

City Clerk

~~RECEIVED~~ ZONING ORDINANCE

ST. CHARLES · ILLINOIS

Ordinance No. 1960-16

~~JANUARY 25, 1960~~

Passed May 23, 1960

PROPOSED ZONING ORDINANCE

of the City ST. CHARLES · ILLINOIS

No 1960-16

~~JANUARY 25, 1960~~

*This Ordinance has been
published in pamphlet form
by authority of the City Council*

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AN ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane County, Illinois, that THE ZONING ORDINANCE passed by the City Council on the 4th day of September, 1928 as amended, is hereby revised and amended in its entirety by the substitution in lieu thereof of the following:

SECTION 1

TITLE

This ordinance shall be known, cited, and referred to as:

THE ST. CHARLES ZONING ORDINANCE

SECTION II

PURPOSE AND INTENT

This ordinance is adopted for the purpose of:

1. Promoting the public health, safety, comfort, morals, convenience, and general welfare.
2. Securing adequate light, pure air, and safety from fire and other dangers.
3. Conserving the taxable value of land and buildings throughout the City of St. Charles.

To these ends the ordinance is designed to set up and accomplish certain standards and objectives by:

1. Dividing the entire City of St. Charles into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residence, business, manufacturing, or other specified uses.
2. Avoiding or lessening congestion in the public streets.
3. Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings thereafter erected as related to land area.
4. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or property lines.
5. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings.
6. Establishing standards to which buildings or structures therein shall conform.
7. Prohibiting uses, buildings, or structures incompatible with the character of the residence, business, or manufacturing districts.
8. Preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

9. Providing for the gradual elimination of those uses, buildings, and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto; (a) elimination of such uses of unimproved lands or lot areas when existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) elimination of uses to which such buildings and structures are devoted if they are adaptable for permitted uses; and (c) elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.
10. Providing for the acquisition by purchase, condemnation, or otherwise of any buildings or structures which do not conform to the standards fixed by the City of St. Charles.
11. Defining and limiting the powers and duties of the administrative officers and bodies as provided hereinafter.
12. Prescribing penalties for the violation of the provisions of this ordinance or of any amendment thereto.

SECTION III

RULES AND DEFINITIONS

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

1. the singular number includes the plural, and the plural the singular;
2. the present tense includes the past and future tenses, and the future the present;
3. the word "shall" is mandatory, while the word "may" is permissive;
4. the masculine gender includes the feminine and neuter;
5. whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word; and words herein not defined shall be interpreted in accordance with applicable definitions contained in Webster's Dictionary;
6. all measured distances, expressed in feet, shall be to the nearest intergral foot; if a fraction is one-half foot or more, the integral foot next above shall be taken;
7. the following words and terms, wherever they occur in this ordinance, shall be construed as here defined.

AIRCRAFT. Any contrivance, now known or hereafter invented for use in or designed for navigation of or flight in the air.

AIRPORT (LANDING STRIP, HELIPORT, OR HELISTOP). Any premises which are used or intended for use for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport structures or rights-of-way, together with all airport buildings and structures located thereon.

ALLEY. A right-of-way, with a width not exceeding 24 feet, which affords a secondary means of access to abutting property.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

AUTOMOBILE LAUNDRY. Any building or portion thereof where automobiles are washed, using a conveyor, blower, steam-cleaning equipment, or other mechanical device of production-line nature.

AUTOMOBILE SERVICE STATION (GAS STATION). Any building or portion thereof or premises used for dispensing or offering for sale at retail any automotive fuels or oils having pumps and storage tanks thereon, or where battery, tire, and other similar minor services are rendered, but only if rendered wholly within lot lines. Automobile service stations do not include open-sales lots or public garages, as defined herein.

AUTOMOBILE WRECKING YARD. Any area of land where three or more motor vehicles, not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such automobiles or parts thereof.

AWNING. A roof-like cover, temporary in nature, which projects from the wall of a building and which may overhang a street right-of-way.

BASEMENT. A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BLOCK. A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shore lines of waterways or corporate boundary lines.

BUILDABLE AREA — for the purpose of measuring lot width. The first 30 feet of lot depth immediately in back of the front yard setback line.

BUILDING. Anything constructed for shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

BUILDING, ACCESSORY. A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

BUILDING, DETACHED. A principal building surrounded by open space on the same lot.

BUILDING HEIGHT. The vertical distance measured from the established curb level to the highest point of the under side of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections other than signs, shall not be included in calculating the height.

BUILDING, PRINCIPAL. A non-accessory building in which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL. A building arranged, designed, used, or intended to be used for residential occupancy by one or more families. Residential buildings include, but are not limited to, the following types: (1) single-family detached dwellings; (2) two-family dwellings; (3) multiple-family dwellings; and (4) a row of one or two-family attached dwellings developed initially under single ownership or control.

BUILDING, TEMPORARY. Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

BULK. A composite characteristic of a given building as located upon a given lot — not definable as a single quantity, but involving all of the following characteristics: (1) size and height of building; (2) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings; (3) gross floor area of the building in relation to lot area (floor area ratio); (4) all open spaces allocated to the building; and (5) the amount of lot area provided per dwelling unit.

BUSINESS. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered.

CELLAR. The portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CLUB OR LODGE, PRIVATE. A non-profit association of persons who are bona-fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

CURB LEVEL. The level of the established curb in front of a building or structure, measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure, measured at the center line of such front.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

DOG KENNEL. Any premises where three or more dogs, over four months of age, are owned, boarded, bred, and/or offered for sale.

DWELLING. A residential building or portion thereof, but not including hotels, motels, rooming houses, nursing homes, tourist homes, or trailers.

DWELLING UNIT. A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one family and an aggregate of not more than two roomers or boarders, and which include cooking facilities.

DWELLINGS, ATTACHED (GROUP, ROW, OR TOWN HOUSES). A dwelling joined to two other dwellings by party walls.

DWELLING, SINGLE-FAMILY. A dwelling containing one dwelling unit, either attached, semi-detached, or detached.

DWELLING, DETACHED. A dwelling entirely surrounded by open space on the same lot.

DWELLING, SEMI-DETACHED. A dwelling joined to one other dwelling by a party wall.

DWELLING, MULTIPLE-FAMILY. A dwelling containing three or more dwelling units.

EASEMENT. Land which has been designed by lawful agreement between the owner or owners of the land and a person or persons for a specified use only by such person or persons.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room, together with bathroom, kitchen, hallway, closets, and/or dining alcove directly off the principal room, provided such dining alcove does not exceed 125 square feet in area.

ELECTRIC DISTRIBUTION CENTER. A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

ELECTRIC SUBSTATION. A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

FAMILY. One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three persons not all so related, together with his or their domestic servant, maintaining a common household in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests — whether or not gratuitous.

FENCE, OPEN. A fence, including entrance and exit gates, designed and constructed so that the surface area of any segment of such fence contains at least 50 percent open spaces, as compared to solid materials.

FENCE, SOLID. A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FLOOR AREA — for the purposes of determining the floor area ratio, conversions of existing structures, and maximum size of business establishments. The sum of the horizontal area of floor space contained in all floors, including a basement floor but not including a cellar floor of a building or buildings on a lot — measured in square feet from the exterior faces of the exterior walls of each building, or from the center line of party walls separating two buildings. Such floor area shall also include: (a) space devoted to elevator shafts and stairwells at each floor; (b) floor space used for mechanical equipment when the structural headroom exceeds seven feet, ten inches in height, except equipment such as bulkheads, water tanks, and cooling towers when located on the roof, whether or not such equipment is in the open or enclosed; (c) floor space in that part of a half-story where headroom is seven feet, ten inches or more in height; (d) floor space devoted to interior balconies, mezzanines, and enclosed porches; (e) floor space devoted to accessory uses in the principal building and in the accessory building or buildings; and (f) floor space devoted to enclosed off-street parking and off-street loading.

FLOOR AREA — for the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein), nor floor area such as ramps, aisles, and maneuvering space, nor floor area devoted to off-street parking or loading activities, nor cellar floor area other than area devoted to merchandising activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the net lot area on which such building or buildings are located.

FREQUENCY. The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport which is intended for and used for storing the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with the automotive vehicles is carried on, provided that not more than one-half of the space may be rented for the private passenger vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented.

GARAGE, PUBLIC. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

GARAGE, STORAGE. A building or premises used for housing only of motor vehicles pursuant to previous arrangements and not by transients; and where no equipment or parts are sold, and vehicles are not rebuilt, serviced, repaired, hired, or sold, except that fuel, grease, or oil may be dispensed within the building to vehicles stored therein.

GROUND FLOOR AREA. The lot area covered by a building, measured from the exterior faces of exterior walls, but excluding open porches or terraces, garages, or carports.

HOME OCCUPATION. A gainful occupation or profession conducted by a member of a family residing on the premises, and where the business or profession is conducted within the dwelling.

HOTEL. A building containing lodging rooms, a general kitchen and dining room, a common entrance lobby, halls, and stairway; and where each lodging room does not have a doorway opening directly to the outdoors except for emergencies; and where more than 50 percent of the lodging rooms are for rent, with or without meals, to transient guests for a continuous period of less than 30 days.

HOTEL, APARTMENT. A hotel in which at least 50 percent of the hotel accommodations are for occupancy by permanent guests (30 days or more).

JUNK YARD. An open area where waste, used, or second-hand 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. A junk yard includes an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings.

LODGING ROOM. A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one lodging room.

LOT. A parcel of land (whether legally so described or subdivided as one or more lots or parts of lots) located within a single block, occupied by or intended for occupancy by one principal building or principal use, and having its principal frontage upon a street.

LOT AREA. The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT CORNER. A lot situated at the junction of and abutting on two 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 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the established or existing street or alley line.

LOT LINE, FRONT. That boundary line of any lot which is along an existing or dedicated street lot line and which is established as a front lot line on the plat of record filed by the owner, subdivider, or builder.

LOT LINE, REAR. That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten 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 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT, REVERSED CORNER. A corner lot where the street-side lot line is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH. A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots, there shall be a common front lot line.

MARQUEE (CANOPY). A roof-like structure of permanent nature which projects from the wall of a building and may overhang the public way.

MOBILE HOME. A trailer designed and constructed for dwelling purposes.

MOBILE HOME PARK. Any premises on which are parked two or more mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more such mobile homes. It does not include sales lots on which automobiles or unoccupied mobile homes — new or used — are parked for purposes of inspection or sale.

MOTEL. A building containing lodging rooms having adjoining individual bathrooms, and where each lodging room has a doorway opening directly to the outdoors, and more than 50 percent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

MOTOR FREIGHT TERMINAL. A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

NET LOT AREA. The area inside of lot lines exclusive of established or existing street and alley rights-of-way.

NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NURSING HOME. An establishment for the care of children or the aged or infirm. Such a home does not contain equipment for medical and surgical care or for the treatment of disease or injury, nor does it provide care in maternity or mental illness.

OBSTRUCTION. An obstruction is any building or structure, or parts thereof, which is located so as to come in the way of any open area required by this ordinance. Trees or shrubs shall not be considered as obstructions.

OCTAVE BAND. A term denoting all the frequencies between any given frequency and double that frequency.

OCTAVE BAND FILTER. An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound-level meter to take measurements in specific octave intervals. (American Standard for Sound-Level Meters, A.S.A. — No. 224.3 — 1944).

ODOR THRESHOLD VALUE. The minimum concentration of odorous material in air which can be detected as determined by Manufacturing Chemists Association or other qualified laboratory.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments, or for the storing of same prior to sale.

PARTICULATE MATTER. Material, other than steam or water vapor, which is suspended or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PARTY WALL. A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another, and is in joint use by each building.

PERFORMANCE STANDARDS. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PLANNED DEVELOPMENT. A unified development in single ownership or control, and which includes two or more principal buildings where the specific requirements of a given district may be modified.

REFUSE. All waste products resulting from human habitation, except sewage.

RESEARCH LABORATORY. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not primarily facilities for the manufacture or sale of products.

RINGELMANN CHART. A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

RINGELMANN NUMBER. The number of the area on the Ringelmann Chart that coincides most nearly with the light-obscuring capacity of smoke.

ROOMING HOUSE, BOARDING HOUSE, OR TOURIST HOME. A building or portion thereof containing lodging rooms which accommodate three or more persons who are not members of the keepers' family, and where lodging rooms or meals, or both, are provided for compensation.

SCREENING. A structure erected or vegetation planted for concealing from viewers the area behind it.

SIGN. A name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Each display surface of a sign shall be considered to be a separate sign.

However, as used herein, the word sign does not include any display of official court or public office notices, nor the flag emblem or insignia of a nation, political unit, school, or religious group. A sign shall not include a sign located completely within an enclosed building unless the contest shall be visible from a street. Identification and addresses of establishments on awnings and marquees shall not be considered to be signs.

SIGN, ADVERTISING (BILLBOARD OR POSTER PANEL). A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at any location other than upon the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving illuminated sign shall be considered a flashing sign.

SIGN, GROSS SURFACE AREA OF. The entire area covered by the sign or comprised within a single continuous perimeter enclosing the extreme limits of its display area, and in no case passing through or between any adjacent elements of it; but such perimeter shall not include any structural elements lying outside the display area of the sign.

SMOKE UNITS, NUMBER OF. The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; the various products are then added together to give the total number of smoke units observed during the total period under observation. Steam or water vapor is not considered smoke.

SOUND LEVEL METER. An instrument standardized by the American Standards Association for measurement of the intensity of sound.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is completed for principal or accessory use.

STREET (AVENUE, PLACE, ROAD, TERRACE, OR PARKWAY). A right-of-way of required width which affords a primary means of access to abutting property.

STRUCTURAL ALTERATIONS. 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.

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 or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure.

TOXIC MATERIAL. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRAILER. Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, or rollers or blocks, either self-propelled or propelled by any other means, which is used for living, sleeping, or commercial purposes.

USE. The purpose or activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained.

USE, ACCESSORY. A subordinate use such as a private garage which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

USE, NON-CONFORMING. Any use of a building or premises which, on the effective date of this ordinance, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.

USE, PERMITTED. Any building, structure, and use which, on the effective date of this ordinance, complies with the applicable regulations governing permitted uses of the zoning district in which such building, structure, and use are located.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, SPECIAL. Any building, structure, and use which, on the effective date of this ordinance, complies with the applicable regulations governing special uses of the zoning district in which such building, structure, and use are located.

YARD. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this ordinance. A yard extends along a lot line and at right angles to such line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the established front lot line between side lot lines and from the abutting established front street right-of-way line to the front building line in depth.

YARD, REAR. The portion of the yard on the same lot with the principal building located between the rear line of the principal building and the rear lot line, and extending for the full width of the lot.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

SECTION IV

GENERAL PROVISIONS

A. INTERPRETATION

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
2. Where the conditions imposed by any provision of this ordinance upon the (a) use of land or buildings, (b) the bulk of buildings, (c) floor area requirements, (d) lot area requirements, and (e) yard requirements, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
4. No building, structure, or use, not lawfully existing at the time of the adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

B. SEPARABILITY

It is hereby declared to be the intention of the City Council of the City of St. Charles that the several provisions of this ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance 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.

C. BUILDING ON LOT

In Single-Family Residence Districts, every single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall be not more than one principal building on one lot.

D. ALLOWABLE USE OF LAND OR BUILDINGS

The following uses of land or buildings are allocated in the districts indicated hereinafter in Sections VII, VIII, and IX under the conditions specified in this ordinance.

1. Uses lawfully established on the effective date of this ordinance.
2. Permitted uses as designated in Sections VII, VIII, and IX.
3. Special uses as designated in Sections VII, VIII, and IX.

E. PROHIBITED USE OF LAND OR BUILDINGS

No building or tract of land shall be devoted to any use other than one which is specified as a permitted or special use in Sections VII, VIII, and IX in the zoning district in which such building or land is located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and where construction has been begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of occupancy by the use originally designated, subject to the provisions of Section V of this ordinance.

F. CONTROL OVER USE

No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located, except that in Residence Districts a lot which was of record at the time of adoption of this ordinance, even though not meeting the requirements of this ordinance as to area and width, may be used for single-family residence purposes, provided such use conforms with all other regulations of the district in which it is located.

G. CONTROL OVER BULK

All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

H. ACCESSORY BUILDINGS AND USES

1. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of poultry or livestock — whether or not for profit.
2. No accessory building, unless it is structurally a part of the principal building and unless it conforms with requirements of accessory buildings for special uses, shall be erected or altered or moved to a location within ten feet of the nearest wall of the principal building, nor within the required area for front or side yard of the lot as set forth for the district; and in Residence Districts an accessory building in a rear yard shall be not less than five feet from any property line.
3. No accessory building shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon that side yard of a reversed corner lot which is adjacent to the street, nor upon the rear yard of a through lot.
4. No accessory building shall have more than one story nor exceed 17 feet in height, unless otherwise permitted as accessory to business and manufacturing uses, or to authorized special uses.

I. SPECIAL USES

1. To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties or upon the character and future development of the district in which they are located, a classification of special uses is hereby established. Procedures for special uses are set forth in Section XI.
2. Where a use exists on the effective date of this ordinance and it is classified as a special use by said ordinance, it shall be considered to be a lawful special use. Additions or alterations to existing buildings or land improvements for expansion of lawful special uses may be made within the area of the lot included in the ownership existing at the time of adoption of this ordinance, and they shall be subject to yard, floor area ratio, and building height requirements set forth in this ordinance for permitted uses in the districts in which they are located.

J. PERMITTED OBSTRUCTIONS — YARDS

For the purpose of this ordinance, the following shall not be considered as obstructions when located in the yards indicated:

1. In any yards: Chimneys, overhanging roof eaves, bay windows, open terraces, marquees, and awnings adjoining the principal building if they do not exceed ten percent of the depth of the yard, and ornamental light standards and flagpoles, and trees and shrubs; except on corner lots, trees and shrubs shall be not higher than 24 inches above curb level if located in that portion of a required front or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.

2. In front yards: No other obstructions shall be permitted.
3. In side yards: Open accessory off-street parking spaces, except in a side yard abutting a street.
4. In rear yards: Private garages, if attached or structurally a part of the principal building, private garages, detached; open accessory off-street parking spaces, accessory sheds, tool rooms, or other similar accessory buildings; private swimming pools in accordance with regulations of this ordinance and other applicable ordinances of the City of St. Charles; recreational and laundry-drying equipment; arbors and trellises; fences not to exceed six feet in height, except in Manufacturing Districts; and a side yard which adjoins a street shall be considered as a front yard. Accessory buildings or structures may occupy not more than 30 percent of a rear yard.

K. YARDS, GENERAL

1. The minimum yard space required for one structure shall not again be considered as yard space for another adjoining structure.
2. No lot shall be reduced in area so that the yards or other open space become less than required by this ordinance.
3. On streets where a front-yard setback has been maintained for buildings existing on lots or tracts having a frontage of 50 percent or more of the total frontage on one side of that portion of any street lying between two intersecting streets, there shall be maintained a front-yard setback of not less than the average setback of the aforementioned existing buildings.
4. On a vacant through or corner lot, either of the lot lines abutting a street right-of-way line may be established as its front lot line, except that where two or more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along any lot line abutting a street.

L. FLOOD-PLAIN AREA

In the continuous area and three feet beyond such area adjacent to a stream, stream bed, or natural drainage channel or basin, whose elevation is equal to or lower than the flood-crest elevation, including also any land of higher elevation of less than ten acres in area, which is completely surrounded by land having an elevation equal to or lower than the flood-crest elevation, no building or structure shall be erected with the elevation of a habitable floor, including a basement, lower than three feet above the flood-crest elevation established by the City Engineer of the City of St. Charles on the effective date of this ordinance or as may subsequently be established.

SECTION V

NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

A. STATEMENT OF PURPOSE

The purpose of this Section is to provide for the regulation of non-conforming uses, buildings, structures, and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by Section 73-1 of Chapter 24 of the Revised Statutes of the State of Illinois.

B. AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, or use which shall become non-conforming upon the adoption of this ordinance or of any subsequent amendment thereto, may be continued — some indefinitely, others for specified and respective periods of time — subject to the regulations which follow.

C. EXEMPTED BUILDINGS, STRUCTURES, AND USES

No building, structure, or use, lawfully established on the effective date of this ordinance, shall be subject to the amortization provisions of this Section solely by reason of being non-conforming with respect to the standards prescribed in this ordinance for any of the following:

1. Floor area ratio
2. Yards — front, side, rear, or transitional
3. Lot area per dwelling unit
4. Lot width
5. Ground floor area per dwelling
6. Gross floor area
7. Building height
8. Off-street parking or off-street loading spaces
9. Performance standards

No building, structure, or use, lawfully established on the effective date of this ordinance and located in any Manufacturing District, shall be subject to the amortization provisions of this Section. No building, structure, or use, lawfully established on the effective date of this ordinance and located in any Manufacturing District, shall be considered non-conforming solely by reason of being non-conforming with respect to off-street loading berths being located in a front yard or a side yard adjoining a street, and with respect to such off-street loading berths being less than 50 feet in length but not less than 27 feet in length.

No building, structure, or use, located in a Business District, shall be subject to the amortization provisions of this ordinance if it is a permitted building, structure, or use in any Business District.

No dwelling or dwelling unit, lawfully existing on the effective date of this ordinance, shall be subject to the amortization provisions of this Section.

For the purposes of this Section, a building or structure, lawfully constructed or established on the effective date of this ordinance, shall be deemed to include any building or structure for which a building permit has been lawfully issued prior to such date, and on which construction is begun within the required period of time as set forth in this ordinance.

D. RESTRICTIONS ON NON-CONFORMING BUILDINGS, STRUCTURES, AND USES THEREOF

Any lawfully existing building or structure, which does not conform with the regulations of the district in which it is located, shall be subject to the provisions of this subsection.

1. Repairs and Alterations

Ordinary repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located. For the purpose of this Section, ordinary repairs, as determined by the Building Commissioner, shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement.

2. Additions and Enlargements

a. A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such non-conforming building or structure, and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located.

- b. A non-conforming building or structure, which is non-conforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all regulations of the district in which it is located.

3. Moving

No building or structure, which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or in part to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.

4. Restoration of Damaged Non-Conforming Building

A building or structure, all or substantially all of which is designed or intended for a use which is not permitted 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 50 percent of the cost of restoration of the entire building or structure new, 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 50 percent of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

5. Discontinuance of Use of Non-Conforming Building or Structure

A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant, unoccupied, and not used on the effective date of this ordinance or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of 180 days, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

6. Expansion of Use in Non-Conforming Building or Structure

The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

7. Change of Use in Non-Conforming Building or Structure

The non-conforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located; but no change shall extend

or otherwise modify any provision made in this ordinance for elimination of such non-conforming building or structure, and the use thereof.

8. Elimination of Non-Conforming Buildings and Structures

Any building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall be removed and its use thereafter cease, or shall be converted to a building or structure designed or intended for a use permitted in the district in which it is located, in accordance with the following conditions and amortization schedules.

- a. In all Residence Districts, any building or structure, all or substantially all of which is designed or intended for a use permitted only in a Business or Manufacturing District, shall be removed or it shall be altered and converted to a building or structure designed for a use permitted in the district in which it is located within six months after the termination of the respective period of time as set forth below.
- b. Any building or structure, which is located in a B1 or B2 District and which is designed or intended for a use permitted only in M Districts, shall be removed or shall be altered, remodeled, or converted for a permitted use within six months after the termination of the life of such building or structure, which is hereby established in accordance with the respective amortization period set forth in the following:

(1) Assessed Valuation More than \$5,000*

In accordance with the types of construction classifications set forth in the Building Code of the City of St. Charles.

(a) Fireproof Construction and Non-Combustible Construction

40 years from date of building permit or 25 years from effective date of this ordinance, whichever last occurs.

(b) Exterior Masonry Wall Construction

30 years from date of building permit or 20 years from effective date of this ordinance, whichever last occurs.

(c) Frame Construction

20 years from date of building permit or 10 years from effective date of this ordinance, whichever last occurs.

(2) Assessed Valuation at least \$2,000*, but not more than \$5,000*

8 years from date of building permit or 4 years from effective date of this ordinance, whichever last occurs.

(3) Assessed Valuation under \$2,000*

4 years from date of building permit or 2 years from effective date of this ordinance, whichever last occurs.

* On the effective date of this ordinance.

The non-conforming use of a building or structure shall be terminated at the end of the amortization period of said building or structure, as set forth in this paragraph 8, and shall not thereafter be operated on the premises.

E. CONDEMNATION OF NON-CONFORMING BUILDINGS AND STRUCTURES

1. The City of St. Charles, at any time and from time to time by ordinance duly enacted and in accordance with the authority vested in it by Section 73-11 of Chapter 24 of the Revised Statutes of the State of Illinois: (a) may acquire by purchase, condemnation, or otherwise, any buildings or structures which do not conform to the standards fixed by the City of St. Charles pursuant to Section 73-1, Chapter 24 of the Revised Statutes of the State of Illinois and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blighted by substandard buildings or structures; (b) may remove or demolish all such non-conforming buildings or structures so acquired; (c) may hold and use any remaining property for public purposes; and (d) may sell, lease, or exchange such property as is not required for public purposes, subject to the provisions of this ordinance or of any amendment thereto.
2. No such acquisition by condemnation shall be made until such time as the Plan Commission, at the request of the City Council or upon its own initiative, shall have made a study of the area within which such non-conforming building or structure is located, and shall have filed a written report on such study with the City Council.

F. NON-CONFORMING USE OF BUILDINGS OR STRUCTURES

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions.

1. Expansion of Non-Conforming Use

The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.

2. Discontinuance

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of 90 days, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

3. Change of a Non-Conforming Use

No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

4. Elimination of a Non-Conforming Use

In all Residence Districts, any use which lawfully exists at the adoption of this ordinance, but is permitted only in a Business or Manufacturing District, and which is located in a building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued and shall thereafter cease operation within five years from the date of the adoption of this ordinance.

G. NON-CONFORMING USE OF LAND

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions.

1. Expansion

A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

2. Discontinuance

If a non-conforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.

3. Change of Use

A non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

4. Elimination of Non-Conforming Use of Land

The non-conforming use of land shall be discontinued and cease in accordance with the following, except that in R1 and R2 Districts the allowable term shall be reduced by 50 percent.

- a. Where no building or structure is employed in connection with such use, discontinued within one year.
- b. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation of not more than \$2,000, discontinued within two years.
- c. Where the improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in a non-conforming use of land and which have an assessed valuation of more than \$2,000, discontinued within five years.
- d. Where a non-conforming use of land is accessory to the non-conforming use of a building or structure, discontinued on the same date on which the non-conforming use of the building or structure is discontinued.

SECTION VI

ZONING DISTRICTS

A. ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this ordinance, the City of St. Charles is hereby divided into the following districts:

1. Residence Districts

R1 Single-Family Residence

R2 Single-Family Residence

R3 Two-Family Residence

R4 General Residence

2. Business Districts

B1 Local Business

B2 Community Business

B3 Service Business

3. Manufacturing Districts

M1 Limited Manufacturing

M2 General Manufacturing

B. MAP

The location and boundaries of the districts established by this ordinance are set forth on the Zoning District Map, dated 5/25/1960, which is incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon, and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. The said map shall be filed with the office of the City Clerk, and certified copies thereof in the office of the Building Commissioner, and shall be open to public reference at all times during which those offices are open.

C. BOUNDARIES OF DISTRICTS

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

1. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, tract or lot lines or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with dimensions shown on maps measured at right angles from the center line of a street, highway, or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.
3. Where a district boundary line divides a lot in 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 25 feet beyond the boundary of the district.

D. ANNEXED TERRITORY

Any additions to the incorporated area of the city resulting from disconnection by the county or otherwise shall be automatically classified among the R1 Single-Family Residence Districts until otherwise classified by amendment.

E. EXEMPTIONS

The following public utility uses are permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment, and outdoor coin telephones and booths in B and M Districts only, provided that installation shall conform with rules and regulations of the applicable administrative authorities.

SECTION VII

RESIDENCE DISTRICTS

A. GENERAL REQUIREMENTS — ALL RESIDENCE DISTRICTS

1. Home occupations shall be governed by the following regulations:
 - a. Permitted home occupations may include any of the following:
 - (1) Art studio.
 - (2) Dressmaking.
 - (3) Professional offices of a clergyman, lawyer, architect, engineer, or accountant.
 - (4) Teaching — including musical instruments or dancing, but limited to one pupil at a time.
 - b. Permitted home occupations shall not include any other use such as, but not limited to, the following:
 - (1) The operation of any wholesale or retail business unless conducted entirely by mail, and does not involve the sale, receipt, or delivery of merchandise on the premises.
 - (2) Any manufacturing or processing of goods, materials, or products.
 - (3) A repair shop or service establishment of any kind operating on or from the premises.
 - (4) A clinic or hospital.
 - (5) A barber shop or beauty parlor.
 - (6) A stable or kennel.
 - (7) A restaurant.
 - (8) Any activity that produces noxious matter.

- c. Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for Residence Districts. There shall be no exterior storage of equipment or materials used in such home occupations.

2. Signs

- a. Nameplates are permitted subject to the following regulations:

In R1, R2, and R3 Districts a nameplate shall not exceed 36 square inches in area, and shall indicate only the name or name and address of the occupant; there shall be not more than one such nameplate for each dwelling, provided that it is affixed to the dwelling flat against the door or on the wall adjacent thereto, or may be located elsewhere on an accessory building or structure or piece of land within the boundaries of the lot.

In R4 Districts, only such a nameplate shall be permitted for a single-family or a two-family dwelling; for a multiple-family dwelling a nameplate may not be more than three square feet in area, provided it indicates only the name or name and address of the occupant; such a nameplate may be affixed flat against the building, but not located higher than one story or 20 feet above curb level, whichever is lower. Such a nameplate may also be located in a yard adjoining a street, provided it is not nearer to the street than one-half the depth of the yard, and does not exceed four feet in height.

- b. Unilluminated "For Sale" and "For Rent" signs are permitted subject to the following:

There shall be not more than one sign per lot, except that on a corner lot two signs — one facing each street — shall be permitted. No sign shall exceed 12 square feet in area, and be closer than eight feet to any side and rear lot line, nor be closer to the front lot line than one-half the depth of the front yard. Such a sign, when affixed flat against the building, shall not project higher than one story or 20 feet above the curb level, whichever is lower; and a ground sign shall not project higher than eight feet above ground grade.

- c. Illuminated, non-flashing church-bulletin signs are permitted subject to the following:

There shall be not more than one sign per lot, except that on a corner lot two signs — one facing each street — shall be permitted, provided that such a sign or signs shall be located on the same lot as the principal church use. No signs shall exceed 16 square feet in area, nor be closer than eight feet to any side and rear lot line, nor closer to the front lot line than one-half the depth of the front yard. Such a sign, when affixed flat against the building, shall not project higher than one story or 20 feet above curb level, whichever is lower; and a ground sign shall not project higher than eight feet above ground grade.

3. Conversions

In R4 Residence Districts, conversions of existing residential buildings shall be governed by the following:

- a. The quotient secured by dividing the floor area of all dwelling units on a lot by the number of dwelling units on such lot shall not be less than 500 square feet.
- b. No existing residential use shall be so converted as to conflict with, or further conflict with, the requirements in "a", above.
- c. Where applicable, an efficiency dwelling unit or a lodging room may be considered 0.75 dwelling unit in determining compliance with "a", above.

B. R1 SINGLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

- a. Single-family detached dwellings.
- b. Home occupations — as regulated in this Section, paragraph A-1 hereof.
- c. Parks and playgrounds — publicly-owned and operated.
- d. Schools — elementary, junior high, and high (non-boarding).
- e. Signs — as regulated in this Section, paragraph A-2 hereof.
- f. Temporary buildings for construction purposes for a period not to exceed such construction.
- g. Accessory uses to the above permitted uses — including, but not limited to, off-street parking and off-street loading.

2. Special Uses

- a. Art galleries and museums.
- b. Churches.
- c. Cemeteries.
- d. Convents, monasteries, and seminaries.
- e. Colleges and universities and uses accessory and incidental thereto — but not colleges or trade schools operated for profit.

- f. Golf courses — but not including commercially-operated driving ranges, miniature golf courses, or lighted par-3 golf courses for night play.
- g. Growing of farm crops in the open — including truck gardens and nurseries, provided that no livestock or poultry are kept, and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.
- h. Hospitals.
- i. Libraries.
- j. Parks and playgrounds — privately-owned and operated.
- k. Planned developments on a tract of land not less than 40 acres in area.
- l. Schools, private — boarding.
- m. Utility and public service uses including:
 - (1) Electric substations and distribution centers.
 - (2) Fire stations.
 - (3) Police stations.
 - (4) Radio and television towers.
 - (5) Railroad rights-of-way.
 - (6) Transit and public transportation facilities, including shelters; terminals, parking areas, and service buildings.
 - (7) Telephone exchanges, micro-wave relay towers, and telephone transmission equipment buildings;
 - (8) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants — municipal.
- n. Accessory uses to the above allowable special uses, including, but not limited to, off-street parking and off-street loading.

3. Lot Area

Not less than 18,000 square feet.

4. Lot Width

Not less than 100 feet at the buildable area.

5. Floor Area Ratio — Non-Residential Permitted Uses and Special Uses
Not to exceed 0.6.
6. Building Height — Single-Family Dwelling Uses
Not to exceed two and one-half stories or 30 feet, whichever is lower.
7. Ground Floor Area Per Dwelling
 - a. One-story dwelling without cellar, not less than 1,600 square feet.
 - b. One-story dwelling with cellar, not less than 1,500 square feet.
 - c. Dwellings having more than one story, not less than 1,000 square feet.
8. Front Yard — Single-Family Dwelling Uses
Not less than 40 feet in depth.
9. Side Yards — Single-Family Dwelling Uses
 - a. Two side yards having a combined width of 20 feet, and neither side yard less than ten feet in width.
 - b. A side yard abutting a street not to be less than 40 feet wide.
 - c. If a corner lot, subdivided and duly recorded on the effective date of this ordinance, has insufficient width to provide such yard of 40 feet and still to maintain a buildable width of 40 feet, including the side yard along the opposite side lot line, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of 40 feet, provided the side yard abutting a street is not reduced to less than 25 percent of the width of the lot.
10. Rear Yard — Single-Family Dwelling Uses
Not less than 50 feet in depth.
11. Yards — Non-Residential Permitted Uses and Special Uses
Front, side, and rear yards, as required for single-family dwelling uses for buildings less than 30 feet in height; but for a building 30 feet or more in height, each yard — front, side, and rear as required for single-family dwellings — shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.
12. Off-Street Loading — Non-Residential Permitted Uses and Special Uses
Loading berths in accordance with provisions set forth in Section X of this ordinance.

13. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

C. R2 SINGLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

Uses permitted in the R1 District.

2. Special Uses

Special uses allowed in the R1 District.

3. Lot Area

Not less than 8,400 square feet.

4. Lot Width

Not less than 65 feet at the buildable area.

5. Floor Area Ratio — Non-Residential Permitted Uses and Special Uses

Not to exceed 0.6.

6. Building Height — Single-Family Dwelling Uses

Not to exceed two and one-half stories or 30 feet, whichever is lower.

7. Ground Floor Area Per Dwelling

a. One-story dwelling without cellar, not less than 1,200 square feet.

b. One-story dwelling with cellar, not less than 1,100 square feet.

c. Dwellings having more than one story, not less than 850 square feet.

8. Front Yard — Single-Family Dwelling Uses

Not less than 30 feet in depth.

9. Side Yard — Single-Family Dwelling Uses

a. Two side yards having a combined width of 16 feet, and neither side yard less than six feet in width.

b. A side yard abutting a street not to be less than 30 feet wide.

- c. If a corner lot, subdivided and duly recorded on the effective date of this ordinance, has insufficient width to provide such yard of 30 feet width and still maintain a buildable width of 32 feet, including the side yard along the opposite lot line, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of 32 feet, provided the side yard abutting the street is not reduced to less than 30 percent of the width of the lot.

10. Rear Yard — Single-Family Dwelling Uses

Not less than 40 feet in depth.

11. Yards — Non-Residential Permitted Uses and Special Uses

Front, side, and rear yards, as required for single-family dwelling uses for buildings less than 30 feet in height, but for a building 30 feet or more in height, each yard — front, side, and rear as required for single-family dwellings — shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.

12. Off-Street Loading — Non-Residential Permitted Uses and Special Uses

Loading berths in accordance with provisions set forth in Section X of this ordinance.

13. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

D. R3 TWO-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

- a. Uses permitted in the R2 District.
- b. Single-family semi-detached dwellings.
- c. Two-family detached dwellings.

2. Special Uses

Special uses allowed in the R2 District.

3. Lot Area

- a. Not less than 6,600 square feet for single-family detached dwellings.
- b. Not less than 5,000 square feet for each dwelling unit in two-family detached dwellings, or single-family semi-detached dwellings.

4. Lot Width
 - a. Not less than 50 feet at the buildable area for single-family detached dwellings.
 - b. Not less than 65 feet at the buildable area for two-family detached dwellings or single-family semi-detached dwellings.
5. Floor Area Ratio — Non-Residential Permitted Uses and Special Uses

Not to exceed 0.6.
6. Building Height — Dwelling Uses

Not to exceed two and one-half stories or 30 feet, whichever is lower.
7. Ground Floor Area Per Dwelling

As in an R2 District for single-family detached dwellings.
8. Front Yard — Dwelling Uses

Not less than 25 feet in depth.
9. Side Yard — Dwelling Uses
 - a. Two side yards having a combined width of 14 feet, and neither side yard less than five feet in width.
 - b. A side yard abutting a street not to be less than 25 feet wide.
 - c. If a corner lot, subdivided and duly recorded on the effective date of this ordinance, has insufficient width to provide such yard of 25 feet width and still maintain a buildable width of 32 feet, including the side yard along the opposite lot line, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of 32 feet, provided the side yard abutting the street is not reduced to less than 30 percent of the width of the lot.
10. Rear Yard — Dwelling Uses

Not less than 30 feet in depth.

11. Yards — Non-Residential Permitted Uses and Special Uses

Front, side, and rear yards, as required for dwelling uses for buildings less than 30 feet in height; but for a building 30 feet or more in height, each yard — front, side, and rear as required for dwellings — shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.

12. Off-Street Loading — Non-Residential Permitted Uses and Special Uses

Loading berths in accordance with provisions set forth in Section X of this ordinance.

13. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

E. R4 GENERAL RESIDENCE DISTRICT

1. Permitted Uses

- a. Uses permitted in the R3 District.
- b. Libraries.
- c. Multiple-family dwellings.
- d. Single-family attached dwellings.

2. Special Uses

- a. Special uses allowed in the R3 District, except libraries.
- b. Institutions for the care of the aged and for children.
- c. Municipally-operated health centers.
- d. Rooming houses.
- e. Sanitariums and nursing homes — but not for care of feeble-minded or insane.
- f. Schools, boarding — nursery, elementary, junior high, and high.

3. Lot Area

- a. Single-family detached — 6,000 square feet.
- b. Two-family detached — 4,200 square feet per dwelling unit.

- c. Single-family semi-detached and attached dwellings as follows:

<u>Type of Dwelling Unit</u>	<u>Minimum Lot Area Per Dwelling Unit In Square Feet</u>	
	<u>Semi-Detached</u>	<u>Attached</u>
<u>Single-Family</u>		
4 bedroom and over	5,000	4,000
3 bedroom	4,800	3,500
Less than 3 bedroom	4,500	3,000

- d. Multiple-family dwellings as follows:

<u>Type of Dwelling Unit</u>	<u>Minimum Lot Area Per Dwelling Unit In Square Feet</u>
4 bedroom and over	3,300
3 bedroom	3,000
2 bedroom	2,800
1 bedroom and efficiency	2,500 1500

4. Lot Width

Not less than 50 feet for single-family detached dwellings; and not less than 65 feet for two-family detached or single-family semi-detached dwellings.

5. Floor Area Ratio — Non-Residential Permitted Uses and Special Uses

Not to exceed 0.6.

6. Building Height — Dwelling Uses

- As in an R1 District for single-family detached, semi-detached, or attached dwellings and two-family detached dwellings.
- Not more than three stories or 40 feet, whichever is lower for multiple-family dwellings.

7. Front Yard — Dwelling Uses

Not less than 30 feet in depth.

8. Side Yard — Dwelling Uses

- a. Two side yards having a combined width of 16 feet, with one side yard not less than ten feet in width.
- b. A side yard abutting a street shall not be less than 30 feet in width.
- c. If a corner lot, subdivided and duly recorded prior to the effective date of this ordinance, has insufficient width to provide such yard of 30 feet width and still to maintain a buildable width of 32 feet, including the side yard along the opposite side lot line, then the side yard abutting the street may be reduced by the distance necessary to maintain a buildable width of 32 feet, provided such side yard is not reduced to less than 30 percent of the width of the lot.

9. Rear Yard — Dwelling Uses

Not less than 30 feet in depth.

10. Yards — Non-Residential Permitted Uses and Special Uses

Front, side, and rear yards, as required for dwelling uses for buildings less than 40 feet in height; but for a building 40 feet or more in height, each yard — front, side, and rear as required for dwellings — shall be increased in width or depth by two feet for each additional one foot of building height over 40 feet.

11. Off-Street Loading

Loading berths in accordance with provisions set forth in Section X of this ordinance.

12. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

SECTION VIII

BUSINESS DISTRICTS

A. GENERAL REQUIREMENTS — ALL BUSINESS DISTRICTS

1. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except as otherwise permitted herein for specified uses such as off-street automobile parking, off-street loading, and open-sales lots or outside storage in districts where they are permitted.
2. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.

B. B1 LOCAL BUSINESS DISTRICT

1. General Conditions

- a. Dwelling units are not permitted.
- b. Each business establishment is restricted to not more than 5,000 square feet of floor area.

2. Permitted Uses

- a. Barber shops.
- b. Beauty parlors.
- c. Candy and ice cream stores.
- d. Drug stores.
- e. Dry-cleaning and laundry-receiving establishments — processing to be done elsewhere.
- f. Food stores, including grocery stores, meat markets, bakeries, and delicatessens — retail sales only.
- g. Libraries — branch.

- h. Shoe stores.
- i. Shoe and hat repair stores.
- j. Signs — as regulated in this subsection.
- k. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- l. Variety stores.
- m. Accessory uses.

3. Special Uses

- a. Other business uses similar to the permitted uses listed above.
- b. Electric substations and distribution centers.
- c. Planned development on a tract of land not more than five acres, nor less than three acres in area.

4. Floor Area Ratio

Not to exceed 0.8.

5. Yards

a. Front Yard

Not less than 30 feet in depth.

b. Side Yards

If a side yard is provided, it shall be not less than five feet wide, except where a side lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for residential use on the adjacent residential lot. A side yard adjoining a street shall be not less than 30 feet in width.

c. Rear Yard

Not less than 20 feet in depth.

6. Signs

Non-flashing illuminated business signs with no moving parts, awnings, and marquees are permitted subject to applicable regulations set forth elsewhere in the ordinances of the City of St. Charles and the following:

- a. The illumination of any sign shall be only during business hours. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a Residence District, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green, or amber illumination.
- b. The gross surface area in square feet of all signs on a lot shall not exceed the number of lineal feet in the frontage of a lot; and each side of a lot which abuts upon a street shall be considered as a separate frontage; and the gross area of all signs located on each side of a lot abutting a street shall not exceed the number of lineal feet in such separate frontage.
- c. Signs shall be affixed flat against the building walls and not project therefrom more than 18 inches.
- d. No sign shall project higher than the building height or 20 feet above the curb level, whichever is lower.
- e. In a unified shopping center in single ownership or control one additional sign may be erected for it; the sign shall not exceed 60 square feet in area, nor display more than the name and the location of the shopping center; its bottom edge shall be at least eight feet above the level of the ground, and its overall height shall not exceed 16 feet above the curb level.
- f. Awnings and marquees shall have headroom of not less than eight feet.

7. Off-Street Loading

Loading berths shall be in accordance with provisions set forth in Section X of this ordinance.

8. Off-Street Parking

Parking spaces shall be in accordance with provisions set forth in Section X of this ordinance.

C. B2 COMMUNITY BUSINESS DISTRICT

1. General Conditions

- a. Dwelling units or lodging rooms are not permitted other than those in a hotel.

- b. Uses designated hereinafter with an asterisk shall not be located on the first story within 50 feet of a street.

2. Permitted Uses

- a. Uses permitted in the B1 District.
- b. Antique shops.
- c. Art and school supply stores.
- d. *Art galleries — but not including auction rooms.
- e. Bakeries — where not more than 50 percent of the floor area is devoted to processing, and not employing more than eight persons.
- f. Banks and financial institutions.
- g. Bicycle stores — sales, rental, and repair.
- h. Book and stationery stores.
- i. Camera and photographic supply stores.
- j. Carpet and rug stores.
- k. China and glassware stores.
- l. Coin and philatelic stores.
- m. Currency exchanges.
- n. *Custom dressmaking.
- o. Department stores.
- p. Dry-goods stores.
- q. Electrical and household appliance stores — including radio and television sales.
- r. Flower shops and conservatories.
- s. Furniture stores — including upholstery* when conducted as part of the retail operation and secondary to the principal use.

- t. Furrier shops — including the incidental storage* and conditioning of furs.
- u. Garden supply and seed stores.
- v. Gift shops.
- w. Haberdasheries.
- x. Hardware stores.
- y. Hobby shops — for retailing of items to be assembled or used away from the premises.
- z. Hotels — including dining and meeting rooms, provided that business uses, other than those which are commonly incidental to a hotel business, shall not occupy space fronting on a hotel hall or lobby.
- aa. Interior decorating shops — including upholstery* and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations and secondary to the principal use.
- bb. Jewelry stores — including watch repair.
- cc. *Laboratories — medical and dental, also research and testing.
- dd. Laundries — automatic self-service type or hand, employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
- ee. Leather goods and luggage stores.
- ff. Liquor stores — retail sales.
- gg. Loan offices.
- hh. *Locksmith shops.
- ii. Mail order service stores.
- jj. Medical and dental clinics.
- kk. Millinery shops.
- ll. Musical instrument sales and repair.
- mm. Newspaper offices — but not including printing.

- nn. Offices — business, professional, and public.
- oo. Office supply stores.
- pp. Opticians and optometrists.
- qq. Paint and wallpaper stores.
- rr. Photography studios — including developing and printing of photographs when conducted on the premises as a part of the retail business.
- ss. *Physical culture and health services, gymnasiums, reducing salons, masseurs, and public baths.
- tt. *Picture framing — when conducted on the premises for retail trade.
- uu. Post offices.
- vv. *Radio and television broadcasting studios.
- ww. Restaurants — when no entertainment or dancing is provided.
- xx. *Restricted production and repair limited to the following: art needlework, clothing, custom manufacturing and alterations for retail only of jewelry from precious metals and watches.
- yy. *Schools — music, dance, or business.
- zz. Sewing machine sales and services — household machines only.
- aaa. Shoe stores.
- bbb. Signs — as regulated in this subsection.
- ccc. Sporting goods stores.
- ddd. *Tailor shops.
- eee. Taverns and cocktail lounges.
- fff. Tobacco shops — retail sales.
- ggg. Travel bureaus and transportation ticket offices.
- hhh. Telegraph offices.

- iii. Toy shops.
- iii. Wearing apparel shops.
- kkk. *Wholesale establishments — with storage of merchandise limited to samples only.
- III. Accessory uses to the above permitted uses.

3. Special Uses

Any special use allowed in the B1 District, except such as are permitted in the B2 District, also:

- a. Art galleries and museums.
- b. Automobile accessory stores.
- c. Schools, commercial or trade — including those teaching music, dance, business, commercial, or technical subjects when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences.
- d. Churches, convents, monasteries, theological schools, rectories, and parish houses.
- e. Health centers.
- f. Libraries — public.
- g. Parking lots and storage garages — for motor vehicles under one and one-half tons capacity.
- h. Planned development on a tract of land not less than five acres nor more than 20 acres in area.
- i. Public utility and public service uses including:
 - (1) Electric substations and distribution centers.
 - (2) Fire stations.
 - (3) Police stations.
 - (4) Railroad rights-of-way.
 - (5) Telephone exchanges, micro-wave relay towers, and telephone transmission equipment buildings.

- (6) Transit and transportation facilities, including shelters, terminals, parking areas, and service buildings.
- (7) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants — municipal.
- (8) Other similar uses.

- j. Radio and television towers.
- k. Recreational buildings and community centers.

4. Floor Area Ratio

Not to exceed 1.3.

5. Yards

a. Front Yard

There shall be provided a front yard of not less than 10 feet in depth.

b. Side Yards

If a side yard is provided it shall not be less than five feet wide, except where a side lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on an adjacent residential lot. A side yard adjoining a street shall be not less than 10 feet in width.

c. Rear Yard

There shall be provided a rear yard of not less than 20 feet in depth.

6. Signs

Non-flashing but illuminated business signs with no moving parts, awnings, and marquees are permitted subject to regulations set forth elsewhere in the ordinances of the City of St. Charles and the following:

- a. The illumination of any exterior sign shall be only during business hours or 11:00 p.m. — whichever is later. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a Residence District, nor into a street. A sign in direct line of vision of a traffic signal shall not be in red, green, or amber illumination.

- b. The gross surface area in square feet of business signs on a lot shall not exceed three times the lineal feet of frontage of the lot; and each side of a lot which abuts upon a street shall be considered as a separate frontage; and the gross surface area of all signs located on each side of a lot or a street shall not exceed three times the lineal feet in the separate frontage.
- c. No sign shall project more than eight feet or more than two-thirds the width of the sidewalk, whichever is less, across the property line into a public right-of-way.
- d. Any sign located within three feet of a street, sidewalk, driveway, parking area, or within 50 feet of the intersection of two or more streets shall have the lowest elevation at least 12 feet above curb level.
- e. A sign affixed to a building shall not project higher than the building height, or 30 feet above the curb level, whichever is lower, except for a one-story building a sign may project not more than three feet above the building height. A ground sign shall not exceed 16 feet in height above curb level.
- f. In a unified shopping center in single ownership or control, one additional sign may be erected for it; the sign shall not exceed 120 square feet in area nor display more than the name and location of the shopping center; such sign shall be set back at least half the required yard depth distance from each abutting street, and its bottom edge shall be at least eight feet above the level of the ground and its overall height shall not exceed 16 feet above the curb level.

7. Off-Street Loading

Loading berths in accordance with provisions set forth in Section X of this ordinance.

8. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

D. B3 SERVICE BUSINESS DISTRICT

1. General Conditions

Dwelling units and lodging rooms, other than those in a transient hotel or motel, are not permitted.

2. Permitted Uses

- a. Uses permitted in the B2 District, except uses designated therein with an asterisk may be located on the first story, nearer than 50 feet of a street.
- b. Amusement establishments — bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks.
- c. Auction rooms.
- d. Automobile accessory stores.
- e. Automobile service stations.
- f. Automotive vehicle and automotive equipment sales.
- g. Blueprinting and photo-copying establishments.
- h. Building material sales — with accessory outside storage, provided outside storage does not exceed 16 feet in height.
- i. Caskets and casket supplies.
- j. Catering establishments.
- k. Clothing establishments.
- l. Clubs and lodges — private, fraternal, or religious.
- m. Contractors' and construction offices.
- n. Dry-cleaning establishments, retail — employing not more than five persons, and equipment for dry-cleaning not to exceed one unit of 30 pounds capacity.
- o. Employment agencies.
- p. Exterminating shops.
- q. Feed stores.
- r. Fire stations.
- s. Frozen food shops — including locker rental in conjunction therewith.
- t. Fuel and ice sales — retail only.

- u. Garages — public.
- v. Greenhouses.
- w. Job printing shops — using presses having beds of not more than 14 inches and 20 inches.
- x. Libraries.
- y. Machinery and equipment sales — but not including service, repair, or reconditioning and storage of all machinery shall be within enclosed buildings.
- z. Mail order houses.
- aa. Meat markets — including the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when conducted as part of the retail business on the premises.
- bb. Meeting halls.
- cc. Monument sales.
- dd. Motels.
- ee. Orthopedic and medical appliance stores — but not including the assembly or manufacture of such articles.
- ff. Parking lots and storage garages — automobile.
- gg. Pet shops.
- hh. Police stations.
- ii. Plumbing showrooms and shops.
- jj. Radio and television service and repair shops.
- kk. Recording studios.
- ll. Recreational buildings, community centers, and meeting halls.
- mm. Restaurants — including live entertainment and dancing.
- nn. Schools, commercial or trade — not involving any danger of fire, explosion, nor of offensive noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences.

- oo. Second-hand stores and rummage shops.
- pp. Signs — as regulated in this subsection.
- qq. Taxidermists.
- rr. Telephone exchanges, micro-wave relay towers, and telephone transmission equipment buildings and electric distribution centers.
- ss. Typewriter and adding machine sales and service establishments.
- tt. Undertaking establishments and funeral parlors.
- uu. Accessory uses to the above permitted uses.

3. Special Uses

- a. Special uses allowed in the B2 District, except such as are permitted in the B3 District.
- b. Animal hospitals.
- c. Automobile laundries.
- d. Dog kennels.
- e. Open-sales lots.
- f. Other service business uses.
- g. Outdoor amusement establishments — golf driving ranges, miniature golf courses, Par 3 golf courses, kiddie parks, and other similar amusement centers and places of amusement such as stadiums.

4. Floor Area Ratio

Not to exceed 1.3.

5. Yards

As in a B2 District.

6. Signs

As in a B2 District.

7. Off-Street Loading

Loading berths in accordance with provisions set forth in Section X of this ordinance.

8. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

SECTION IX

MANUFACTURING DISTRICTS

A. GENERAL REQUIREMENTS

1. No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered, or remodeled for any of the following uses: abattoirs, manufacture of acid; arsenals, crematories; manufacture or storage of fireworks or explosives; dumping or reduction of garbage, dead animals, offal, or refuse; processing or refining of petroleum, ore reduction; manufacture of nitrocellulose; manufacture of synthetic polymers; manufacture or treatment of gutta percha; salt works; manufacture of sauerkraut; manufacture of soap; smelters; stock yards or slaughter of animals or fowls; manufacture or treatment of tallow, grease, or lard; tanning, curing, or storage of rawhides or skins; distillation or manufacture of tar; or batch asphaltic concrete mixing plants.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the City of St. Charles. Such materials shall include but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as cellulose nitrate of a nitrogen content of 12.5 percent or greater, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles, perchloric acid; perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.
3. Within 300 feet of a Residence District boundary line all activities and operations shall be within completely enclosed buildings or may be out-of-doors if completely screened by a solid wall or uniformly-painted solid fence at least eight feet in height, and open storage shall not be of a greater height than that of the enclosing fence, except that off-street parking for vehicles in operable condition and off-street loading and unloading spaces may be located in accordance with requirements set forth in Section X.
4. No building, structure, or land within 100 feet of a Residence District boundary line shall be used in connection with the operation of any establishment. Off-street parking and off-street loading spaces may be located within this setback area in accordance with regulations hereinafter set forth in Section X.

5. Any use established in a Manufacturing District hereafter shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, or glare or heat; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such applicable performance standards. Certification from a testing laboratory, approved by the City Council, indicating compliance with the applicable performance standards shall accompany application for a building permit.

a. Performance Standards -- Noise -- M1 and M2 Districts. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter, and shall include continuous noise and those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured shall be measured with the impact noise meter manufactured according to standards prescribed by the American Standards Association, and shall comply with the applicable performance standards for noise.

In all instances in which an M2 District does not adjoin a Residence or Business District, the performance standards governing noise for the M1 District shall apply at the nearest Residence or Business District boundary line.

At no point either on the boundary of a Residence or Business District or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under control of this ordinance such as the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

<u>Octave Band</u>	<u>Maximum Permitted Sound Level (decibels)</u>	
	<u>Along Residence District Boundaries</u>	<u>Along Business District Boundaries</u>
(Frequency, cycles per second)		
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
above 4,800	32	38

- b. Performance Standards — Vibration — M1 and M2 Districts. No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement, measured in inches, of earth) shall be measured at any point along a Residence District boundary line with a three component measuring instrument approved by the City Council, and shall be expressed as displacement in inches.

Frequency (cycles per second)	Maximum Permitted Displacement along Residence District Boundaries (in Inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

- c. Performance Standards — Smoke and Particulate Matter — M1 and M2 Districts. The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance, and shall henceforth be unlawful.

For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

The emission from all sources within any lot area of particulate matter containing more than ten percent by weight of particles having a particle diameter larger than 44 microns is prohibited.

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitation herein above specified is prohibited.

(1) Smoke — M1 District

The emission of more than eight smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during one one-hour period in each 24-hour day, each stack may emit up to 16 smoke units when blowing soot

or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than three minutes.

(2) Smoke -- M2 District

The emission of more than 16 smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during two one-hour periods in each 24-hour day, each stack may emit up to 24 smoke units, twice for blowing soot and twice for cleaning fires. During fire-cleaning periods only shall smoke of a density of Ringelmann No.3 be permitted, and then for not more than four minutes per period.

- d. Performance Standards -- Toxic or Noxious Matter -- M1 and M2 Districts.
No use shall for any period of time discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.
- e. Performance Standards -- Odors -- M1 and M2 Districts. The emission of odorous matter shall be controlled in such a manner as to be at or below the odor threshold value within any part of a Residence District.
- f. Performance Standards -- Fire -- M1 and M2 Districts.

M1 District

- (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
- (2) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.
 - (b) All such buildings shall be set back at least 40 feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.

(3) The storage, utilization, or manufacture of flammable liquids or materials which produce flammable or explosive vapors, shall be permitted in accordance with the following limitations — exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers:

- (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.
- (b) All such buildings shall be set back at least 40 feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.
- (c) The capacity of flammable liquids in excess of the following quantities shall not be permitted:

<u>Closed Cup Flash Point</u>	<u>Quantity (gallons)</u>
Less than 24° F	1,000
24° F to less than 105° F	10,000
105° F to less than 187° F	<u>50,000</u>
Total of all flammable liquids permitted	50,000

M2 District

- (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
- (2) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.
 - (b) All such buildings shall be set back at least 25 feet from all lot lines or in lieu thereof, shall be protected throughout by

an automatic fire extinguishing system installed in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.

(c) Said materials may be stored outdoors in conformance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.

(3) The storage, utilization, or manufacture of flammable liquids or materials which produce flammable or explosive vapors, shall be permitted in accordance with the following limitations — exclusive of storage in underground tanks:

(a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, or may be stored out-of-doors, and handled in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association and, in addition, all such buildings shall be set back at least 25 feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the City of St. Charles and the National Fire Protection Association.

(b) The capacity of flammable liquids in excess of the following quantities shall not be permitted:

<u>Closed Cup Flash Point</u>	<u>Quantity (gallons)</u>
Less than 24° F	10,000
24° F to less than 105° F	50,000
105° F to less than 187° F	<u>100,000</u>
Total of all flammable liquids permitted	150,000

g. Performance Standards — Glare or Heat — M1 and M2 Districts.

(1) Glare-Heat — M1 District

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines.

(2) Glare-Heat -- M2 District

Any operation producing intense glare or heat shall be performed within an enclosure in such a manner as not to create a public nuisance or hazard along lot lines.

B. M1 LIMITED MANUFACTURING DISTRICT

1. Permitted Uses

a. The following uses are permitted, provided they conform with regulations herein set forth in Section VIII, Subsection A, General Requirements -- All Business Districts; when specifically required by the City Council, they shall conform with applicable requirements set forth in General Requirements of this section.

- (1) Animal hospitals.
- (2) Automobile service stations.
- (3) Building material sales -- with outside storage.
- (4) Contractors' shops -- with outside storage.
- (5) Currency exchanges.
- (6) Frozen food lockers.
- (7) Fuel and ice sales -- retail only with outside storage.
- (8) Garages -- public.
- (9) Greenhouses, wholesale -- without restriction as to gross floor area, provided heating plant operations conform with applicable performance standards set forth under General Requirements of this section.
- (10) Heliports -- provided they conform with applicable Federal, State, and other local governmental regulations.
- (11) Machinery sales and service.
- (12) Monument sales.
- (13) Motor vehicle and equipment sales and service.

- (14) Open-sales lots.
- (15) Parking lots — commercial.
- (16) Public utility and public service uses including:
 - (a) Electric substations and distribution stations.
 - (b) Railroad rights-of-way.
 - (c) Telephone exchanges, micro-wave relay towers, and telephone-transmission equipment buildings.
 - (d) Public transportation facilities, including shelters, terminals, parking areas, and service buildings.
 - (e) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants — public.
- b. Manufacturing, fabricating, storing, cleaning, testing, assembling, repairing, or servicing establishments as determined by operations conforming with performance standards for M1 Districts and other regulations as set forth in General Requirements of this section.

2. Special Uses

- a. Planned developments, manufacturing — on tracts of land not less than 40 acres in area.
- b. Portland Cement concrete mixing plants.

3. Floor Area Ratio

Not to exceed 0.8

4. Yards

a. Front Yard

Not less than 40 feet in depth.

b. Side Yards

Not less than 20 feet in width, except a side yard abutting a street shall be not less than 40 feet in depth.

c. Rear Yard

Not less than 20 feet in depth, except a rear yard abutting an alley or railroad right-of-way may be reduced to ten feet in depth.

5. Signs, Marquees, and Awnings

Business signs, marquees, and awnings are permitted subject to regulations set forth elsewhere in the City Code of St. Charles and the following:

- a. Signs may have constant illumination, provided that a sign, located in direct line of vision of any traffic control signal, shall not have illumination of red, green, or amber color. The illumination of any sign shall be during normal hours of operation of the establishment or 11:00 p.m., whichever is later. Where a sign is illuminated by a light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a Residence District, or into a street.
- b. The gross surface area in square feet of all business signs on a lot shall not exceed three times the number of lineal feet of the building frontage on the lot, and each side of the building adjoining a street shall be considered a separate building frontage.
- c. Business signs shall be affixed to the building and may project therefrom not more than 24 inches into a yard, except one ground business sign, not less than 48 square feet in gross surface area, may be erected in a front yard not less than 20 feet from the street line.
- d. Business signs may be located on a building roof, provided they do not project higher than six feet above the building height.

6. Off-Street Loading

Loading berths in accordance with provisions set forth in Section X of this ordinance.

7. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

C. M2 GENERAL MANUFACTURING DISTRICT

1. Permitted Uses

- a. Uses as permitted in the M1 District.

- b. Manufacturing, assembling, disassembling, fabricating, repairing, storing, cleaning, servicing, or testing establishments as determined by operations conforming with performance standards for M2 Districts as set forth in General Requirements of this section.

2. Special Uses

As allowed in the M1 District.

3. Floor Area Ratio

Not to exceed 1.5.

4. Yards

As in the M1 District.

5. Signs, Marquees, and Awnings

As in the M1 District.

6. Off-Street Loading

Loading berths in accordance with provisions set forth in Section X of this ordinance.

7. Off-Street Parking

Parking spaces in accordance with provisions set forth in Section X of this ordinance.

SECTION X

OFF-STREET LOADING AND OFF-STREET PARKING

A. OFF-STREET LOADING

In connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this section.

1. Location

All required loading berths shall be located on the same lot as the use to be served and no portion of the vehicles shall project into a street or alley. In Manufacturing Districts, no loading berth for vehicles of more than two ton capacity shall be located less than 50 feet from any Residence District. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard.

2. Size

A required off-street loading berth shall be at least ten feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 14 feet.

3. Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and shall be subject to approval of the City Engineer of the City of St. Charles.

4. Surfacing

All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches thick or equal, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather, dustless material.

5. Repair and Service

No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth.

6. Space Allowed

Space allowed to any off-street loading berth shall not while so allocated be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. Required Loading Berths

For the uses here listed, loading berths shall be provided as specified:

- a. Auditoriums; banks, business and professional offices, or public administration buildings; bowling alleys; hospitals, schools, colleges, sanitariums, and other similar institutional uses; and hotels or private clubs and lodges: For such a building containing 10,000 to 100,000 square feet of floor area or fraction thereof in such a building, one loading berth. For each additional 100,000 square feet of floor area or fraction thereof in such a building, one additional loading berth.
- b. Manufacturing, fabricating, assembly, disassembly, warehousing, storing, cleaning, servicing, testing, and repairing establishments: For such a building containing 5,000 to 40,000 square feet of floor area, one loading berth. For such a building containing 40,000 to 100,000 square feet of floor area, two loading berths plus one additional loading berth for each additional 100,000 square feet of floor area or fraction thereof.
- c. Retail stores, furniture and appliance stores, household equipment and furniture stores, repair shops, wholesale stores, and establishments handling the sale and consumption of food on the premises: Loading berths in accordance with the following schedule:

<u>Square Feet of Floor Area</u>	<u>Minimum Number</u>
5,000 to 10,000	1
10,000 to 25,000	2
25,000 to 40,000	3
40,000 to 100,000	4

For each additional 100,000 square feet of floor area or fraction thereof in such a building, one additional loading berth.

- d. Theaters: For such a building containing 8,000 to 25,000 square feet of floor area, one loading berth. For each additional 50,000 square feet of floor area or fraction thereof, one additional loading berth.

- e. Other Uses: Off-street loading berths shall be provided in accordance with requirements determined by the City Council based upon requirements heretofore set forth for the most similar cases.

B. OFF-STREET PARKING

Any off-street parking space in connection with existing buildings or structures on the effective date of this ordinance shall not be removed, enlarged, or altered except in conformance with the requirements of this ordinance.

In connection with any building or structure which is to be erected or substantially altered, and which requires off-street parking spaces, there shall be provided such off-street parking space in accordance with regulations set forth hereinafter.

1. Use

Except as may otherwise be provided for the parking of trucks or for special uses, required accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants, or employees.

2. Location

Parking spaces shall be located on the same lot as the use served except uses other than single or two-family dwellings which are in existence on the effective date of this ordinance, and which are subsequently altered or enlarged; and new uses in the B2 Business Districts may be served in accordance with requirements of this ordinance by parking facilities located on land other than the lot on which the building or use served is located; provided such facilities are located within 300 feet walking distance from the main entrance to the use served.

3. Computation

When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded; while a fraction in excess of one-half shall be counted as one parking space.

4. Collective Provisions for Non-Residential Uses

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use; and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as the required space for more than

one use unless otherwise authorized in accordance with this ordinance.

5. Repair and Service

No motor-vehicle repair work of any kind shall be permitted in parking lots. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building, in which case gasoline and motor oil may be sold within such building to the users of such facilities provided that no advertising sign is visible from outside the building; and provided further that all gasoline pumps shall be effectively screened from view of the street.

6. Size

A required off-street parking space shall be at least ten feet in width and at least 20 feet in length, exclusive of access drives, aisles, ramps, columns, and office or work area. Such space shall have vertical clearance of at least seven feet.

7. Access

Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or driveway in a manner which will least interfere with traffic movements.

A parking area containing four or more parking spaces shall have vehicular access to it over a street, alley, or driveway containing all-weather, hard-surfaced pavement and the location and route of access to such a parking area shall be identified. No driveway across public property shall have a width exceeding 24 feet, exclusive of curb returns.

8. In Yards

Off-street parking spaces may be located in yards except required front yards and side yards adjoining a street.

9. Design and Maintenance

a. Open and Enclosed Parking Spaces

Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located elsewhere than on the same lot occupied by the use served shall be open to the sky.

b. Surfacing

All open off-street parking areas shall be improved with a compacted gravel or stone base, or equal, not less than four inches thick, and surfaced with all-weather, dustless material in accordance with specifications established by the City Council.

c. Screening and Landscaping

All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential or any institutional property by a wall or fence not less than five feet high, or more than six feet high, or a densely-planted, compact hedge not less than five feet in height; and wheelstops of masonry, steel, or heavy timber shall be placed not nearer than five feet from the street line in districts where a front yard is not required, or from side lot lines.

d. Lighting

Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. All lighting shall be extinguished no later than 30 minutes after the close of business of the use being served, except as may otherwise be authorized by the Zoning Board of Appeals.

10. Required Spaces

Off-street parking spaces accessory to designated uses shall be provided as follows:

a. Single-Family Dwellings

At least one parking space for each dwelling, plus one additional parking space for each two roomers or lodgers accommodated; but no more than four parking spaces for each single-family dwelling.

b. Two-Family Dwellings

At least one parking space, but not more than two, for each dwelling unit.

c. Multiple-Family Dwellings

At least one and one-half parking spaces for each dwelling unit.

d. Hotels and Apartment Hotels

At least one parking space for each three separate lodging rooms.

e. Rooming or Lodging Houses

At least two parking spaces plus one parking space for each three persons for whom living accommodations are provided.

f. Private Clubs or Lodges

At least two parking spaces; and one parking space for each seven seats in accordance with design capacity of the main meeting room.

g. Motels, Tourist Homes, or Tourist Courts

At least one parking space for each dwelling unit and each lodging room.

h. Schools, Elementary or Junior High -- Public or Private

At least one parking space for each faculty member and other full-time employee.

i. Schools, High -- Public or Private

At least one parking space for each seven students as related to maximum design capacity of the building, exclusive of the auditorium.

j. Churches

At least one parking space for each five seats, or 90 inches of seating space in the main auditorium.

k. School and Institutional Auditoriums

At least one parking space for each two persons employed on the premises, and an additional parking space for each five seats, or for each 90 inches of seating space in the main auditorium or assembly hall.

l. Theaters

At least one parking space for each five seats in the theater.

m. Hospitals

At least one parking space for each three hospital beds, plus one parking space for each four employees, other than doctors -- plus one parking space for each two doctors assigned to the staff.

- n. Libraries and Museums
At least one parking space for each 1,000 square feet of floor area.
- o. Recreational Buildings or Community Centers
At least one parking space shall be provided for each three employees, plus spaces in adequate number as determined by the City Council to serve the visiting public.
- p. Medical and Dental Clinics
At least three parking spaces for each examining or treatment room, plus one for each doctor and employee in the building.
- q. Public Utility and Public Service Uses
At least one parking space for each three employees, plus spaces in adequate number as determined by the City Council to serve the visiting public.
- r. Establishments Handling the Sale and Consumption on the Premises of Food and Refreshment
At least one parking space for each 150 square feet of floor area.
- s. Bowling Alleys
At least seven parking spaces for each alley, plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like.
- t. Banks
At least one parking space for each 300 square feet of floor area.
- u. Business and Professional Offices or Public Administration Buildings
At least one parking space for each 500 square feet of floor area.
- v. Automobile Service Stations
At least one parking space for each employee, plus two for each service stall.
- w. Furniture and Appliance Stores, Motor Vehicle Sales, Wholesale Stores, Stores for Repair of Household Equipment or Furniture
At least one parking space for each 600 square feet of floor area.

x. Undertaking Establishments and Funeral Parlors

At least ten parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises.

y. Retail Stores

At least one parking space for each 150 square feet of floor area.

z. Manufacturing, Fabricating, and Processing Plants not Engaged in Retail Trade

At least one parking space for each two employees, as related to the working period when the maximum number of employees are employed on the premises.

aa. Warehouse and Storage Establishments and Freight Terminals

At least one parking space for each employee, as related to the working period when the maximum number of employees are employed on the premises.

bb. Other Uses

Parking spaces on the same basis as required herein for the most similar use as determined by the City Council.

SECTION XI

ADMINISTRATION

A. CERTIFICATES AND OCCUPANCY PERMITS

1. Zoning Certificates

No permit pertaining to the use of land or buildings shall be issued unless the Building Commissioner has certified, after examination, that it complies with all the provisions of this ordinance.

2. Occupancy Permits

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Commissioner, stating that the Building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof, now or hereafter erected or altered, without a permit having been issued by the Building Commissioner, and no permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance and amendments thereto.

Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for the safety of life and property.

Certificate for occupancy and compliance shall be applied for coincident with the application for a building permit, and shall be issued within ten days after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner, and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building affected. A fee of \$ 1.00 shall be charged for each original certificate, and \$ 1.00 for each copy thereof.

B. DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner of the City of St. Charles, or other officials that have been or shall be duly appointed by the City Council shall enforce this ordinance, and in addition thereto, and in furtherance of said authority, shall:

1. issue all certificates of occupancy and make and maintain records thereof;
2. conduct inspections of buildings, structures, and uses of land, to determine compliance with the terms of this ordinance;

3. maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments, special uses, variations, appeals, and applications therefor; and
4. provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties.

C. ZONING BOARD OF APPEALS

1. Creation and Procedure

- a. There is hereby established a Zoning Board of Appeals for the City of St. Charles; said Board shall consist of seven members to serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years. The successor to each member so appointed to serve for a term of five years.
- b. All appointments to the Zoning Board of Appeals shall be made by the City Council. One of the members so appointed shall be named as Chairman at the time of his appointment. The City Council shall have the power to remove any member of the Zoning Board of Appeals for cause after public hearing. Vacancies shall be filled by the City Council as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the City Council shall immediately appoint, at its option, either one of the remaining members on the Board, or any member who is appointed to fill such vacancy on the Board as the new Chairman.
- c. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this zoning ordinance shall be given under oath. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the City Clerk and shall be of public record.

- d. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Commissioner, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision. The Zoning Board of Appeals shall make no recommendations except in a specific case and after public hearing.
- e. The Zoning Board of Appeals is hereby designated as the proper commission or committee to post or publish notices as required by statute and this ordinance pertaining to special uses and proposed amendments to the regulations imposed and the districts created by the Zoning Ordinance of the City of St. Charles, and to make a written report and recommendation to the City Council on any such proposed amendments or special uses.

2. Jurisdiction and Authority

The Zoning Board of Appeals is hereby invested with the following jurisdiction and authority:

- a. to hear and decide appeals from any order, requirement, decision, or determination made by the Building Commissioner under this ordinance;
- b. to hear and decide variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section;
- c. to hold public hearings in matters pertaining to applications for special uses and amendments, and submit reports to the City Council setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments; and
- d. to hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

D. APPEALS

1. Authority

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, or determination made by the Building Commissioner or other authorized officials of the City of St. Charles, relating to the regulations of this ordinance.

2. Initiation

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this

ordinance by the Building Commissioner or other authorized official of the City of St. Charles.

3. Processing

An appeal shall be filed with the City Clerk. The City Clerk shall forward such appeal to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.

4. Decisions

All decisions, after hearing of the Zoning Board of Appeals on appeals from an administrative order, requirement, decision, or determination of the Building Commissioner or other authorized official of the City of St. Charles, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

E. VARIATIONS

1. Authority

The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.

2. Initiation

An application for a variation may be made by any person, firm, or corporation, or by any office, department, board, bureau, or commission, requesting or intending to request application for a zoning certificate.

3. Processing

An application for a variation shall be filed with the City Clerk. The City Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.

No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once — not more than 30 nor less than 15 days before the hearing — in one or more newspapers with a general circulation within St. Charles; and a written notice is served at least 15 days before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.

4. Decisions

All final administrative decisions and findings of the Zoning Board of Appeals on variations arrived at after the hearing shall be final and subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

5. Standards

- a. The Zoning Board of Appeals shall not vary the provisions of this ordinance, as authorized in this section, unless it shall have made findings based upon the evidence presented to it in the following cases:
- (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
 - (2) that the plight of the owner is due to unique circumstances; or
 - (3) that the variation, if granted, will not alter the essential character of the locality.
- b. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination whenever there are practical difficulties or particular hardship, also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
- (1) that the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
 - (2) that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - (3) that the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - (4) that the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (5) that 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; or
 - (6) that the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

- c. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

3. Authorized Variations

Variations from the regulations of this ordinance may be decided by the Zoning Board of Appeals only in accordance with the standards set forth in this section, and only in the following instances and no others:

- a. to permit a yard less than the yard required by the applicable regulations;
- b. to permit the use of a lot not of record on the effective date of this ordinance for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than 90 percent of the required lot area;
- c. to permit parking lots to be illuminated later than 30 minutes after the close of business;
- d. to permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week; and
- e. to allow any permitted non-residential use in a Residence District to exceed the floor area ratio imposed by the applicable regulations.

F. PLAN COMMISSION

Jurisdiction

The Plan Commission of the City of St. Charles, which has been duly established, is the Plan Commission referred to in this ordinance, and shall have the following duties under this ordinance:

1. to receive from the City Clerk copies of all applications for amendments or special uses which have been introduced into the City Council;
2. to submit reports pertaining to applications for special uses and amendments to the City Council setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments;
3. to initiate, direct, and review, from time to time, studies of the provisions of this ordinance, and to make reports of its recommendations to the City Council not less frequently than once each year; and
4. to hear and decide all matters upon which it is required to pass under this ordinance.

G. AMENDMENTS

1. Authority

The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance in accordance with applicable Statutes of the State of Illinois. An amendment shall be granted or denied by the City Council only after public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the City Council.

2. Initiation of Amendment

Amendments may be proposed by the City Council, by the Plan Commission, or by any resident of or owner of property in the City of St. Charles.

3. Processing

An application for an amendment shall be filed with the City Clerk and thereafter introduced into the City Council. Such application shall be forwarded from the City Council to the Plan Commission, with a request for a report of its findings and recommendations relative thereto. A copy shall also be forwarded to the Zoning Board of Appeals with a request to hold a public hearing after the Zoning Board of Appeals has received and studied the report and recommendations of the Plan Commission, and shall thereafter submit a report of its findings and recommendations to the City Council.

4. Decisions

The City Council, upon report of the Zoning Board of Appeals and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Illinois, or may refer it back to the Zoning Board of Appeals for further consideration.

H. SPECIAL USES

1. Purpose

The development and execution of the zoning ordinance is based upon the division of the city into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two categories:

- a. Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.

- b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Authority

Special uses shall be authorized or denied by the City Council in accordance with the Statutes of the State of Illinois applicable to amendments of this ordinance and the regulations and conditions set forth in this ordinance for special uses.

No application for a special use shall be acted upon by the City Council until after:

- a. a written report is prepared and forwarded to the Zoning Board of Appeals and the City Council by the Plan Commission in a manner prescribed herein for amendments to this ordinance; and
- b. a public hearing has been held by the Zoning Board of Appeals, after due notice by publication as provided by the applicable Statutes of the State of Illinois for amendments, and the findings and recommendations of the Plan Commission have been reported to the City Council.

3. Initiation

An application for a special use may be made by any person, firm, or corporation, or by any office, department, board, bureau, or commission, requesting or intending to request a zoning certificate.

4. Processing

An application for a special use, in such form and accompanied by such information as shall be established from time to time by the Plan Commission, shall be filed with the City Clerk and thereafter processed in the manner prescribed heretofore for applications and amendments.

5. Decisions

The City Council, upon report of the Zoning Board of Appeals and the Plan Commission and without further hearing, may authorize or deny an application for a special use in accordance with the Statutes of the State of Illinois applicable to amendments, or may refer it back to the Zoning Board of Appeals and the Plan Commission for further consideration.

No special use shall be authorized by the City Council unless the special use:

- a. is deemed necessary for the public convenience at that location;
- b. is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and

- c. would not cause substantial injury to the value of other property in the neighborhood in which it is located.

6. Conditions

The Plan Commission may recommend, and the City Council may provide, such conditions and restrictions upon the construction, location, and operation of a special use, including, but not limited to, provisions for off-street parking and loading as may be deemed necessary to promote the general objectives of this ordinance and to minimize the injury to the value of the property in the neighborhood.

Planned Developments

Planned developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby set out to govern the action of the City Council.

a. Use Exceptions

There may be in part of the area of such planned development specified uses which are not included as permitted uses in the district in which said development is located, provided:

- (1) that the uses permitted by such exception are necessary and desirable, and are appropriate with respect to the primary purpose of the development;
- (2) that the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
- (3) that not more than 20 percent of the ground area or of the floor area of such development would be devoted to the uses permitted by said exceptions.

b. Bulk Exceptions

Bulk exceptions of this ordinance within the boundaries of such planned development may vary, provided:

- (1) that such exception would be for the purpose of promoting a unified site plan;
- (2) that the overall floor area ratio would not exceed by more than 15 percent that prescribed in this ordinance for the district in which it is located;

- (3) that spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this ordinance on separate lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and
- (4) that along the periphery of such planned developments, yards be provided not less than those required by the regulations of the district in which said development is located.

I. VARIATIONS, OTHER — NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

The regulations imposed under this ordinance for non-conforming buildings, structures, and uses as set forth in Section V herein, may be varied in specific instances when the Zoning Board of Appeals shall find after public hearing and the City Council shall decide that there are practical difficulties or a particular hardship in the way of carrying out the regulations set forth in Section V of this ordinance.

An application for such variation shall be made by the owner or owners or his or their agents of land or land and improvements declared non-conforming by this ordinance and such application shall be processed and thereafter decided in accordance with regulations governing processing and decisions set forth in this Section XI for Amendments.

J. FEEES

A fee of \$50.00 accompanying an application for an amendment or special use, a fee of \$25.00 accompanying an application for a variation, or a fee of \$25.00 accompanying an application for an appeal, shall be filed with the City Clerk by or on behalf of the owner or owners of the property affected.

K. VIOLATION, PENALTY, 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 ordinance, shall, upon conviction, be fined not less than \$25.00, nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building Commissioner is hereby designated and authorized to enforce this ordinance.

L. WHEN EFFECTIVE

This ordinance shall be in full force and effect immediately after passage, approval, and publication in book form according to law.

Adopted by the City Council of the City of St. Charles on the 23rd day of May, A.D. 1960.

Approved May 23rd, A.D. 1960.
Gustaf Deashom
 City Clerk

Ralph M. Richman
 Mayor

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