manufacturing, slaughtering of animals, glass manufacturing, paper manufacturing, and wood or lumber processing. The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards, are considered Heavy Manufacturing.

Manufacturing, Light (G). The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place.

Medical/Dental Clinic. A medical or dental office or clinic offering professional medical or dental services primarily on an out-patient basis. Such services may include examination and consultation, treatment, surgery, radiology, MRI, on-site testing laboratories, physical therapy, diagnostic services, training, administration, and other services to patients provided by licensed medical or dental professionals. This use includes facilities licensed by the State of Illinois as ambulatory surgical treatment centers. This use does not include a Hospital as defined herein or a facility licensed by the State of Illinois as an emergency center under the Emergency Medical Services (EMS) Systems Act.

Mini-Warehouse. A structure or group of structures used for the purpose of renting or leasing individual storage spaces to different tenants who are to have access to such spaces for the purpose of storage and removing property. A mini-warehouse may include one (1) dwelling unit on the premises for use only by a watchman, caretaker or manager.
(Ord. 1987-Z-16 § 3.)

Model Airplane Facility. An outdoor facility for displaying and flying model aircraft, including paved or unpaved runways and taxiways, shelter structures, seating such as benches or bleachers, parking facilities for participants and spectators, and unpaved areas for temporary event parking. The nature and extent of these facilities may be specified in an ordinance granting or amending a special use. The area encompassed by the use shall include all flight paths and flyover areas.
(Ord. 2004-Z-8 § 1.)

Motor Vehicle Display, Outdoor. The outdoor display of new or used motor vehicles offered for sale or lease, which do not carry permanent motor vehicle registration tags, but may be temporarily registered with “dealer” plates for purposes of test drives, transfer of vehicles between sales locations, use by sales personnel, and similar limited uses. Outdoor Motor Vehicle Display is permitted only in conjunction with an allowable Motor Vehicle Sales and Leasing use.

Motor Vehicle Rental. An establishments that offers motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles for rent to the general public.

Motor Vehicle Sales and Leasing. An establishment licensed by the State of Illinois where the principal use is the sale or lease of new or used automobiles, trucks, vans, trailers, boats or motorcycles, or other similar motorized transportation vehicles. A Motor Vehicle Sales and Leasing establishment may maintain an inventory of the vehicles for sale or lease on-site. Secondary support uses may also exist upon the same site, such as maintenance, repair, and service areas, indoor parts storage areas, and financial services areas. Motor Vehicle Display, Outdoor, is permitted as an accessory use; Vehicle Service and Repair, Major and Minor, as defined herein, are permitted as accessory uses or as additional principal uses.

Motor Vehicle Service and Repair, Major. Motor Vehicle Service and Repair, Major includes, but shall not be limited to, establishments involved in major reconditioning of worn or damaged motor vehicles or trailers, engine rebuilding, towing and collision service, including body, frame or fender straightening or repair, and overall painting of motor vehicles. Such establishments often require

the storage of vehicles to be repaired. Vehicle towing establishments, with or without repair facilities, are included in this category.

Motor Vehicle Service and Repair, Minor. An establishment which performs minor repairs and service to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, brake relining and repairs, wheel alignment and balancing, repair and replacement of shock absorbers, touch up work for paint chips and windshields, engine repair and service, and transmission repair and service which is, conducted entirely within an enclosed building. Such use may include the incidental sales of motor oil, lubricants or motor vehicle accessories. This use does not permit the storage of repair vehicles on the site for more than five (5) days and does not include the services and activities of Motor Vehicle Service and Repair, Major, as defined herein.
(Ord. 2010-Z-9 § 2.)

Motor Vehicle Storage, Permanent. The outdoor storage of motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles, when not accessory to any principal use on the same lot
(Ord. 2008-Z-24 § 23.)

Motor Vehicle Storage, Temporary. The temporary outdoor storage of motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation, when not accessory to any principal use on the same lot, conforming to the limits provided herein for Temporary Motor Vehicle Storage.
(Ord. 2008-Z-24 § 23.)

Nursing Home. An institutional facility that meets the definition of a nursing home as established in the Illinois Nursing Home Care Act (210 ILCS 45/).
(Ord. 1960-16 § III (part).)

Office, Government (G). An office of a local, State or Federal government organization. This use is distinct from a Public Service Facility, as defined herein.

Office, Business or Professional (G). An office used for business, professional or administrative uses, which may or may not offer services to the public, and is engaged in the processing, manipulation or application of business information or professional expertise. This use may include as accessory uses, facilities not available for use by the general public such as meeting facilities, employee amenities such as exercise rooms, and food service. This use does not involve the fabricating, assembling, warehousing, or repair of physical products, and does not include Medical/Dental Clinics, Financial Institutions or Professional Training Centers.

Outdoor Amusement. Outdoor facilities including stadiums, outdoor theaters, go-cart courses, raceways, rodeos, outdoor music arenas, theme parks, amusement parks, and privately owned water parks. Outdoor Amusement may include accessory uses, such as snack bars, which are designed and intended primarily for the use of patrons of the principal use.

Outdoor Dining. The serving of food and/or beverages in an outdoor space with seats and/or tables accessory to a restaurant or other food service establishment.
(Ord. 2003-Z-13 § 2.)

Outdoor Entertainment. An outdoor show, performance or the playing of recorded or amplified sound.
(Ord. 2003-Z-13 § 2.)

Outdoor Recreation (G). Active outdoor recreational facilities available to the general public, including lighted ball fields, lighted ball courts, driving ranges, miniature golf courses, batting cages, skateboarding courses, archery ranges, outdoor aquatic facilities owned and operated by a park district such as swimming pools, splash parks and water slides, and other similar uses. This use may include accessory uses such as snack bars that are designed and intended primarily for the use of patrons of the principal recreational use. Outdoor Recreation does not include Model Airplane Facilities, Golf Courses, or Outdoor Amusement.

Outdoor Sales, Permanent. The sale or display for sale at retail of goods, or the provision of services, out of doors in conjunction with or accessory to a principal use, where the sale, display or provision of services exceeds the time limits provided herein for Temporary Outdoor Sales.

Outdoor Sales, Temporary. The sale or display for sale at retail of goods, or the provision of services, out of doors in conjunction with or accessory to a principal use, where the sale, display or provision of services conforms to the limits provided herein for Temporary Outdoor Sales.

Outdoor Storage. The storage of any goods, material, merchandise or equipment outside of an enclosed building. Outdoor Storage does not include the display of goods for sale at retail or temporary storage of refuse, nor does it include outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard, and other refuse and recycling materials.

Park, Neighborhood. Public or private open space maintained in a natural state or improved with amenities for passive or active recreation, including but not limited to ball fields and ball courts without lighting for night play. This use does not include facilities categorized as Outdoor Recreation or Outdoor Amusement.

Parking Garage/Structure. Public or private structures, or portions thereof, composed of one (1) or more levels or floors used exclusively for the parking of motor vehicles, whether public or private, but not including a private garage as defined herein. A parking structure may be totally below grade (as in an underground parking garage), or either partially or totally above grade, with those levels being either open or enclosed.
(Ord. 1996-Z-25 § 1.)

Parking Lot, Private. A parking lot used for parking of motor vehicles that is not within a parking garage/structure and is not within or under a building. This use is distinct from "Motor Vehicle Display, Outdoor", "Motor Vehicle Storage", and "Parking Lot, Public."
(Ord. 2008-Z-24 § 23.)

Parking Lot, Public. A parking lot used for parking of motor vehicles that is not within a parking garage/structure, is not within or under a building, and is available for public use for at least a portion of the day. The lot may provide off-street parking for multiple uses and lots in the vicinity. The lot may be accessory to a building and may be publicly or privately owned. This use is distinct from "Motor Vehicle Display, Outdoor", "Motor Vehicle Storage", and "Parking Lot, Private."
(Ord. 2008-Z-24 § 23.)

Pawn Shop. An establishment where loans are offered on the security of personal property and where unclaimed property is sold.

Personal Services (G). An establishment where personal services are provided directly to the customer. This use includes, but is not limited to, barber shops, beauty parlors, laundry and dry cleaning establishments, funeral homes/mortuaries, tanning salons, tailors, domestic pet grooming, shoe repair shops, and the like. This use may include incidental retail sales of goods. Tattoo Parlors, Currency Exchanges, Motor Vehicle Rental and Adult Uses are not permitted as Personal Services establishments.

Personal Services, Limited. A subset of the Personal Services use category limited to barber shops and beauty salons (including: hair treatments, facial treatments, pedicures, and finger nail treatments, tanning salons). All limitations on the Personal Services use category shall also apply to Personal Services, Limited.
(Ord. 2013-Z-6 § 2.)

Place of Worship. A church, temple, synagogue, mosque or other religious place of assembly, which may or may not include schools and/or meeting facilities and accessory uses such as a parish house, recreational facilities and other non-profit operations that serve members of the religious organization.

Planned Unit Development. A special use that is reviewed and approved according to the standards and procedures of Sections 17.04.400, 17.04.410, 17.04.420, and 17.04.430, and other relevant provisions of this Title.
(Ord. 1967-14 (part); Ord. 1960-16 § III (part).)

Police Firearms Training Range. A firearms range used exclusively for training and practice by law enforcement personnel.

Private Garage. An accessory building, or an accessory portion of the principal building, which is intended and used for storing the private passenger vehicles of the family or families residing upon the premises.

Professional Training Center. A training center with classrooms, administrative offices, food preparation and service, residential accommodations for trainees, and recreational facilities.

Post Office. A facility with service windows for mailing packages and letters, post office boxes, postal service offices, postal vehicle storage areas and sorting and distribution facilities for mail.

Public Service Facility. A facility owned and operated by a governmental entity used to provide a public safety or public service, including but not limited to police and fire stations, public works facilities for road or utility maintenance, vehicle maintenance garages, workshops, storage, offices, communications and dispatch, school bus maintenance and storage, and park maintenance facilities.

Recycling Facility. A facility where newspapers, magazines, books and other paper products, glass, metal cans and other products are received, sorted, reprocessed and/or treated as part of a process to return such products to a condition in which they may be used again as a raw material in finished products. This use does not include a junkyard as defined herein.

Research and Development Use (G). Facilities for laboratory research in scientific, medical or technology intensive fields such as biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer and radiation research, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory or research facility.
(Ord. 1960-16 § III (part).)

Restaurant (G). An establishment in which the primary activity is prepared food service, provided for consumption on the premises or for carry-out. Live entertainment is permitted as an accessory use within completely enclosed areas; and outdoor dining, including service to patrons seated outdoors, is permitted as an accessory use on the premises. This use is distinct from a Tavern/Bar where the primary purpose is the sale of alcoholic beverages, or snack bars or refreshment stands that are accessory to recreational or amusement facilities. For restaurants with drive-through windows, see Drive-Through Facility; for restaurants with outdoor live entertainment, see Outdoor Entertainment.
(Ord. 2011-Z-1 § 29.)

Restaurant, Carry-Out Only. A restaurant establishment in which the primary activity is prepared food service provided for carry-out or delivery only, and no food is consumed on the premises.
(Ord. 2011-Z-1 § 30.)

Retail Sales (G). An establishment where the primary purpose is the sale of physical goods, products or merchandise directly to the consumer. This use includes, but is not limited to, stores that sell groceries, hardware, clothing, auto parts, electronics, appliances, jewelry, antiques and shoes. This use also includes Carpet Stores, Electronics Superstores, and Furniture Stores. This use does not include Heavy Retail and Service, Home Improvement Center, Pawn Shops, or *Adult Uses*, as defined herein.

Schools, Primary or Secondary. Public, private or parochial institutions primarily engaged in academic instruction for all, or part of, grades Kindergarten through 12th, and recognized or approved by the State of Illinois. This use may include accessory day care centers for children over the age of three (3).

School, Private Boarding. An elementary, junior high or high school that provides lodging for students on the same property.

School, Specialized Instructional (G). A private for-profit or non-profit establishment where the primary business is providing specialized instruction not necessarily limited by age, such as, but not limited to, driving, trade, specialized academic, vocational, art, music and dance schools.

Tattoo Parlor. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols or other marks

upon or under the skin of any person, using ink or other substances, which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern/Bar. An establishment primarily engaged in serving alcoholic liquor for consumption on the premises. This use may also include accessory sale of prepared food. Live entertainment is permitted as an accessory use in completely enclosed areas. This use does not include Outdoor Dining, unless permitted as a Special Use.

Temporary Outdoor Entertainment. The performance of live music outside of an enclosed building in an outdoor space as part of a community festival or an event hosted by the City, Park District, School District, or other governmental body, or as a temporary accessory use to a business. (See Chapter 17.20 for time restrictions and other standards.)
(Ord. 2008-Z-24 § 22.)

Theater. An indoor establishment where live performances, motion pictures, or other recorded media are offered for public viewing, where admission is charged. This use does not include any Adult Use, as defined herein.
(Ord. 1981-Z-7 § 1 (part); Ord. 1980-Z-12 § 1.)

Transportation Operations Facility. A facility which may include outdoor facilities and buildings, where buses, trains, taxicabs or other livery vehicles are stored and/or dispatched, where loading and unloading of passengers and freight may be carried on regularly. This use is distinct from a Public Service Facility, as defined herein.

Utility, Community/Regional. Infrastructure services that serve a larger area than those defined herein as Utility, Local and which may have employees normally present at the site. This includes electrical substations, telephone equipment buildings, cable television head-end facilities, above-ground natural gas transmission facilities, municipal wastewater treatment facilities, water supply treatment facilities, and similar large-scale utility equipment and buildings.

Utility, Local. Infrastructure services that need to be located in the area where the service is provided, and which generally do not have employees at the site. This includes overhead electric and communications lines and poles; electric utility towers; electric transformers and switchgear; traffic signals and controllers; street lighting; wastewater lift stations; fire hydrants and standpipes; water supply wells, reservoirs and towers; stormwater drainage and underground gas, electrical, telephone, communications, water distribution, wastewater collection, and drainage facilities. This use does not include the facilities included under Utility, Community/Regional as defined herein.

Veterinary Office/Animal Hospital. Any building, or portion thereof, designed or used for veterinary examination, observation and treatment of domestic animals, and may include euthanization of domestic animals. This use does not include Kennels or any keeping of animals out of doors, except that one animal at a time may be taken out of doors by one or more employees of the Veterinary Office/Animal Hospital; see also Kennels and Horse Stables, Private.

Warehouse/Distribution. This use includes structures or areas, or a portion thereof, used principally for the storage or distribution of goods and merchandise to retailers, non-residential users, or to other wholesalers. This use shall not include Manufacturing, Light/Assembly, as defined herein.

17.30.030 General Definitions

Abut or Abutting. Having a common lot line, zoning district boundary line, or other boundary, not separated by a street or alley.

Accessory Building. A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied for a permitted accessory use. Examples of accessory buildings include private garages and storage buildings.
(Ord. 1988-Z-8 § 1.)

Accessory Structure. A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used for a permitted accessory use. Examples of accessory structures include signs, fences, and decks.

(Ord. 1988-Z-8 § 1.)

Addition or Expansion. Any of the following:

A. An increase in floor area of a building

B. A modification to the roof line of a building, such as the construction of a dormer that increases the amount of floor space devoted to human use or occupancy

C. The reconstruction of a building or structure which is not accompanied by a change in the use of a lot

Advertising Bench. Any bench or bench-like structure that is used, in whole or in part, for advertising purposes by means of a message or design painted on, printed on, affixed to, or otherwise designed as, an integral part of the bench.

Alley. A public right-of-way, normally 20 feet or less in width, that affords a secondary means of access to abutting properties.
(Ord. 1960-16 § III (part).)

Alteration. Any physical change to the exterior surface of a building or part thereof, including but not limited to renovation, rehabilitation, reconstruction, restoration, or replacement, or any change that affects the interior configuration of walls, spaces, or bulk of a building or structure.

Architectural Feature. A visually apparent feature of a building or structure that contributes to its aesthetics, including but not limited to cornices, eaves, gutters, belt courses, lintels, sills, archways, windows, doors, chimneys, columns, pilasters, and decorative ornaments.

Arterial or Collector Street. A street that is designated in the St. Charles Comprehensive Plan as an existing or future strategic regional arterial, arterial or collector street.

Attention-getting Device. Any flag, streamer, pennant, light, balloon, fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or other use, which is visible by the general public from any public right of way.

Automobile Franchise. The right to sell a particular make of motor vehicle held by any person, firm or corporation owning or demising any portion of the land within an Auto Mall, as defined herein, irrespective of whether a particular manufacturer has multiple makes or brands. By way of example only, a corporation authorized to sell Daimler-Chrysler manufactured Jeep vehicles and Daimler-Chrysler manufactured Dodge vehicles shall be considered to have two (2) Franchises. **Awning.** A structure made of cloth, metal or other materials affixed to a building and generally located so as to provide shade for windows and doors.

Balloon. An inflated nonporous object filled with air or gas.

Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames.

Basement. A portion of a building located partly underground, where four (4) feet or more of its clear floor-to-ceiling height is above the average grade of the adjoining ground. See Figure 17.30-1.
(Ord. 1960-16 § III (part).)

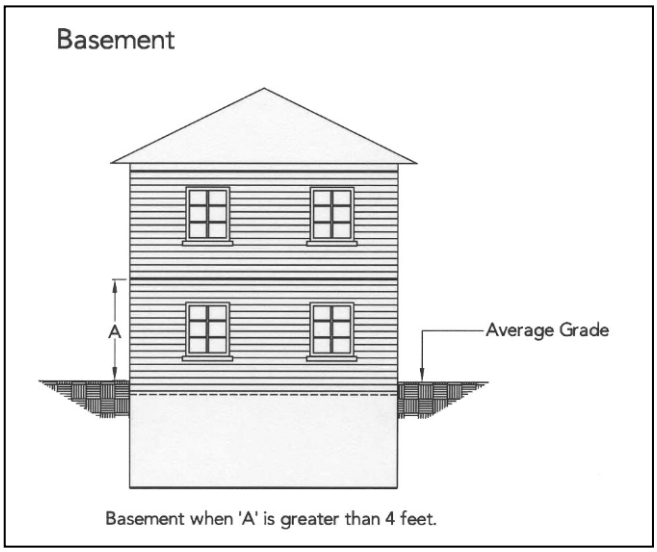


Figure 17.30-1

Bay Window. A window which projects outward from the building wall, and does not rest on the building foundation or on the ground.

Beacon. A light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source. However, this term shall not include any kind of lighting device that is required or necessary under the safety regulations described by the Federal Aviation Administration or other similar agencies. Beacon shall not include Searchlight, as defined herein.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Billboard. A freestanding sign or wall sign that advertises a business or product, and is not located on the premises where the business is located or the product is the primary product available for sale.

Block. A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways or corporate boundary lines.
(Ord. 1960-16 § III (part).)

Block Face. The properties abutting on one (1) side of the street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, public parks, cemeteries, corporate boundary line or watercourse.

Block Frontage. The total horizontal length of the lot frontages on one side of a street between the two nearest intersecting streets, or, if the street terminates in a dead-end, between the nearest intersecting street and the dead end of the street.

Bollard. A functional pole or sphere attached to the ground intended to control automobile access into pedestrian areas or protect structures in pedestrian areas from automobile damage.

Breezeway. A roofed, open-sided structure that connects a principal building with an accessory building.

Buffer Yard. An area of a lot with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

Building. A structure attached to the ground built for the support, shelter or enclosure of persons, animals or property of any kind.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Building, Completely Enclosed. A building enclosed by a permanent roof and continuous exterior walls having openings only for windows, screens, and entrance or exit doors.
(Ord. 2008-Z-25 § 6.)

Building Coverage. A measure of intensity of land use that represents the portion of a site that is covered by a principal building or buildings including attached garages and enclosed porches, and accessory buildings including detached garages and any other enclosed accessory building in excess of 150 square feet of Lot Coverage. Building Coverage shall be measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post or other non-continuous foundation, excluding projections for bay windows. Building Coverage shall not include unenclosed porches, decks, or unenclosed accessory structures such as gazebos, swimming pools, or tennis and sports courts.
(Ord. 2008-Z-25 § 6.)

Building, Detached. A building surrounded by open space on the same lot. A building connected to another building only by an unenclosed structure shall be deemed to be a detached building.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Building Frontage. The horizontal length of any side of a building or portion thereof that faces a public or private street or parking area.

Building Height. The vertical distance from grade at the midpoint of the required front building line to a specified point on the building:

A. In the case of a flat roof, to the highest point of the wall or parapet; if the building design provides for enclosed mechanical equipment on the roof, the building height shall be measured to the highest point of the enclosing structure, if the enclosing structure comprises more than 20% of the lot coverage of the building.

B. In the case of a gable, hip, gambrel or mansard roof, to the top of the ridge of the highest area of the roof.

Building elements extending above the main portion of the building such as chimneys, spires, steeples, towers, elevator penthouses, tanks and similar projections shall not be included in calculating building height, unless the area of a horizontal plane through the widest part of the building element comprises more than 20% of the lot coverage of the building.

(Ord. 1988-Z-13 § 1; Ord. 1960-16 § III (part).)

Building Line. A line within the lot parallel to a front lot line or exterior side lot line, which is separated from such lot line by the depth of the required front yard or exterior side yard, respectively.
(Ord. 1988-Z-8 § 1.)

Bulk. The term used to indicate the size of buildings or structures, and the location of the same with respect to lot lines and to one another, which includes the following:

A. Lot Area
B. Lot Width
C. Building Coverage
D. Floor Area and Floor Area Ratio
E. Building Height
D. Yards, setbacks, Landscape Buffers, and other open space.

(Ord. 1960-16 § III (part).)

Bulletin Board. Any sign with a changeable message board erected in a permanent fashion by a charitable, educational or religious institution or public body, which is erected upon the same property as said institution.

Canopy. A permanent rooflike structure that projects from the wall of a building and overhangs the right of way or open space outside the building, normally used to shelter pedestrians from rain or snow, or as a decorative architectural feature.
(Ord. 1960-16 § III (part).)

Carport. An open-sided roofed structure designed to shelter one or more vehicles, usually formed by an extension of the roof from the side of a building.

Cellar. The portion of a building located partly or wholly underground, and having half of more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
(Ord. 1960-16 § III (part).)

Circular Driveway. A driveway on a single or two family residential lot configured generally in a "U" shape, having two points of access to a public street or streets.

Clear Zone. An area of a lot that is required to be kept clear of obstructions as specified by this Title, to provide access to fire hydrants and electrical equipment.

Commercial Vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
(Ord. 2000-Z-26 §1.)

Conforming Building or Structure. Any building or structure that complies with the regulations of this Title, as amended.

Contiguous. Adjoining or abutting.

Curb Level. The elevation of the established curb in front of a building or structure, measured at the midpoint of the building or structure's frontage. Where there is pavement, but no curb, curb level shall be deemed to be the elevation of the centerline of the street surface in front of the building or structure, measured at the midpoint of the building or structure's frontage.
(Ord. 1960-16 § III (part).)

Deck. An accessory structure that may be attached or unattached to the principal building, which is open to the sky and provides a platform that is raised above the ground.

District. A geographic area of the City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Title.

Donation Boxes. Any enclosed container located on private or public property specifically for the purpose of collecting donated clothing, books, electronics, or other similar items. Cargo Containers, trash dumpsters, or trash receptacles shall not be considered Donations Boxes.
(Ord. 2012-Z-7 § 3.)

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings, but not including Hotel/Motel or Bed and Breakfast Establishment, but not an automobile house trailer, as defined herein.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling, Attached. A dwelling that is joined to another dwelling at one (1) or more sides by a party wall or walls.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling Unit. A dwelling unit consists of a group of rooms which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family, as defined by this Title and which include permanently installed bathroom and kitchen facilities.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Dwelling Unit, Accessory. See Accessory Dwelling Unit.

Easement. A legal interest in land, granted by the owner to another person, which allows that person's use of all or a portion of the owner's land, generally for a stated purpose including but not limited to access or placement of utilities, or access.
(Ord. 1960-16 § III (part).)

Efficiency Unit. A dwelling unit consisting of one (1) principal room, together with bathroom, kitchen, hallway, closets and/or dining alcove directly off the principal room, provided such dining alcove does not exceed one hundred twenty-five (125) square feet in area.
(Ord. 1960-16 § III (part).)

Erect. To build, construct, attach, hang, place, suspend or affix; also including the painting of wall signs.

Façade. Any wall of a building which faces, or is visible from, a public street or residential district.

Family. One (1) or more individuals related by blood, marriage or adoption, or five (5) or fewer individuals not so related, living, sleeping, and eating on the premises as a single housekeeping unit.
(Ord. 1960-16 § III (part).)

Fence. A constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.
(Ord. 2002-Z-9 § 3; Ord. 1983-Z-3 § 2.)

Fence, Open. A fence designed and constructed so that the surface area of any segment of the fence, inclusive of any gates, is at least eighty percent open, as compared to solid materials, when viewed perpendicular to the plane of the fence.
(Ord. 2002-Z-9 § 3; Ord. 1960-16 § III (part).)

Fence, Solid. A fence designed and constructed so that the surface area of any segment of the fence, inclusive of any gates, is at least eighty percent opaque, when viewed at any angle.
(Ord. 2002-Z-9 § 3; Ord. 1960-16 § III (part).)

Fence Height. The vertical distance from grade directly under the fence to the top of the fence. Support posts or decorative elements may be excluded in measuring the height of a fence if they do not exceed one hundred twenty-five percent (125%) of the height of the other elements of the fence, do not exceed six (6) inches in diameter or width, and are spaced at not less than three (3) feet on center.
(Ord. 2002-Z-9 § 2.)

Floor Area, Gross. The sum of the gross horizontal floor areas of the several stories of a building, plus any basement or cellar floor area, measured from the exterior faces of the exterior walls, or in the case of a common wall separating two buildings, from the centerline of the common wall. Gross floor area shall not include interior parking or loading spaces, or any space where the floor to ceiling height is less than six feet.
(Ord. 2008-Z-24 § 24; Ord. 1995-Z-9 § 1; Ord. 1960-16 § III (part).)

Foot Candle. A measuring unit of illuminance on a surface that is uniformly one foot from a uniform point source of light of one candela.

Frequency. The term Frequency signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.
(Ord. 1960-16 § III (part).)

Frontage. See Lot Frontage.

Grade. The elevation of the ground at a reference point or line, as may be specified for the applicable regulation.

Greenhouse. A building or structure used for growing plants and/or displaying and selling of horticultural and related products, not including the conduct of a landscape contracting business on the premises.
(Ord. 1986-Z-4 § 1.)

Height. The vertical distance from grade to a specified point or plane. See also Building Height, Fence Height, Sign Height.

Historic building. A building that has been designated by the City, the State of Illinois, or the National Trust for Historic Preservation as an architectural or historic landmark, or that is a significant or contributing building within a designated historic district.

Historic lighting fixture. A lighting fixture mounted on a historic building, that was either part of the original design and construction of the historic building or has been approved by the City as being consistent with the original design and construction of the historic building.

Impervious Surface. A hard, man-made surface that does not readily absorb or retain water, including but not limited to roofs, paved areas for parking and driveways, and graveled areas.

Inflatable Advertising Devices. A portable advertising device that is supported primarily by compressed air or other gases. Such devices may be sealed from escaping or may be maintained in an inflated condition by means of a fan or blower, which is designed to maintain air pressure inside the device greater than the atmospheric air pressure outside the device.

Intermodal Container. A shipping container that is portable and enclosed, used for the storage or shipping of inventory, materials or supplies.

Land Banked Parking. Parking spaces required for compliance with the off-street parking requirements of this Title that are not initially constructed, pursuant to the provisions for land banked parking contained in Chapter 17.24. Land banked parking stalls shall be clearly indicated on all approved site, engineering, landscape, and building plans.
(Ord. 2008-Z-36 § 6.)

Landscaping, Building Foundation. A planted area located adjoining exterior building walls and containing a common side with the structure. Turf is not a component of this planted area.

Logo. A business trademark or symbol.

Lot. A tract of land which is designated by its owner at the time of application for a building permit as a unified parcel, all of which is to be developed and used under single ownership. A lot may consist of a) a single lot of record or b) a combination of contiguous complete lots of record. See Figure 17.30-3 for lot types.
(Ord. 1988-Z-8 § 1; Or. 1960-16 § III (part).)

Lot Area. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.
(Ord. 1960-16 § III (part).)

Lot, Buildable. A lot that meets all the minimum requirements of this Title applicable to the construction of a principal building of a given type.

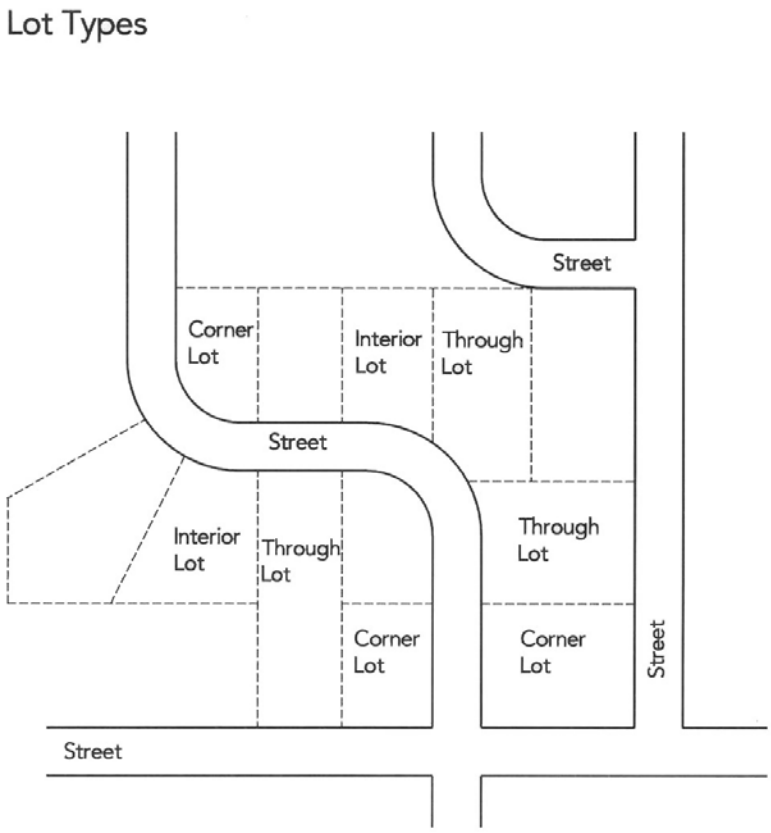
Lot, Corner. A lot situated at the junction of, and abutting on, two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).
(Ord. 1960-16 § III (part).)

Lot Coverage. A measure of intensity of land use that represents that portion of the horizontal area of a lot that is covered by the principal building or buildings and accessory buildings and structures, including but not limited to:

A. Attached and detached garages (measured at the foundation)
B. Accessory sheds (measured at the outer wall surface)
C. Gazebos and cabanas (measured at the outer wall surface)
D. Enclosed and Unenclosed Porches (measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post or other non-continuous foundation)
E. Decks and accessibility ramps (measured at the outer limits of the deck or ramp surface)
F. Swimming pools (measured at the outer edge of the pool deck)
G. Tennis courts and sports courts (measured at the outer edge of the court surface)

(Ord. 2008-Z-25 § 6.)

Figure 17.30-3



Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
(Ord. 1960-16 § III (part).)

Lot, Flag. A Flag Lot is an irregularly shaped lot which consists of two (2) sections: the primary mass of the lot (the buildable portion), which is set back from the street access and located behind one (1) or more other lots, and a narrow access corridor (the flagpole), which extends from the primary mass of the lot toward the street. The front lot line for a flag lot may be established on a lot line which is not a street frontage, and which is generally either parallel with or perpendicular to the street right-of-way.

Lot Frontage. The horizontal length of a front lot line or an exterior side lot line abutting a street. The term "Street Frontage" is equivalent.

Lot, Interior. A lot other than a corner lot or a through lot.

Lot Line. A property boundary line of any lot, except that where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Lot Line, Exterior Side. A lot line which abuts a street and which is not a front lot line or a rear lot line.

Lot Line, Front.

A. In the case of an *interior lot*, the lot line that abuts an improved or dedicated street.

B. In the case of a corner lot or flag lot, the front lot line shall be as established on the plat of subdivision. For corner lots, if a front lot line was not established on the plat of subdivision, the front lot line shall

be the shortest lot line adjoining a street; if both lot lines adjoining the street are the same length, the front lot line shall be as established by the owner at the time of application for a building permit. For flag lots, if the front lot line was not established on the plat of subdivision, the front lot line shall be as established by the owner at the time of application for a building permit.

C. In the case of a through lot, the front lot line shall be the lot line that does not abut a collector or arterial street; if neither street abutting the lot is a collector or arterial street, the front lot line shall be the established common front lot line on the block. If no common front lot line has been established, the front lot line shall be established along the street where access is provided to the lot. If none of the preceding conditions apply, then the front lot line shall be established by the owner at the time the building permit is issued.

D. In the case of a lot with no frontage on a street, the front lot line shall be as established in a PUD, or if not so established, shall be designated by the Director of Community Development based upon the orientation of the building and its entrances in relation to the location of parking lots, access drives, and visibility of the building from public streets. In general, the front lot line should be designated so that the front of the building faces the front lot line.

(Ord. 2002-Z-9 § 3; Ord. 1994-Z-4 § 3; Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Lot Line, Interior Side. Any lot line that is not a front lot line, a rear lot line, or an exterior side lot line.

Lot Line, Exterior Side. A lot line that abuts a street and that is not a front lot line or a rear lot line.

Lot Line, Rear. That boundary of a lot that is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the line forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a through lot, the rear lot line shall be the lot line abutting a street that is, or is most nearly, opposite from and parallel to the designated front lot line.

(Ord. 1960-16 § III (part).)

Lot of Record. A lot which is part of a recorded subdivision, or a lot or parcel described by metes and bounds, the description of which has been recorded.

(Ord. 1988-Z-8 § 1.)

Lot, Reversed Corner. A corner lot where the exterior side lot line is substantially a continuation of the front lot line of the first lot to its rear.

(Ord. 1960-16 § III (part).)

Lot, Through. A lot bounded by streets at opposite ends of the lot, which is not a corner lot.

(Ord. 2002-Z-9 § 3; Ord. 1960-16 § III (part).)

Lot, Through Corner. A lot abutting two parallel or approximately parallel streets, as well as a third street which is perpendicular or approximately perpendicular to the other two streets.

Lot Width. The distance between the side lot lines of a lot measured by a straight line drawn between the intersections of the side lot lines with the front building line.

(Ord. 1988-Z-8 § 1.)

Luminaire. A complete lighting unit consisting of a light source and all necessary optical, mechanical, electrical and decorative parts, but not including the pole or other support.

Lux (lx). A unit for measuring the illumination (illuminance) of a surface. One lux is defined as an illumination of one lumen per square meter or 0.0001 phot. [By way of explanation, in considering the various light units, it's useful to think about light originating at a point and shining upon a surface. The intensity of the light source is measured in candelas; the total light flux in transit is measured in lumens (1 lumen = 1 candela·steradian); and the amount of light received per unit of surface area is measured in lux (1 lux = 1 lumen/square meter). One lux is equal to approximately 0.09290 foot candle.]

Mansard Roof. A double-sloped pitched roof rising steeply from the eaves and having a summit of flatter slope on both sides of the ridge.

Memorial Plaque. A sign designating names of buildings and/or date of erection, and other items such as architect, contractor or others involved in the building's creation cut into or attached to a building surface.

Mezzanine. An intermediate or fractional story between the floor and ceiling of a main story. A mezzanine is usually just above the ground or main floor and extends over part of the main floor.

Motor Vehicle. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.
(Ord. 1960-16 § III (part).)

Nameplate. A sign indicating the name, address or profession of the person or persons occupying the lot or a part of the building.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Nonconforming Lot. A lot of record that does not meet the lot area or lot width requirements of this Title for the zoning district in which it is located.

Nonconforming Use, Building or Structure. An existing use, building or structure, or part or appurtenance thereof, that does not meet the applicable requirements of this Title.

Non-residential Building or Use. A principal building or principal use thereof which is not arranged, designed, used or intended to be used for residential occupancy. Nursing homes, homeless shelters, hospice facilities, hotel/motels, and bed and breakfast establishments are considered to be non-residential buildings or uses for purposes of this Title. (See definition of Residential Building or Use.)

Obstruction. Any building or structure, or part thereof, which is so located as to come in the way of any open area required by this Title. Trees or shrubs shall not be considered as obstructions.
(Ord. 1960-16 § III (part).)

Owner. A titleholder of record, or if title is held in trust, the beneficiary of the trust.

Parcel. One or more lots or parts of lots, which may or may not be in common ownership, designated by its owner(s) to be considered as one parcel for the purpose of applying a particular regulation of this Title. (An example for illustrative purposes only: The owners of separate lots constituting a shopping center where parking and access are shared, may designate the lots constituting the shopping center as a parcel so as to apply the regulations pertaining to parking, signs, etc.)

Patio. An open, hard surfaced area designed and intended for outdoor sitting, dining, socializing, or recreational use by people and not as a parking space.

Pedestrian Wall. An upright structure of building material, such as brick or masonry, serving to enclose, divide, or protect an area as part of an aesthetic or landscape design.

Person. An individual, proprietorship, partnership, corporation, association or other legal entity.

Person With A Disability. Any individual whose disability:

A. Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments.

B. Is likely to continue or a significant amount or time or indefinitely.

C. Results in functional limitations in three (3) or more of the following areas of major life activity: Self care, receptive or expressive language, learning, mobility, self direction, capacity for independent living, and economic self-sufficiency

D. Ref1ects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are of a life-long or extended duration.

Porch, Enclosed. A structure immediately adjoining and projecting from an exterior wall of a building, which has direct access into the building, is covered by a roof or eaves, and is enclosed by a combination of walls and permanent or temporary windows or screens. Screened-in rooms shall be considered enclosed porches.
(Ord. 2008-Z-25 § 5.)

Porch, Unenclosed. A structure immediately adjoining and projecting from an exterior wall of a building, which has direct access into the building, is covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings and columns.

(Ord. 2008-Z-25 § 5.)

Principal Building. A non-accessory building in which the principal use of the lot on which it is located is conducted.

Principal Use. A non-accessory use of a building or lot.

Property Line. A lot line.

Public Property. Any property owned, leased or held by any unit of government such as the United States, the State of Illinois, the City, park district, school district, library district, township, County, or any subdivisions thereof. This shall include all streets, parkways, sidewalks, alleys, buildings, parking lots, landscaped areas, parks, and schools, as well as any municipal signs, traffic-control devices, trees, utility poles, shelters or street lights located thereon.

Public Building. Any building owned, leased or held by any unit of government such as the United States, the State of Illinois, the City, park district, school district, library district, township, County, or any subdivisions thereof, provided that said building is used for governmental purposes.

Public Way. Any sidewalk, street, alley, highway or other public thoroughfare, located within a dedicated right of way or within an easement where the public has a right of access.

Railroad Right-of-Way. A private right of way with tracks and auxiliary facilities for track operation, not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Recreational Vehicle. Any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper and any towed recreational equipment, including the trailers for same such as boats, snowmobiles and motorcycles used privately for recreational purposes and not used commercially. Recreational vehicles, more specifically, include, but are not limited to:

A. **Camper Trailer (Pop-Up).** A recreational trailer not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and are of a size or weight not requiring an over-dimension permit when towed on a highway.

B. **House Trailer (Mobile Home).** A recreational trailer equipped and used for living quarters for human habitation, temporarily or permanently, rather than for the transportation of freight, goods, wares and merchandise.

C. **Motor Home (Mini-Motor Home or Van Camper).** Any self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with the direct walk-through access to the living quarters from the driver's seat.

D. **Travel Trailer.** A recreational trailer not used commercially, designed to provide living quarters for recreational camping or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

E. **Truck Camper.** A recreational truck, not used commercially, when equipped with a portable unit designed to be loaded on to the bed which is construed to provide temporary living quarters for recreational, travel or camping use.

(Ord. 2000-Z-26 § 1.)

Refuse. Any waste products, including recyclable materials, resulting from human habitation or the conduct of business or industry, except sewage.

(Ord. 1960-16 (part).)

Residential Building, Use. A principal building or principal use thereof which is arranged, designed, used or intended to be used for residential occupancy and permitted accessory uses, including but not limited to single-family dwellings, auxiliary dwellings, two-family dwellings, townhouse dwellings, multi-family dwellings, group homes, independent living facilities, and assisted living facilities. Nursing homes, homeless shelters, hospice facilities, hotel/motels, and bed and breakfast establishments are not considered to be residential buildings or uses for purposes of this Title.

Residential Development Sign. An identification sign used to indicate the entrance to a subdivision, neighborhood, or unified residential area.

Satellite Dish Antenna, Large: A parabolic Communication Antenna, usually distinguished by a spherical or cone shape, including the dish structure and structural supports, used for the sending and/or receiving of transmissions from satellites, with a dish diameter larger than a "Satellite Dish Antenna, Small" as defined herein.
(Ord. 2008-Z-20 § 6.)

Satellite Dish Antenna, Small: A parabolic Communication Antenna, usually distinguished by a spherical or cone shape, including the dish structure and structural supports, used for the sending and/or receiving of transmissions from satellites, with a dish diameter of one (1) meter (40 inches) or less located in a residential zoning district or two (2) meters (80 inches) or less located in all other zoning districts.
(Ord. 2008-Z-20 § 6.)

Searchlight. An apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam. A searchlight is typically mounted on a swivel so that the beam can be directed.

Setback. The required minimum distance from a lot line to a building or structure, or other improvement on a lot; usually synonymous with yard.
(Ord. 1988-Z-8 § 1.)

Shade Tree. A deciduous tree planted primarily for its high crown of foliage or overhead canopy. A large shade tree is over forty (40) feet in height. Medium shade trees are between twenty-five (25) and forty (40) feet in height. Small shade trees reach up to twenty-five (25) feet in height.

Shopping Center. Two (2) or more retail stores and/or service establishments located on a parcel of four acres or more sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Sign. A name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment. Sign shall not include the flag of any nation, state or governmental entity.

Sign, A-Frame. A sign ordinarily in the shape of an A, or some variation thereof, with two panels connected or hinged at the top, which is not permanently attached to the ground.

Sign, Area. The area of a sign face, normally expressed in square feet, calculated as provided in Chapter 17.28.

Sign, Awning. A sign that is mounted or painted on, or attached to, an awning, and that does not project beyond the physical dimensions of the awning.

Sign, Canopy. A sign that is painted on, printed on, or attached to a canopy.

Sign, Changeable Copy. Any sign that, by its design, allows for a change in the lettering or symbols it displays, by mechanical, electronic, or other means.

Sign, Development Identification. A sign identifying a residential subdivision or PUD with ten or more dwelling units, or a multi-family development with two more buildings.

Sign, Directional. A sign that directs attention to a driveway, pedestrian or bicycle path or sidewalk, traffic circulation route, stacking lane, drive-through lane, or similar feature by means of wording such as "enter", "exit", "Drive-thru", etc., and which may include an address, logo, shape or color, but does not include words identifying or advertising the use.

Sign Face. That part of the sign that is, or can be, used to identify, to advertise, to communicate information, or for visual representation, which attracts the attention of the public for any purpose. The term Sign Face includes any background or surrounding material, panel, trim or ornamentation, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon or against which it is placed. The term Sign Face does not include any portion of the support structure for the sign, provided that no message, symbol or any of the previously described elements of a sign face is placed on or designated as part of the support structure.

Sign, Flashing. Any illuminated sign on which the intensity or color of the artificial light changes. For the purposes of this Title, any moving illuminated sign, including electronic reader boards, shall be considered a Flashing Sign.
(Ord. 2012-Z-5 § 10; Ord. 2004-Z-5 § 1; Ord. 1960-16 § III (part).)

Sign, Freestanding. A sign that is attached to, or part of, a completely self-supporting structure, the primary purpose of which is to support the sign.

Sign Height. The vertical height of a sign, calculated as provided in Chapter 17.28.

Sign, Identification. A sign giving the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.

Sign, Monument. A freestanding sign, where the width of the base is at least fifty percent (50%) of the width of the display portion of the sign.

Sign, Political. A sign advocating action on a public issue or recommending a candidate for public office.

Sign, Projecting. A sign attached to a building or other structure, which extends more than twelve inches from the wall surface to which it is attached, and where the principal orientation of the sign is perpendicular to the wall surface.

Sign, Pole. A freestanding sign, where the width of the base is less than fifty percent (50%) of the width of the display portion of the sign.

Sign, Portable. Any sign designed to be transported or movable including but not limited to signs affixed to a trailer and other signs designed to be transported by a trailer, wheels or boat.

Sign, Real Estate. A temporary sign placed upon property for the purpose of advertising to the public the sale, lease, rental or open house of said property.

Sign, Roof. Any sign wholly erected, constructed or maintained upon or above the roof structure or parapet of any building, with the principal support attached to the roof structure.

Sign Structure or Support. Any structure that supports, or is capable of supporting, a sign, including decorative cover.

Sign, Vehicle. A sign on a vehicle of any kind, painted or attached directly to the body of the original vehicle. A sign in or on a vehicle that advertises the vehicle for sale, lease or rental shall not be considered a vehicle sign.

Sign, Vertical Projecting. A projecting sign that is greater in height than in width.

Sign, Wall. Any sign that shall be affixed parallel to the wall, painted or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted. For the purposes of this Title, any sign display that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a marquee shall be considered a wall sign.

Sign, Window. A sign attached to, placed upon or printed on the interior or exterior of a window or door of a building intended for viewing from the exterior of such a building.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of this Title; a cellar shall not be counted as a story, but shall be included in any calculation of gross floor area if it otherwise meets the applicable criteria.
(Ord. 1960-16 § III (part).)

Story, Half. A partial story located above a full story and underneath one or more sloping roofs, meeting the following criteria:

1. Total wall height above the first floor level shall not exceed an average of 13 ft., measured along walls that intersect the roof plane, as shown in Figure 17.30-4. A garage floor level shall be calculated at the height of the first floor immediately adjacent to the garage. For a half story located above a second floor, the wall height shall be measured from the second floor level.

2. The total horizontal width of all projections out of the half-story roof plane shall not exceed 60% of the total horizontal length of the half story roof. Roof length shall be measured horizontally along all walls that intersect the roof, as shown in Figure 17.30-4. Projections include window dormers, shed dormers, wall projections up through the roof eave line, and other projections that do not extend out beyond the roof eave line.

(Ord. 2011-Z-10 § 2; Ord. 1960-16§ III (part).)

Street. A permanent public or private right of way that affords a primary means of access to abutting property.
(Ord. 1960-16 § III (part).)

Street Level. The story of a building that has its floor at the level closest to the elevation of the public sidewalk or street, with direct pedestrian access to that story from the outside. A story shall not be considered street level if it is more than three (3) feet above or three (3) feet below sidewalk grade at the primary customer entrance to the building.

Street Line. The dividing line between a street and a lot.

Street Wall. The wall of a building nearest to and facing on a street.

Structural Alteration. Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.
(Ord. 1960-16 § III (part).)

Structure. Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. An advertising device, if detached or projecting, shall be construed to be a separate structure.
(Ord. 1960-16 § III (part).)

Temporary Structure. A structure that is not designed or intended to be permanently located, placed or affixed in a location, such as a trailer, tent, or portable sign.

Temporary Contractor's or Real Estate Sales Office. This use includes watchman's trailers, construction equipment sheds, contractor or real estate sales trailers, and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Terrace. An open area with a paved platform and a flat roof or roof-like structure and adjacent on at least one (1) side to a building, but not adjacent to any entrance to a building.

Use. The specific purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
(Ord. 1960-16 § III (part).)

Yard. A required open space on a lot which is unoccupied and unobstructed from its lowest level upward, except for obstructions specifically permitted in this Title. A yard extends along a lot line for a depth or width specified for the district in which the lot is located, measured perpendicular to the lot line.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

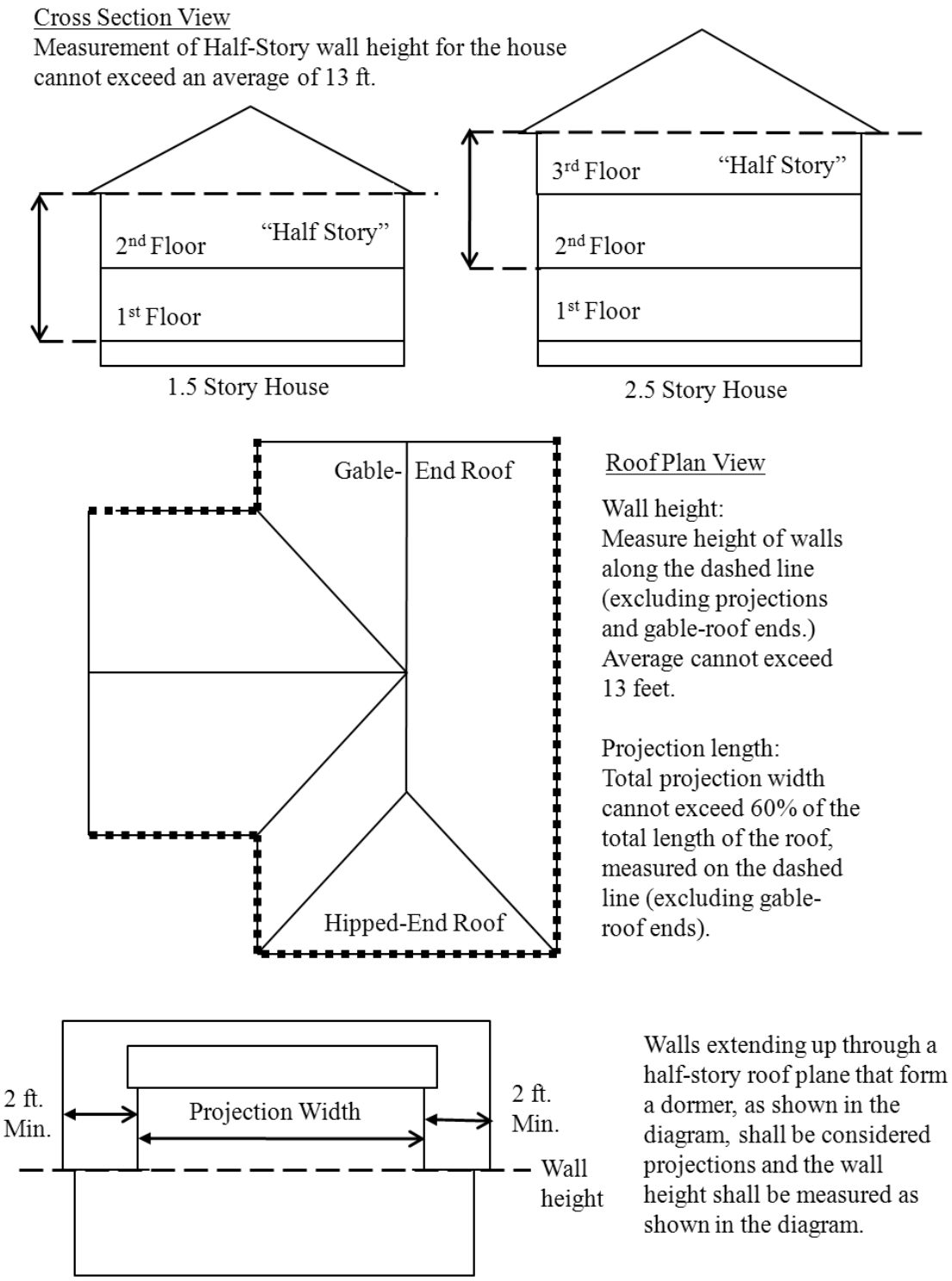
Yard, Exterior Side. A required yard that extends along an exterior side lot line, excluding the area within the required front yard.

Yard, Front. A required yard that extends along a front lot line for the full width of the lot.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Yard, Interior Side. A required yard that extends along an interior side lot line, excluding the area within the required front and rear yards.
(Ord. 1988-Z-8 § 1.)

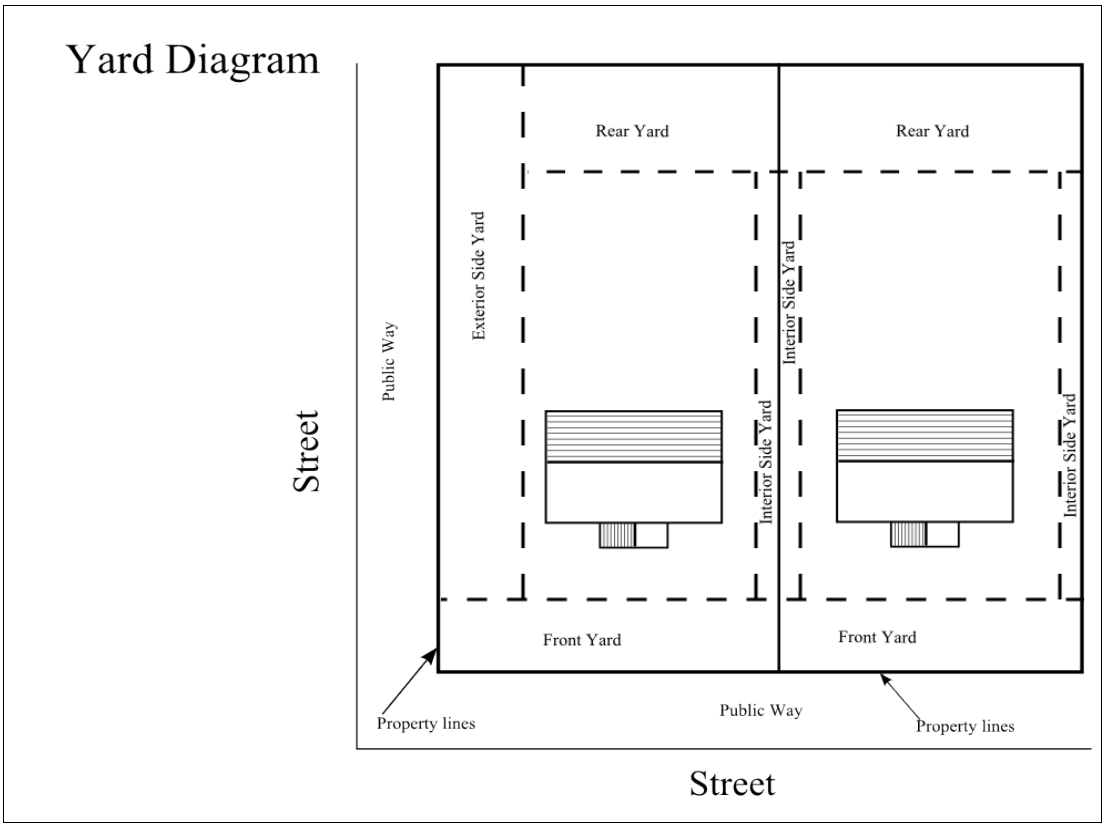
Yard, Rear. A required yard that extends along a rear lot line for the full width of the lot between side lot lines, excluding the area within a required exterior side yard.
(Ord. 1988-Z-8 § 1; Ord. 1960-16 § III (part).)

Figure 17.30-4: Calculation of a Half Story



(Ord. 2011-Z-10 § 3.)

"**Yard Location Diagram**"



(Ord. 2012-Z5 § 11.)

Chapter 17.32

HISTORIC PRESERVATION

Sections: 17.32.010 Purpose
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17.32.010 Purpose

This Historic Preservation Ordinance is established for the purposes of:

A. Fostering awareness and appreciation among the citizens of the City of St. Charles of the unique history of the City embodied in its architecture and historic sites.
B. Providing a mechanism to identify and preserve the distinctive historic architectural areas and structures that are significant to the City's history.
C. Protecting and increasing the value of property within the historic areas of the City of St. Charles and those sites designated as landmarks.
D. Encouraging preservation, restoration, and rehabilitation of the City's buildings.
E. Ensuring that the economic benefits resulting from preservation are available to the citizens of St. Charles.

17.32.020 Definitions

The following definitions are provided in addition to those found in Chapter 17.30, Definitions, and shall be used to establish the meaning of the defined terms when used in this Chapter. If there is any conflict between the meaning of a term defined in this Chapter and the same term defined in Chapter 17.30, the definitions of this Chapter shall apply with respect to the provisions of this Chapter, and the definitions of Chapter 17.30 shall apply with respect to the remainder of this Title.

Alteration: Any act or process which changes one (1) or more of the exterior architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Area: A specific geographic division of the City of St. Charles.

Addition: Any act or process which changes one (1) or more of the exterior architectural features of a building or structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

Architectural Significance: Embodying the distinctive characteristics of a type, period, style or method or use of indigenous construction, or representing the work of an important builder, designer, architect or craftsman who has contributed to the development of the community, county, state or nation.

Certificate of Appropriateness: A certificate issued by the Historic Preservation Commission authorizing issuance of a permit for alterations, construction, removal or demolition of a landmark structure or a building or site within a designated historic district.

Certificate of Economic Hardship: A certificate issued by the City Council authorizing alterations, construction, relocation, removal or demolition when a landmark, or a building, structure or other improvement within an historic district, cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return thereon without the proposed alteration, construction, relocation, removal or demolition.

Commission: The St. Charles Historic Preservation Commission.

Construction: The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

Contributing: A building, structure or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within an architectural or historic setting such as a neighborhood. Contributing buildings, structures and sites are considered to be an integral part of an historic district.

Demolition: Any act or process which destroys in part, or in whole, a landmark or a building, structure or site within a historic district.

Exterior Architectural Appearance: The architectural character and general composition of the exterior of a building or structure including, but not limited to, the kind and texture of the building materials and the type, design, arrangement and character of all architectural elements.

Historic and Architectural Resources: Any designated landmark, and any site or structure within a designated historic district rated as having historic significance or as contributing to the historic district.

Historic District: An area designated as an historic district by ordinance of the City of St. Charles, pursuant to this Chapter.

Historic Significance: Having character, interest or value as part of the development, heritage or culture of the community, county, state or nation, as the location of an important local, county, state or national event, or through identification with a person or persons who made important contributions to the development of the community, county, state or nation.

Landmark: Any building, structure or site which has been designated as a "landmark" by action of the City Council of St. Charles, pursuant to this Chapter or by its inclusion in the National Register of Historic Places.

Non-Contributing: A building, structure or site that does not have architectural or historic significance, and does not add to the overall character and significance of an historic district, due to a lack of architectural or historical merit or its incompatibility with other buildings, structures and sites. Non-contributing buildings are usually characterized by either older buildings with additions or exterior alterations that are incompatible with the character of the original construction, or newer buildings whose design is incompatible with older buildings in the area or whose placement is incompatible with the historic pattern of development in the area.

Owner of Record: The person, corporation or other legal entity listed as the owner of a property in the records of the Kane County Recorder.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Removal: Any relocation of a structure from its original site.

Repair: Any change that requires a building permit, but is not construction, relocation or alteration.

17.32.030 Historic Preservation Commission Establishment

A. There is hereby established the Historic Preservation Commission which shall consist of seven (7) members. At least one (1) member shall be a resident who is a representative of a local historical society or preservation organization; at least one (1) member shall be an architect who is a resident or who works at an architectural firm located within the City; at least one (1) member shall be a representative of the business community who is a resident or who owns and operates a business located within the City; and the remaining four (4) members shall be at large members. At large members shall either reside within the City or own property within a Historic District or own a designated Landmark. All members shall have demonstrated an interest in historic preservation. In addition, a non-voting, ex-officio member shall be a St. Charles Community Development Department staff employee designated by the Director of Community Development.

B. The Mayor shall appoint, subject to City Council approval, the members of the Historic Preservation Commission for terms of three (3) years. Initial members shall serve staggered terms

of two (2) members for three (3) years, two (2) members for two (2) years and the remaining three (3) members for one (1) year. Members may serve for more than one term.

17.32.040 Historic Preservation Commission Officers and Meetings

A. The Commission shall elect from its membership a Chairperson and a Vice-Chairperson, and such other officers as it may determine. Officers shall serve for terms of one (1) year, commencing May 1 and ending April 30 of the following year, and shall be eligible for re-election.

B. A quorum shall consist of a majority of the members. All recommendations to the Building and Code Enforcement Division Manager, Plan Commission or City Council shall be made by a majority of those members present at any meeting where a quorum exists. Any member of the Commission who fails to attend one-third ($^1/_3$) or more of the meetings held within any six (6) month period may be deemed to have vacated their office and may be replaced by another person appointed by the Mayor and approved by the City Council. (Ord. 2010-Z-4 § 5.)

C. Meetings shall be held at regularly scheduled times or at the call of the Chairperson; minutes of the proceedings of each meeting shall be made and kept, all in accordance with the Illinois Open Meetings Act and as otherwise required by law, .

D. Members may be removed from the Commission for cause, upon the recommendation of the Mayor or a motion proposed by the City Council, by a two-thirds ($^2/_3$) majority vote of the City Council.

17.32.050 Powers and Duties of the Historic Preservation Commission

The Historic Preservation Commission shall have the powers and duties enumerated in Chapter 17.04, Administration.

17.32.060 Landmark Designation Procedures

A. Nominations for landmark designation shall be made to the Historic Preservation Commission by completing the application form available from the Director of Community Development. A property or site may be nominated by any St. Charles property owner or the Historic Preservation Commission.

B. Within thirty (30) days of receiving or initiating a nomination, the Commission shall schedule a public hearing to consider the eligibility of a property for landmark designation.

   1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before such hearing, by mail to all owners of property proposed for landmark designation and by publication in one (1) or more newspapers published in the City.
   2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, the owner, and any other interested parties who wish to comment on the application in relation to the criteria for designation as a landmark. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

C. The Commission shall evaluate the property's eligibility for landmark designation based on its historic and/or architectural significance, the integrity of its design, workmanship, materials, location, setting and feeling, and the extent to which it meets one (1) or more of the following criteria:

   1. Has character, interest or value which is part of the development, heritage or cultural character of the community, county, state or nation.
   2. Is the site of a significant local, county, state or national event.
   3. Is identified with a person who significantly contributed to the development of the community, county, state or nation.
   4. Embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

5. Is identified with the work of a master builder, designer, architect or landscape architect whose work has influenced the development of the area, the county, the state or the nation.
6. Embodies elements of design, detailing, materials, or craftsmanship that are of architectural significance.
7. Embodies design elements that make it structurally or architecturally innovative.
8. Has a unique location or physical characteristics that make it a familiar visual feature of the community.
9. Is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.
10. Is suitable for preservation or restoration.
11. Is included in the Illinois or National Register of Historic Places.
12. Has yielded, or is likely to yield, information important to prehistory, history or other areas of archaeological significance.

D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed landmark designation. The Historic Preservation Commission's recommendation shall be made by resolution, which shall include its findings and reasoning based on the preceding criteria. The Director of Community Development shall forward a copy of the resolution to the applicant, the owner of record, and the City Council.

After the Historic Preservation Commission recommends designation as a landmark, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of the proposed landmark unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Historic Preservation Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.

E. Landmark designations, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the landmark designation.

F. Landmark designation may be rescinded by the same procedures and according to the same criteria set forth herein for landmark designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval.

17.32.070 Historic District Designation Procedures

A. The Historic Preservation Commission shall conduct a survey, or surveys, to identify potential historic districts within the corporate limits of the City of St. Charles. Such surveys shall identify buildings, structures and sites having architectural or historic significance, as well as buildings, structures and sites which contribute to the historic or architectural significance of the area as a whole. Based on the outcomes of those surveys, the Historic Preservation Commission may nominate an area for designation as an historic district or districts, and may recommend additions to or deletions from any existing historic district. Nominations may also be made by any property owner in St. Charles; such nominations must be accompanied by a petition supporting the nomination signed by the owners of record of at least twenty-five percent (25%) of the properties within the proposed district.

B. Within thirty (30) days of receiving or initiating a nomination, the Historic Preservation Commission shall schedule a public hearing to consider the eligibility of an area for designation as an historic district.

1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before

such hearing by mail to all owners of property within the proposed historic district and by publication in one (1) or more newspapers published in the City.

2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, property owners and any other interested parties who wish to comment on the application in relation to the criteria for designation as an historic district. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

C. The Historic Preservation Commission shall evaluate the proposed district for its eligibility as an historic district based on its overall historic and/or architectural significance, and the extent to which it meets the following criteria:

1. The area contains one (1) or more buildings, structures or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance.
2. The area is historically, economically or culturally significant to the development of St. Charles.
3. The area has sufficient integrity to convey the sense of a particular period in the history of the community.

D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed historic district designation. The Commission's determination shall be made by resolution, which shall include its findings and reasoning. The Director of Community Development shall forward a copy of the resolution to the applicant and the City Council.

If a petition signed by at least 51% of the electors residing within the proposed historic district and by at least 51% of the owners of record of land included within the proposed historic district is filed with the City Clerk within 60 days following the final adjournment of the public hearing, the historic district shall not be created or enlarged except by a favorable vote of 2/3 of the aldermen then holding office.

E. After the Commission makes a recommendation regarding designation as an historic district, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of any building within the proposed historic district unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.

F. Historic districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the historic district. Historic district boundaries shall be shown on the official St. Charles Zoning Map.
(Ord. 2010-Z-4 § 2.)

G. Historic district designation may be rescinded by the same procedures and according to the same criteria set forth herein for historic district designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval.

17.32.080 Certificates of Appropriateness

A. **Concept Review**

1. Purpose
A concept plan may be submitted for the purpose of obtaining the Historic Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of detailed plans and architectural drawings and applying for a Certificate of Appropriateness.

2. Procedure
   The property owner requesting a concept review shall submit a preliminary drawing of any exterior alterations or construction, current photographs of the property, a map or survey showing locations of all structures on the property, and a list of proposed materials. The owner shall present the concept plan at a Historic Preservation Commission meeting.
3. After discussion with the owner, the Historic Preservation Commission may make a preliminary determination whether the proposed work complies with the established criteria, and may make recommendations as to any changes that would bring the proposal into compliance.

B. **Certificate of Appropriateness: When Required**

1. Except as provided herein, a Certificate of Appropriateness is required prior to issuance of a permit for construction, alteration, repair, demolition, relocation or other material change that affects the exterior architectural appearance of any structure or site within an historic district or of any designated landmark building or site.
2. Prior to the issuance of a Certificate of Appropriateness for demolition or relocation of a building or structure, a plan for the use of the property being vacated by the proposed demolition or relocation shall be submitted and approved by the Commission, or upon appeal, by the City Council. The approval of a Certificate of Appropriateness for demolition or relocation may be conditioned on issuance of a Certificate of Appropriateness for the new construction on the site.
3. A Certificate of Appropriateness may be issued administratively upon the approval of the Director of Community Development in consultation with the Chairman or Vice-Chairman of the Historic Preservation Commission for minor repairs, alterations or other changes that will have no impact on historic and architectural resources. From time to time, the Historic Preservation Commission may recommend, and the City Council may approve, a description of such minor repairs, alterations or other changes for which a Certificate of Appropriateness may be issued administratively.
4. The requirement for a Certificate of Appropriateness may be waived in emergency circumstances which require immediate relief, repair, or demolition, where the Fire Chief or Building and Code Enforcement Division Manager certifies that such conditions exist and that said conditions can be eliminated as quickly as is needed only if the Certificate of Appropriateness is waived. Emergencies are defined as life or health threatening conditions requiring immediate attention, as determined by the Fire Chief or Building and Code Enforcement Division Manager. This subsection shall apply only in cases where it is impractical for the Historic Preservation Commission to review a Certificate of Appropriateness. (Ord. 2010-Z-4 § 5.)
5. Any above-grade attachment or other physical connection between a building located within an historic district or a landmark site, and any other building, structure, above-ground improvement, open space or other portion of a property not located within the district or landmark site (excluding public and private utility wires, poles and related appurtenances), shall be deemed an Alteration and/or an Addition to the building located within the historic district or landmark site that is subject to the Certificate of Appropriateness requirements hereunder. Such attachments or connections include, but are not limited to, an addition to a building located in the district or landmark site that extends across the district or landmark site boundaries or an outdoor deck and stairs from a building in the district or landmark site that extends across the district or landmark site boundaries. The plans and specifications submitted for the Certificate of Appropriateness shall include the existing and proposed improvements to the property located outside the district or landmark site boundaries to which the attachment or connection extends. In determining whether an attachment or physical connection to a building outside the district meets the applicable criteria of this Chapter, the Historic Preservation Commission may

take into account the improvements existing on or proposed for such property outside the district or landmark site. (Ord. 2010-Z-4 § 3.)

C. **Certificate of Appropriateness: Procedure**

1. Where a Certificate of Appropriateness is required, the Building and Code Enforcement Division Manager shall furnish building permit applicants with an application for a Certificate of Appropriateness.
2. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within twenty-two (22) days following receipt of the application. Plans and specifications for exterior work submitted with a permit application shall be made available to the Historic Preservation Commission. The Director of Community Development shall notify the applicant of the time and place of the meeting. Failure of the Historic Preservation Commission to act upon an application for a Certificate of Appropriateness within twenty-two (22) days shall constitute approval and no other evidence shall be needed. Tabling the application shall be considered action by the Historic Preservation Commission, provided, however, that any such delay shall not exceed twenty (22) days unless the applicant has not provided the additional documentation or expert technical advice requested.
3. The Historic Preservation Commission may table the application for a Certificate of Appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The Commission shall hold an additional meeting or meetings to consider the application not more than twenty-two (22) days from receipt of all requested documentation and technical advice.
4. If the Historic Preservation Commission finds, on a preliminary basis, that the work proposed in the application does not meet the applicable criteria of this Chapter, it may recommend changes to the applicant that would cause the proposed work to meet the applicable criteria, and may confer with the applicant and attempt to resolve any differences between the applicant's plan and the applicable criteria.

(Ord. 2010-Z-4 § 4.)

D. **Historic Preservation Commission Findings and Recommendations**

1. If the Historic Preservation Commission finds that the work proposed in the application meets the applicable criteria of this Chapter, it shall approve a Certificate of Appropriateness.
2. If the Historic Preservation Commission finds that the work proposed in the application does not meet the applicable criteria and will therefore adversely affect or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, it shall recommend to the City Council denial of the Certificate of Appropriateness. The Historic Preservation Commission's recommendation for denial shall be in the form of a resolution stating its findings and reasoning. The Director of Community Development shall forward the application for Certificate of Appropriateness and the Historic Preservation Commission's Resolution to the City Council.
3. The applicant may submit an amended application to address the Historic Preservation Commission's findings and recommendations. If the Historic Preservation Commission finds that the amended application conforms with the applicable criteria, it shall issue a Certificate of Appropriateness, and no action by the City Council shall be required.

E. **City Council Resolution**

1. The City Council may deny a Certificate of Appropriateness in accordance with the recommendations of the Historic Preservation Commission. Upon review of the Commission's resolution, its minutes and the application, if the City Council finds that the applicable criteria of this Chapter for granting a Certificate of Appropriateness will be met, it may disregard the Historic Preservation Commission Commission's recommendation and approve a Certificate of Appropriateness.
2. The applicant may submit an application for a certificate of economic hardship pursuant to Section 17.32.090, "Economic Hardship". The City Council shall not deny a Certificate of

Appropriateness until a determination has been made concerning the certificate of economic hardship.

F. **Invalidity. A Certificate of Appropriateness shall be invalid if:**
   1. Changes have been made to the plans as approved by the Historic Preservation Commission or City Council
   2. The permit issued for the work becomes invalid. A Certificate of Appropriateness remains in force for the same period of validity as the permit.

G. **Certificate of Appropriateness: Criteria**

In making a determination whether to approve or to recommend denial of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following criteria:

1. Significance of a Site, Structure or Building
   a. The Historic Preservation Commission shall apply the maximum flexibility allowed by this Chapter in its review of applications for new construction and for alteration, removal or demolition of structures that have little architectural or historic significance. However, if the new construction, alteration, removal or demolition would seriously impair or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, the Historic Preservation Commission shall give due consideration to protection of those historically and architecturally significant features.
   b. The following properties are presumed to have architecturally or historically significant features:
      i. Properties within a designated historic district that are classified as architecturally or historically significant by a survey conducted pursuant to Section17.32.070.
      ii. Properties designated as landmarks pursuant to Section 17.32.300.
      iii. All properties listed on the National Register of Historic Places.
   c. The following properties will sometimes have architecturally or historically significant features - properties within a designated historic district that are classified as architecturally or historically contributing by a survey conducted pursuant to Section 17.32.070.
   d. The following properties will usually have little architectural or historic significance - properties within a designated historic district that are classified as architecturally or historically non-contributing by an architectural survey conducted pursuant to Section 17.32.070.
2. General Architectural and Aesthetic Guidelines
   a. Height
      The height of any proposed alteration or construction should be compatible with the style and character of the structure and with surrounding structures.
   b. Proportions of the Front Facade
      The relationship between the width of a building and the height of the front elevation should be compatible with surrounding structures.
   c. Proportions of Windows and Doors
      The proportions and relationships between doors and windows should be compatible with the architectural style and character of the building.
   d. Relationship of Building Masses and Spaces
      The relationship of a structure to the open space between it and adjoining structures should be compatible.
   e. Roof Shapes
      The design of the roof, fascia and cornice should be compatible with the architectural style and character of the building and with adjoining structures.
   f. Scale
      The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures

g. Directional Expression
Facades in historic districts should blend with, and reflect, the dominant horizontal or vertical expression of adjacent structures. The directional expression of a building after alteration, construction or partial demolition should be compatible with its original architectural style and character.

h. Architectural Details
Architectural details, including types of materials, colors and textures, should be treated so as to make a building compatible with its original architectural style and character, and to enhance the inherent characteristics of surrounding structures.

i. New Structures
New structures in an historic district shall be compatible with, but need not be the same as, the architectural styles and general designs and layouts of the surrounding structures.

3. Secretary of the Interior's Standards for Rehabilitation

a. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal change to the defining characteristics of the building, structure or site, and its environment, or to use the property for its originally intended purpose.

b. The distinguishing original qualities or historic character of a building, structure or site, and its environment, shall be retained and preserved. The removal or alteration of any historic materials or distinctive architectural features should be avoided when possible.

c. All buildings, structures or sites shall be recognized as physical records of their own time, place and use. Alterations that have no historical basis, or which seek to create an earlier appearance, shall be avoided.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive stylistic features, finishes and construction techniques or examples or skilled craftsmanship, which characterizes a building, structure or site, shall be preserved.

f. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be based on accurate duplications substantiated by documentary, physical or pictorial evidence, and not conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting and other physical or chemical treatments which will damage the historic building materials shall not be used.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize a property. Contemporary design for the new work shall not be discouraged when such alterations and additions are differentiated from the old, and are compatible with the massing, size, scale, color, material and character of the property and its environment.

j. New additions, and adjacent or related new construction, shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. Design Guidelines

Advisory recommendations for applying the criteria of the above subsections "2. General Architectural and Aesthetic Guidelines" and "3. Secretary of the Interior's Standards for Rehabilitation" to neighborhoods, Historic Districts, Landmarks, or to specific types of structures or sites. Design Guidelines shall be recommended by the Historic Preservation Commission and adopted by the City Council. (Ord. 2011-Z-3 § 3.)

5. Code Conflicts

Where there are irreconcilable differences between the requirements of the building code, life safety code, or other codes adopted by the City and the requirements of this Chapter, conformance with those codes shall take precedence, and therefore the Historic Preservation Commission shall approve a Certificate of Appropriateness. In so doing, however, the Historic Preservation Commission shall be obligated only to approve those portions of the proposed work that are necessary for compliance with the applicable codes, as determined by the Building and Code Enforcement Division Manager or Fire Chief. (Ord. 2011-Z-3 § 2; Ord. 2010-Z-4 § 5.)

17.32.090 Economic Hardship

Notwithstanding any of the provisions of this Chapter to the contrary, upon receipt of a recommendation from the Historic Preservation Commission, and upon making the findings described herein, the City Council may approve a certificate of economic hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

A. Applicants claiming economic hardship shall be required to show evidence of having sought rehabilitation assistance from available sources. The Historic Preservation Commission will provide the applicant with a list of sources known to it.

B. Applicants may submit any, or all, of the following information in support of the application:

1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
2. The assessed value of the land, and improvements thereon, according to the two (2) most recent officially documented assessments.
3. Real estate taxes for the two (2) previous years.
4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.
5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
6. Any listing of the property for sale or rent, and the price asked and offers received, if any.
7. Any consideration by the owner as to profitable adaptive uses for the property.
8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.
9. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
10. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
11. A report from a licensed architect or engineer, with experience in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
12. Any other information reasonably necessary for a determination as to whether the property can be reasonably used by, or yield a reasonable return to, present or future owners.

C. After reviewing the application and any other information available, the Historic Preservation Commission shall make a recommendation to the City Council regarding the application for a certificate of economic hardship. If the City Council finds that without approval of the proposed work the property cannot obtain a reasonable economic return, it may issue a certificate of economic hardship. In the alternative, it may delay the issuance of a certificate of economic hardship for a period of up to three (3) months. During this time, the City Council shall invite

plans and recommendations from the Historic Preservation Commission, or any interested party, to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to, a relaxation of the provisions of this ordinance, an abatement of real property taxes, financial assistance, the application of building code requirements, and/or changes in zoning regulations.

D. If by the end of this three (3) month period, the City Council determines that no viable alternative is available and the property cannot be put to a reasonably beneficial use, or the owner cannot obtain a reasonable economic return, then it shall issue a certificate of economic hardship approving the proposed work.

E. The City Council shall consider the recommendations of the Historic Preservation Commission in deciding whether to issue the certificate of economic hardship, but may overturn the Historic Preservation Commission's recommendation if, in its sole discretion, it finds such action appropriate.

Appendix A

APPLICATION CHECKLISTS

Sections:
1. Design Review
2. General Amendment
3. Zoning Map Amendment
4. Special Use and Special Use Amendment
5. Concept Plan
6. PUD Preliminary Plan
7. PUD Final Plan

1. Design Review

- **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.
- **PLANS:**

  All required plans shall be drawn on sheets no larger than 24” x 36”, unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.
- **PLAT OF SURVEY:**

  A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- **SITE/ENGINEERING PLAN:**

  A plan or plans showing the following information:

  1. Accurate boundary lines with dimensions
  2. Existing and proposed easements: location, width, purpose
  3. Streets on and adjacent to the tract: Name and right-of-way width, center line elevation, and culverts
  4. Location, size, shape, height, and use of existing and proposed structures
  5. Location and description of streets, sidewalks, and fences
  6. Surrounding land uses
  7. Legal and common description
  8. Date, north point, and scale
  9. Existing and proposed topography
  10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the proposal indicated
  11. Location of utilities
  12. Building/use setback lines
  13. Location of any significant natural features
  14. Location of any 100-year recurrence interval floodplain and floodway boundaries
  15. Location and classification of wetland areas as delineated in the National Wetlands Inventory
  16. Existing zoning classification of property
  17. Existing and proposed land use
  18. Area of property in square feet and acres

19. Proposed off-street parking and loading areas
20. Number of parking spaces provided, and number required by ordinance
21. Angle of parking spaces
22. Parking space dimensions and aisle widths
23. Driveway radii at the street curb line
24. Width of driveways at sidewalk and street curb line
25. Provision of handicapped parking spaces
26. Dimensions of handicapped parking spaces
27. Depressed ramps available to handicapped parking spaces
28. Location, dimensions and elevations of freestanding signs
29. Location and elevations of trash enclosures
30. Provision for required screening, if applicable
31. Provision for required public sidewalks
32. Certification of site plan by a registered land surveyor or professional engineer
33. Geometric plan showing all necessary geometric data required for accurate layout of the site
34. Grading plans showing paving design, all storm sewers, and detention/retention facilities including detention/retention calculations) and erosion control measures
35. Utility plans showing all storm sewers, sanitary sewers, watermains, and appropriate appurtenant structures
36. Exterior lighting plans showing:
    a. Location, height, intensity and fixture type of all proposed exterior lighting
    b. Photometric information pertaining to locations of proposed lighting fixtures
37. Typical construction details and specifications
38. Certification of site engineering plans by a registered professional engineer
39. Proof of application for Stormwater Management Permit

- **ARCHITECTURAL PLANS:**

  Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building.

- **TREE PRESERVATION PLAN:**

  Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set.

- **LANDSCAPE PLAN:**

  Landscape Plan showing the following information:

1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
3. Accurate property boundary lines
4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
6. Percent of landscaped area provided as per code requirement
7. Dimensions of landscape islands
8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives

9. Location and identification of all planting beds and plant materials
10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
11. Location of proposed landscaping irrigation systems
12. Landscaping of ground signs and screening of dumpsters and other equipment

- ❑ **INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing, including:
  - o The number and rental/for sale status of Market-Rate Units and Affordable Units to be constructed including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
  - o Documentation and plans regarding locations of Affordable Units and Market-Rate Units, and their exterior appearance, materials, and finishes.
  - o A description of the marketing plan that the Applicant proposes to utilize and implement to promote the sale or rental of the Affordable Units within the development; and,
  - o Any proposal to pay fees in lieu of providing the required Affordable Unit, per section 17.18.050.

2. General Amendment

- ❑ **APPLICATION:** Completed application form
- ❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:**
  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.
- ❑ **WORDING OF THE REQUESTED TEXT AMENDMENT**

3. Zoning Map Amendment

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:**
  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.
- ❑ **PROOF OF OWNERSHIP and DISCLOSURE:**
  a) a current title policy report; or
  b) a deed and a current title search.
  If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).
- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**
  A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- ❑ **SITE PLAN:**
  Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

- ❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**
  Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-DuPage Soil and Water Conservation District.
- ❑ **ENDANGERED SPECIES REPORT:**
  Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources.

4. Special Use and Special Use Amendment

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:**
  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.
- ❑ **PROOF OF OWNERSHIP and DISCLOSURE:**
  a) a current title policy report; or
  b) a deed and a current title search.
  If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).
- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**
  A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- ❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**
  Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-DuPage Soil and Water Conservation District.
- ❑ **ENDANGERED SPECIES REPORT:**
  Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources.
- ❑ **TRAFFIC STUDY:** If requested by the Director of Community Development.
- ❑ **PLANS:**
  All required plans shall be drawn on sheets no larger than 24” x 36”, unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.
- ❑ **SITE PLAN:**
  A plan or plans showing the following information:
  1. Accurate boundary lines with dimensions
  2. Streets on and adjacent to the tract: Name and right-of-way width
  3. Location, size, shape, height, and use of existing and proposed structures
  4. Location and description of streets, sidewalks, and fences
  5. Surrounding land uses
  6. Date, north point, and scale

7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
    a. Location, height, intensity and fixture type of all proposed exterior lighting
    b. Photometric information pertaining to locations of proposed lighting fixtures

Note: For a special use for a PUD, submit PUD Preliminary Plan in lieu of the site plan

5. Concept Plan

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **PROOF OF OWNERSHIP and DISCLOSURE:**

  a) a current title policy report; or

  b) a deed and a current title search.

  If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).
- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**

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

    Aerial photograph of the site and surrounding property at a scale of not less than 1”=400’, preferably at the same scale as the concept plan.
  - ❑ **PLANS:**

    All required plans shall be drawn on sheets no larger than 24” x 36”, unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of

plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

Concept Plans shall show:

1. Existing Features:
   - Name of project, north arrow, scale, date
   - Boundaries of property with approximate dimensions and acreage
   - Existing streets on and adjacent to the tract
   - Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
   - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.
2. Proposed Features:
   - Name of project, north arrow, scale, date
   - Boundaries of property with approximate dimensions and acreage
   - Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
   - Architectural elevations showing building design, color and materials (if available)
   - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development

❑ **SUMMARY OF DEVELOPMENT:**

Written information including:

- List of the proposed types and quantities of land use, number and types of residential units, building coverage, floor area for nonresidential uses and height of proposed buildings, in feet and number of stories.
- Statement of the planning objectives to be achieved and public purposes to be served by the development, including the rationale behind the assumptions and choices of the applicant
- List of anticipated exceptions or departures from zoning and subdivision requirements, if any

❑ **INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing.

6. PUD Preliminary Plan

❑ **APPLICATION:** Completed application form signed by the applicant

❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.

❑ **REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.

❑ **PROOF OF OWNERSHIP and DISCLOSURE:**

a) a current title policy report; or

b) a deed and a current title search.

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

- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**

  A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- ❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

  Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-DuPage Soil and Water Conservation District.
- ❑ **ENDANGERED SPECIES REPORT:**

  Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources.
- ❑ **PLANS:**

  All required plans shall be drawn on sheets no larger than 24” x 36”, unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.
- ❑ **SITE/ENGINEERING PLAN:**

  A plan or plans showing the following information:

  1. Accurate boundary lines with dimensions
  2. Existing and proposed easements: location, width, purpose
  3. Streets on and adjacent to the tract: Name and right-of-way width, center line elevation, and culverts
  4. Location, size, shape, height, and use of existing and proposed structures
  5. Location and description of streets, sidewalks, and fences
  6. Surrounding land uses
  7. Legal and common description
  8. Date, north point, and scale
  9. Existing and proposed topography
  10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the proposal indicated
  11. Location of utilities
  12. Building/use setback lines
  13. Location of any significant natural features
  14. Location of any 100-year recurrence interval floodplain and floodway boundaries
  15. Location and classification of wetland areas as delineated in the National Wetlands Inventory
  16. Existing zoning classification of property
  17. Existing and proposed land use
  18. Area of property in square feet and acres
  19. Proposed off-street parking and loading areas
  20. Number of parking spaces provided, and number required by ordinance

21. Angle of parking spaces
22. Parking space dimensions and aisle widths
23. Driveway radii at the street curb line
24. Width of driveways at sidewalk and street curb line
25. Provision of handicapped parking spaces
26. Dimensions of handicapped parking spaces
27. Depressed ramps available to handicapped parking spaces
28. Location, dimensions and elevations of freestanding signs
29. Location and elevations of trash enclosures
30. Provision for required screening, if applicable
31. Provision for required public sidewalks
32. Certification of site plan by a registered land surveyor or professional engineer
33. Geometric plan showing all necessary geometric data required for accurate layout of the site
34. Grading plans showing paving design, all storm sewers, and detention/retention facilities including detention/retention calculations) and erosion control measures
35. Utility plans showing all storm sewers, sanitary sewers, watermains, and appropriate appurtenant structures
36. Exterior lighting plans showing:
    - Location, height, intensity and fixture type of all proposed exterior lighting
    - Photometric information pertaining to locations of proposed lighting fixtures
37. Typical construction details and specifications
38. Certification of site engineering plans by a registered professional engineer
39. Proof of application for Stormwater Management Permit

- **SKETCH PLAN FOR LATER PHASES OF PUD:**

  For phased PUD's, where a sketch plan is permitted, it shall include, at minimum, the following:
  - General location of arterial and collector streets
  - Location of any required landscape buffers
  - Location of proposed access to the site from public streets
  - Maximum number of square feet of floor area for nonresidential development
  - Maximum number of dwelling units for residential development
  - Open space and storm water management land

- **ARCHITECTURAL PLANS:**

  Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building.

- **TREE PRESERVATION PLAN:**

  Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set.

- **LANDSCAPE PLAN:**

  Landscape Plan showing the following information:
  1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
  2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
  3. Accurate property boundary lines

4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
6. Percent of landscaped area provided as per code requirement
7. Dimensions of landscape islands
8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives
9. Location and identification of all planting beds and plant materials
10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
11. Landscaping of ground signs and screening of dumpsters and other equipment

- ❑ **PUBLIC BENEFITS, DEPARTURES FROM CODE:**

  A description of how the PUD meets the purposes and requirements set out in Section 17.04.400 of the Zoning Ordinance. Any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement," and Title 17, "Zoning," shall be listed and reasons for requesting each departure shall be given.
- ❑ **SCHEDULE:** Construction schedule indicating:

  ____ a.. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.

  ____ b. Approximate dates for beginning and completion of each phase.

  ____ c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.
- ❑ **INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing, including:
  - o The number and rental/for sale status of Market-Rate Units and Affordable Units to be constructed including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
  - o Documentation and plans regarding locations of Affordable Units and Market-Rate Units, and their exterior appearance, materials, and finishes.
  - o A description of the marketing plan that the Applicant proposes to utilize and implement to promote the sale or rental of the Affordable Units within the development; and,
  - o Any proposal to pay fees in lieu of providing the required Affordable Unit, per section 17.18.050.

7. PUD Final Plan

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of this Title.
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:**

  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.
- ❑ **PLANS:**

  All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to

show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

- **FINAL ENGINEERING PLANS:**

  Final engineering plans shall be submitted showing all improvements shown on the PUD Preliminary Plan and all information as required by Title 16 of the St. Charles Municipal Code applicable to final engineering.

- **FINAL ARCHITECTURAL PLANS:**

  Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building. If no changes are proposed from architectural plans approved at the PUD Preliminary Plan stage, no submittal is required.

- **FINAL TREE PRESERVATION PLAN:**

  A final Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Final Landscape Plan set. If there are no changes to the Tree Preservation Plan approved at the PUD Preliminary Plan stage, no submittal is required.

- **FINAL LANDSCAPE PLAN:**

  If there are no changes to the Landscape Plan approved at the PUD Preliminary Plan stage, this submittal is not required. Frequently, however, plan changes due to final engineering adjustments will require submittal of a Final Landscape Plan. A Final Landscape Plan shall show the following:

  1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
  2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
  3. Accurate property boundary lines
  4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
  5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
  6. Percent of landscaped area provided as per code requirement
  7. Dimensions of landscape islands
  8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives
  9. Location and identification of all planting beds and plant materials
  10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
  11. Location of proposed landscaping irrigation systems
  12. Landscaping of ground signs and screening of dumpsters and other equipment

- **COST ESTIMATES:**

  An Engineer's cost estimate shall be provided in accordance with Title 16 of the St. Charles Municipal Code. In addition, a written cost estimate for all landscaping to be installed on private property shall be submitted that corresponds with the Landscape Plan.

- **SCHEDULE:** Construction schedule indicating:

____ a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.

____ b. Approximate dates for beginning and completion of each phase.

____ c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.

- **COVENANTS:** Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development of any of its common open space.
- **INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing, as approved per the Special Use for PUD:
  - The number and rental/for sale status of Market-Rate Units and Affordable Units to be constructed including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
  - Documentation and plans regarding locations of Affordable Units and Market-Rate Units, and their exterior appearance, materials, and finishes.
  - A description of the marketing plan that the Applicant proposes to utilize and implement to promote the sale or rental of the Affordable Units within the development.

(Ord. 2008-Z-32 § 23.)

Appendix B

SCHEDULE OF APPLICATION FEES

Type of Application	Application Fee
Appeals	$150
Design Review	$200
Variations	$300
General (Text) Amendment	$500
Zoning Map Amendments	$500
Special Use and Amendment to Special Use	$750
Annexation of Property	$500
Annexation Agreement	$500
Concept Plan:	none
Special Use as a Planned Unit Development (PUD)	$1000
PUD Preliminary Plan (with or without Sketch Plan):	$500
PUD Final Plans	$500
Minor Change to PUD	$200

(Ord. 2008-Z-32 § 24.)

Reimbursements

The reimbursement of fees agreement required by Chapter 17.04 of the Zoning Ordinance shall be in the following form:

City of St. Charles
Reimbursement of Fees Agreement

City of St. Charles Acct. # _____

I. Owner:
- A. Owner of Property: _____ Date: _____
- B. Owner's Address: _____
- C. Owner's Phone Number: _____
- D. If Owner is a Land Trust, the names and addresses of the beneficiaries of the Trust:

II. Person Making Request (Petitioner/Applicant):
- E. Name of Petitioner/Applicant: _____
- F. Petitioner's/Applicant's Address: _____
- G. Petitioner's /Applicant's Phone Number: _____

III. Location of Property:
- A. General Location of Property: _____
- B. Acreage of Parcel: _____
- C. Permanent Index Number(s): _____
- D. Legal Description (attach as Exhibit A)

IV. Reimbursement of Fees:

If the City determines, in its sole and exclusive discretion, that it is necessary to obtain professional services, including, but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordations, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant and Owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the City.

The City Administrator is hereby authorized to assign the above described services to the City staff or to consultants, as they deem appropriate. When the City staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost per productive work hour for each staff person providing said services.

At the time the Petitioner/Applicant requests action from the City, he shall deposit the following amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	$1,000	$2,000	$3,000	$4,000
2 or 3	$2,000	$4,000	$5,000	$7,000
4 or more	$3,000	$5,000	$7,000	$10,000

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below $500.00, the petitioner/applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/ Applicant shall replenish the deposit amount within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

A petitioner/applicant who withdraws his petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, in his discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Further, the City may deny any application for a grading, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.

The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the City's right to seek relief of such fees against any or all are responsible parties in a court of competent jurisdiction.

Any remaining balance of funds deposited pursuant to this Agreement shall be refunded upon the later occurring of the following events: completion of City deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, or issuance of a building permit upon the real property in question.

BY SIGNING BELOW, THE PETITIONER/APPLICANT AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER/APPLICANT AND OWNER AGREE THAT PETITIONER / APPLICANT AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINACNES OF THE CITY OF ST. CHARLES, AND AS SET FORTH HEREIN.

City of St. Charles

_____
Petitioner/Applicant

By: _____
City Administrator

_____
Owner

_____
Attest

Date: _____

Date: _____

Appendix C: PLANT PALETTE

Botanic Name	Cultivar or Common Name	Comment	Native	Drought Tolerant	Parking Lot (Salt Tolerant)	Buffer/ Screening	Foundation Landscape	Sun	Shade	Signs	Encouraged Along Arterials
GROUNDCOVERS											
Asarum canadense	Canadian Wild Ginger	One of the most hardy of the groundcovers	*X*						X		
Euonymus fortunei 'coloratus'	Wintercreeper, Purpleleaf	One of the most hardy of the groundcovers									X
Hedera helix	Ivy, English	English Ivy is the least hardy of the groundcovers; not salt tolerant, dieback in harsh winters					X				
Hedera helix	'Baltica'	Less hardy than Thorndale									
Hedera helix	'Thorndale'	Thorndale is the most hardy of the English Ivy									
Parthenocissus tricuspidata	Ivy, Boston						X	X	X		
Polygonum cuspidatum 'compactum'	Fleeceflower, Dwarf			X			X	X			X
Sedum kamtschaticum	Stonecrop, Kamtschatka	One of the most hardy of the groundcovers		X	X		X	X			X
Sedum spurium cultivars	Stonecrop	One of the most hardy of the groundcovers									
Vinca minor	Periwinkle							X	X		
Vinca minor	'Bowles'										
Vinca minor	'Dart's Blue'	substitute for Bowles, used just as often		X							
Waldsteinia ternata	Strawberry, Barren	One of the most hardy of the groundcovers					X	X	X		

PERENNIALS											
Achillea millefolium	Yarrow				X		X	X		X	X
Achillea millefolium	'Hope'										
Achillea millefolium	'Paprika'										
Achillea millefolium	'Snow Sport'										
Achillea x	'Coronation Gold'										
Achillea x	'Moonshine'										
Agastache scrophulariaefolia	Purple Giant Hyssop		X					X			
Allium cernuum	Nodding Wild Onion		X					X			X
Amorpha canescens	Lead Plant		X					X	X		
Aquilegia canadense	Wild Columbine		X						X		
Artemisia stelleriana 'Brocade'	Artemisia	susceptible to rot in commercial plantings		X				X			
Asclepias tuberosa	Butterfly Weed		X								X
Aster novi-angliae 'Purple Dome'	Aster, New England				X		X	X	X	X	
Aster species	Aster	there are many other asters well suited to commerical plantings, including many native species									
Astilbe chinensis	Astilbe	there are many other astilbes which are well suited to commercial plantings							X		
Astilbe chinensis	*chinensis 'pumila'*										
Astilbe chinensis	*chinensis 'Visions'*										
Baptisia australis	False Indigo, Blue		X	X				X			
Baptisia x 'Purple Smoke'	False Indigo, Blue										
Coreopsis palmata	Stiff Tickseed		X				X	X		X	X
Coreopsis verticillata	Coreopsis, Threadleaf						X	X	X	X	X
Coreopsis verticillata	'Moonbeam'										

Coreopsis verticillata	'Zagreb'										
Echinacea pallida	Pale Purple Coneflower		X	X	X		X	X		X	
Echinacea purpurea	Coneflower, Purple		X								X
Echinacea purpurea	'Bright Star'	there are many new echinacea cultivars available									
Echinacea purpurea	'Kim's Knee High'										
Echinacea purpurea	'Magnus'										
Echinacea purpurea	'White Swan'										
Eryngium yuccifolium	Rattlesnake Master		X	X				X			
Eupatorium maculatum	Joe Pye Weed		X	X				X		X	
Euphorbia polychroma	Spurge, Cushion	may not be reliable in winter survival		X				X			
Fragaria hybrids	Strawberry, Ornamental hybrids	can be invasive									
Fragaria hybrids	'Lipstick'										
Fragaria hybrids	'Pink Panda'										
Gaillardia x grandiflora	Blanketflower	can rot out in the winter, not good in large masses		X				X			
Gaillardia x grandiflora	'Burgundy'	can rot out in the winter, not good in large masses									
Gaillardia x grandiflora	'Dazzler'	can rot out in the winter, not good in large masses									
Gaillardia x grandiflora	'Goblin'	can rot out in the winter, not good in large masses									
Geranium hybrids	Geranium, Hybrid	there are many more good geranium cultivars						X	X		
Geranium hybrids	'Johnson's Blue'										
Geranium macrorhizum	Geranium, Bigroot										
Geranium maculatum	Geranium, Wild		X								

Geranium sanguineum	Cranesbill, Bloody										
Geum triflorum	Prairie Smoke		X					X			
Heliopsis helianthoides	False Sunflower	Needs competition	X	X				X			
Hemerocallis hybrids	Daylily, Hybrid	there are over 40,000 cultivars; concern with daylily rust disease		X	X		X	X	X	X	X
Hemerocallis 'Chicago Apache'	Daylily, Hybrid										
Hemerocallis 'Happy Returns'	Daylily, Hybrid										
Heuchera americana	Alum Root	there are additional good heuchera on the market					X		X		
Heuchera micrantha	'Palace Purple'										
Heuchera sanguinea	Coral Bells										
Heuchera sanguinea	'Autumn Bride'										
Hosta, species, hybs. and cultivars	Hosta	there are additional good hosta on the market		X	X		X	X	X	X	
Hosta, species, hybs. and cultivars	*clausa*										
Hosta, species, hybs. and cultivars	*fortunei 'aureo-marginata'*										
Hosta, species, hybs. and cultivars	*plantaginea*										
Hosta, species, hybs. and cultivars	*tokudama*										
Hosta, species, hybs. and cultivars	*ventricosa*										
Hosta, species, hybs. and cultivars	'August Moon'										
Hosta, species, hybs. and cultivars	'Blue Angel'										
Hosta, species, hybs. and cultivars	'Royal Standard'										
Iris siberica cultivars	Iris, Siberian										
Iris siberica cultivars	'Butter and Sugar'										
Iris siberica cultivars	'Caesar's Brother'										
Iris siberica cultivars	'Jewelled Crown'										

Iris siberica cultivars	'Steve'										
Iris versicolor	Iris, Blue Flag								X		
Liatris aspera			X					X			
Liatris spicata cultivars	Gayfeather		X					X			
Liatris spicata 'Kobold'	Gayfeather	true cultivar may not be readily available									
Lobelia cardinalis	Cardinal Flower		X					X	X		
Monarda fistulosa	Wild Bergamot, Horsemint		X				X	X		X	
Nepeta species and hybrids	Catmint	need to improve nepeta listings; some concerns with being invasive due to reseeding		X				X	X		
Nepeta species and hybrids	*mussini 'Blue Wonder'*										
Nepeta species and hybrids	'Walker's Low'										
Parthenium integrifolium	Wild Quinine		X	X				X			
Penstemon digitalis	Penstemon		X	X				X			
Penstemon digitalis	'Husker Red'										
Perovskia atriplicifolia	Sage, Russian			X	X			X		X	
Perovskia atriplicifolia	'Little Spire'										
Perovskia atriplicifolia	'Longin'										
Physostegia virginiana	Obedient Plant	reseeds, some invasive concerns						X	X		
Physostegia virginiana	'Miss Manners'										
Physostegia virginiana	'Vivid'										
Ratibida pinnata	Prairie or Gray Headed Coneflower		X				X	X		X	
Rudbeckia fulgida 'Goldsturm'	Black-Eyed Susan, Hybrid						X	X		X	
Rudbeckia subtomentosum	Black-Eyed Susan, Native, Sweet		X								
Salvia nemorosa 'Caradonna'	Salvia, Hybrid	many additional excellent salvia cultivars					X	X		X	X
Salvia x superba	Salvia, Hybrid										

Salvia x superba	‘East Friesland’										
Salvia x superba	‘May Night’										
Sedum spectabile 'Autumn Joy'	Sedum, Autumn Joy	additional cultivars		X	X		X	X		X	X
Solidago speciosa	Showy Goldenrod		X	X			X	X		X	X
Veronica incana	Speedwell, Woolly	less suited to commercial plantings						X	X		
Veronica incana	‘Minuet’										
Veronica spicata	Speedwell, Hybrid										
Veronica spicata	‘Blue Peter’										
Veronica spicata	‘Icicle’										
Veronica spicata	‘Red Fox’										
Veronicastrum virginicum	Culver's Root		X			X	X	X	X		
Zizea Alexander	Golden Alexander		X								
ORNAMENTAL GRASSES											
Andropogon gerardii	Bluestem, Big		X	X				X		X	
Calamagrostis acutifolia 'Karl Foerster'	Feather Reed Grass							X		X	X
Carex, species	Carex (excluding nutsedge)	there are many carex for commercial plantings, some native, some non native						X	X		X
Chasmanthium latifolium	Sea Oats, Northern	Chasmanthium can pose a reseeding problem; some list it as invasive						X	X	X	
Glyceria maxima variegata	Manna Grass, Variegated							X			
Helictotrichon sempervirens	Blue Oat Grass							X			
Miscanthus sinensis	Maiden Grass	need to improve miscanthus listings; some not hardy; some concerns with being invasive						X			
Miscanthus sinensis	‘Gracillimus’										
Panicum virgatum	'Rotstrahlbusch'						X	X		X	

Panicum virgatum	Switch Grass		X								
Panicum virgatum	'Heavy Metal'										
Pennisetum alopecuroides	Fountain Grass			X		X	X	X		X	
Schizachyrium scoparium	Bluestem, Little		X	X		X	X	X		X	
Sorghastrum nutans	Indian Grass	additional cultivars	X	X				X			
Spartina pectinata	Cordgrass, Prairie		X	X				X			
Sporobolus heterolepis	Dropseed, Prairie	one of the best shorter native grasses	X	X				X			
SHRUBS											
Deciduous (small-med)											
Berberis thunbergii	Barberry			X	X	X	X	X	X	X	
Berberis thunbergii	'Intermedia'										
Berberis thunbergii	'Kobold'	this is available in the trade									
Berberis thunbergii	'Rosy Glow'										
Berberis thunbergii	'Sparkle'										
Ceanothus americanus	New Jersey Tea		X	X			X	X	X		
Chaenomeles speciosa	Quince, Flowering			X				X			
Chaenomeles speciosa	'Cameo'										
Chaenomeles speciosa	'Jet Trail'										
Chaenomeles speciosa	'Texas Scarlet'										
Clethra alnifolia	Summersweet		X		X	X	X	X	X		
Clethra alnifolia	'Hummingbird'										
Clethra alnifolia	'Pink Spires'										
Clethra alnifolia	'Ruby Spice'										
Cornus sericea	Dogwood, Redtwig		X	X	X	X	X	X	X	X	
Cornus sericea	'Isanti'										
Cornus sericea	'Kelseyi'										
Cotoneaster apiculata	Cotoneaster, Cranberry										
Cotoneaster x hessei	Cotoneaster, Hess										
Diervilla lonicera	Bush Honeysuckle		X	X	X	X	X	X	X	X	
Diervilla sessifolia	Bush Honeysuckle		X								
Hamamelis virginiana	Common Witchhazel		X			X	X	X	X	X	

Hydrangea arborescens	Hydrangea, Arborescens		X			X	X	X	X	X	
Hydrangea arborescens	'Annabelle'										
Hydrangea arborescens	'Grandiflora'										
Hydrangea paniculata 'grandiflora'	Hydrangea, Panicle					X	X	X	X	X	
Hydrangea paniculata 'Unique'	Hydrangea, Panicle										
Hydrangea tardiva	Hydrangea, Late										
Lonicera xylosteum	Lonicera, Dwarf										
Lonicera xylosteum	'Claveyii'										
Lonicera xylosteum	'Emerald Mound'										
Rhus aromatica 'Gro-Low'	Sumac, Gro-Low			X	X		X	X	X	X	X
Ribes alpinum 'Greenmound'	Currant, Alpine Greenmound										
Rosa carolina	Carolina Rose, Pasture Rose		X				X	X		X	X
Rosa rugosa	Rose, Shrub Rugosa										
Rosa rugosa	'Belle Poitivine'										
Rosa rugosa	'Charles Albanel'										
Rosa rugosa	'Frau Dagmar Hastrup'										
Rosa rugosa	'Henry Hudson'										
Rosa rugosa	'Jens Munk'										
Rosa rugosa	'Pavement' and others in series										
Rosa rugosa	'Scabrosa'										
Rosa rugosa	'Schneezwerg'										
Rosa x	Rose, Shrub, Flower Carpet Series						X	X		X	X
Rosa x	Rose, Shrub, Explorer										
Rosa x	Rose, Shrub, Griffith Buck Hybrids	excellent performers									
Rosa x	Rose, Shrub, Carefree										
S. x doornbuseii 'Magic	Coralberry										

Berry'											
Spirea fritschiana	Spirea, Fritsch										
Spirea japonica	Spirea, Japanese										
Spirea japonica	'Little Princess'				X	X	X	X		X	
Spirea japonica	'Norman'										
Spirea x bumalda	Spirea, Hybrid Bumalda				X	X	X	X		X	
Spirea x bumalda	'Anthony Waterer'										
Spirea x bumalda	'Froebellii'										
Symphoricarpus alba 'Hancock'	Coralberry					X			X	X	
Syringa meyeri 'Palibin'	Lilac, Dwarf Palibin				X	X	X	X		X	
Syringa patula 'Miss Kim'	Lilac, Dwarf Korean				X	X	X	X		X	
Deciduous (med-large)											
Amelanchier stolonifera	Serviceberry, Running			X	X		X	X	X		
Aronia arbutifolia 'Brilliantissima'	Chokeberry, Red			X				X	X		
Aronia melanocarpa	Chokeberry, Black			X				X	X		X
Aronia melanocarpa	'Viking'										
Aronia melanocarpa	'Autumn Magic'										
Cephalanthus occidentalis	Buttonbush										
Cornus mas 'Golden Glory'	Dogwood, Corneliancherry				X	X	X	X	X	X	
Cornus racemosa	Dogwood, Gray		X	X	X	X	X	X	X	X	
Cornus sericea	'Baileyi'										
Cornus sericea	'Cardinal'										
Cornus sericea	'Flaviramea'										
Corylus americana	Filbert, American Hazelnut		X					X	X		
Cotoneaster acutifolia	Cotoneaster, Peking			X	X		X	X	X	X	
Lonicera tatarica 'Zabelli'	Honeysuckle,Tatarian Red						X	X	X	X	
Lonicera xylosteum	Honeysuckle,										

'Clavey's'	Dwarf										
Physocarpus opulifolius 'nanus'	Ninebark, Dwarf	additional cultivars									
Rhus aromatica	Sumac, Fragrant		X								
Rhus copallina 'Morton'	Prairie Flame'										
Ribes alpinum	Currant, Alpine			X	X		X	X	X	X	
Rosa rugosa	Rose, Shrub Rugosa										
Rosa rugosa	*'Hansa'*										
Rosa rugosa	*'Magnifica'*										
Spirea prunifolia	Spirea, Bridalwreath										
Spirea x vanhoutteii	Spirea, VanHoutte				X	X	X	X		X	
Syringa chinensis 'Saugeana'	Lilac, Hedge				X	X	X	X		X	
Syringa vulgaris	Lilac, Common				X	X	X	X		X	
Viburnum dentatum	Viburnum, Arrowwood		X			X	X	X	X	X	X
Viburnum dentatum	'Autumn Jazz'										
Viburnum dentatum	'Chicago Lustre'										
Viburnum dentatum	'Northern Burgundy'										
Viburnum dentatum	'Blue Muffin'										
Viburnum lantana 'Mohican'	Viburnum, Wayfaring					X	X	X		X	
Viburnum opulus	Viburnum, Highbush Cranberry	borer problems									
Viburnum prunifolium	Viburnum, Blackhaw		X	X		X	X	X		X	
Viburnum trilobum	Viburnum, American		X			X	X	X		X	
Viburnum trilobum	'Alfredo'										
Viburnum trilobum	'Compactum Bailey's'										
Viburnum trilobum	'Hah's'										
Viburnum trilobum	'Wentworth'										
Viburnum x juddii	Viburnum, Judd Fragrant										

Evergreen Shrubs											
Juniperus chinensis cultivars	Juniper, Upright					X	X	X		X	X
Juniperus horizontalis cultivars	Juniper, Creeping	additional cultivars				X	X	X		X	X
Juniperus sabina cultivars	Juniper, Savin										
Pinus mugo pumilio	Pine, Mugo Dwarf										
Taxus x media cultivars	Yew, Spreading	Yews should not be used in heavy salt zones									
TREES											
Evergreen											
Abies concolor	Fir, White, Concolor		X	X		X		X			
Picea abies	Spruce, Norway										
Picea glauca	Spruce, White		X								
Picea pungens cultivars	Spruce, Colorado					X		X			
Pinus nigra	Pine, Austrian			X	X	X		X			
Thuja occidentalis cultivars	Arborvitae, Eastern					X		X			
Ornamental											
Acer campestre	Maple, Hedge			X	X	X	X	X			
Acer ginnala 'Flame'	Maple, Amur			X		X		X			
Acer miyabe 'Morton'	Maple, Miyabe										
Acer tataricum	Maple, Tatarian										
Alnus glutinosa	Alder, Black							X			
Amelanchier species and hybrids	Serviceberry			X	X	X	X	X		X	
Amelanchier species and hybrids	'Autumn Brilliance'										
Amelanchier species and hybrids	'Cumulus'										
Amelanchier species and hybrids	*canadensis*										
Amelanchier species and hybrids	laevis										
Cercis canadensis	Redbud		X	X				X	X	X	

Cornus mas	Dogwood, Corneliancherry					X	X	X			
Cornus mas	‘Golden Glory’										
Crataegus crusgalli var. inermis	Hawthorn, Cockspur			X	X	X	X	X	X		
Crataegus phaenopyrum	Hawthorn, Washington		X	X	X	X	X	X	X		
Crataegus phaenopyrum	‘Manbeck’										
Malus species and hybrids	‘Adams’			X	X	X	X	X		X	X
Malus species and hybrids	‘Donald Wyman’										
Malus species and hybrids	‘Prairiefire’										
Malus species and hybrids	‘Red Jewel’										
Malus species and hybrids	‘Red Peacock’										
Malus species and hybrids	‘Sentinel’										
Malus species and hybrids	‘Spring Snow’										
Malus species and hybrids	‘Zumi’										
Malus species and hybrids	*‘sargentii’*							X			
Pyrus calleryana	Pear, Ornamental			X				X			X
Pyrus calleryana	‘Aristocrat’			X				X			X
Pyrus calleryana	‘Autumn Blaze’										
Pyrus calleryana	‘Chanticleer’										
Pyrus calleryana	‘Redspire’										
Syringa pekinensis 'Morton'	Lilac, Peking				X		X	X			
Syringa reticulata 'Ivory Silk'	Lilac, Japanese Tree				X			X			X
Shade											
Acer x freemannii 'Autumn Blaze'	Maple, Hybrid										
Celtis occidentalis 'Prairie Pride'	Hackberry, Common		X	X				X	X		
Corylus colurna	Filbert, Turkish			X				X	X		
Fraxinus americana	Ash, White	Consider concerns on Emerald Ash Borer	X								
Fraxinus americana	‘Autumn Applause’	Consider concerns on Emerald Ash Borer									

Fraxinus americana	'Autumn Purple'	Consider concerns on Emerald Ash Borer									
Fraxinus americana	'Rosehill'	Consider concerns on Emerald Ash Borer									
Fraxinus americana	'Skyline'	Consider concerns on Emerald Ash Borer									
Fraxinus pennsylvanica	Ash, Green	Consider concerns on Emerald Ash Borer	X								
Fraxinus pennsylvanica	'Cimmarron'	Consider concerns on Emerald Ash Borer									
Fraxinus pennsylvanica	'Marshall Seedless'	Consider concerns on Emerald Ash Borer									
Fraxinus pennsylvanica	'Patmore'	Consider concerns on Emerald Ash Borer									
Fraxinus pennsylvanica	'Summit'	Consider concerns on Emerald Ash Borer									
Ginkgo biloba	Ginkgo, Maindenhair Tree							X			X
Ginkgo biloba	'Autumn Gold'										
Ginkgo biloba	'Magyar'										
Ginkgo biloba	'Princeton Sentry'										
Gleditsia triacanthos 'inermis'	Honeylocust			X	X	X		X			X
Gleditsia triacanthos 'inermis'	'Halka'										
Gleditsia triacanthos 'inermis'	'Moraine'										
Gleditsia triacanthos 'inermis'	'Shademaster'										
Gleditsia triacanthos 'inermis'	'Skyline'										
Gymnocladus dioicus	Coffeetree, Kentucky		X		X			X			X

Gymnocladus dioicus	'Espresso'										
Quercus bicolor	Oak, Swamp White		X								
Quercus macrocarpa	Oak, Bur		X								
Quercus robur	Oak, English	may be susceptible to disease									
Quercus robur	Skymaster'	may be susceptible to disease				X		X			
Quercus robur	'Skyrocket'	may be susceptible to disease									
Quercus rubra	Oak, Northern Red		X								
Quercus x schuettii	Oak, Hybrid, Schuett										
Tilia americana 'Redmond'	Linden, American										
Tilia cordata 'Glenleven'	Linden, Littleleaf										
Tilia cordata 'Greenspire'	Linden, Littleleaf			X				X	X		
Ulmus x	Elm, Hybrid				X			X			
Ulmus x	'Frontier'										
Ulmus x	'Homestead'										
Ulmus x	'Morton'										

UNACCEPTABLE TREES		
Common Name	Botanical Name	Problem(s)
Black locust	Robinia spp.	Shallow roots/invasive
Boxelder	Acer negundo	Weak wooded
Buckthorn	Rhamnus frangula	Disease/short lived
Mulberry	Morus spp.	Litter/short lived

Osage orange	Maclura pomifera	Litter/thorns									
Persimmon	Diospyros spp.	Litter									
Poplar	Populus spp.	Weak wooded/short lived									
Russian olive	Elaeagnus angustifolia	Weak wooded/short lived									
Silver maple	Acer saccharinurn	Weak wooded									
Tree of heaven	Ailanthus spp.	Weak wooded/invasive									
Walnut	Juglans spp.	Litter									
Willow, corkscrew	Salix	Weak wooded/litter									