

## Chapter 17.20

**USE STANDARDS**

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**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.

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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 discernable 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.

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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.

### **L. 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.

(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

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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:

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- 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

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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.)