

17.02 – Title, Purpose and Interpretation

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17.02.010 – Title and authority

- A. This comprehensive amendment to The St. Charles Zoning Ordinance codified in Title 17 of the St. Charles Municipal Code shall be known, cited and referred to as “The St. Charles Zoning Ordinance.” It is referred to throughout this document as “this Title” or the “2006 Zoning Ordinance.”
(Ord. 1960-16 § 1.)
- B. This 2006 Zoning Ordinance is adopted pursuant to the City of St. Charles’ Home Rule Authority and the authority contained in the laws of the State of Illinois including, but not limited to, 65 ILCS 5/11-13-1. et seq. and 65 ILCS 5/11-48.2-1. et seq.

(2006-Z-26 : § 1)

17.02.020 – Purpose and intent

This Title is adopted for the purposes of:

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

(2006-Z-26 : § 1; 1960-16 : § II)

17.02.030 – Applicability and Interpretation

- A. Territorial Application This Title shall apply to all development and use, public or private, within the corporate limits of the City of St. Charles, unless specifically exempted in this Title.
- B. Zoning of Annexed Land Unless requested otherwise, land being annexed shall automatically be zoned RE-1 Single Family Estate District upon annexation.
- C. Minimum Requirements The provisions of this Title are the minimum requirements deemed necessary to carry out its stated purpose and intent.
- D. Conflicting Provisions Where the provisions of this Title contain two or more conflicting requirements applicable to a lot or part thereof, the most restrictive requirement shall apply.
- E. No Development Without Conformance Except as otherwise provided by this Title, no land, building, structure or part thereof shall be improved, erected, constructed, reconstructed, moved, enlarged or structurally altered, used or occupied unless it conforms with the applicable provisions of this Title.

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(Ord. 1960-16 § IV (A).)

- F. **Private Agreements** This Title is not intended to abrogate any easement, covenant, deed restriction or other agreement between private parties. Where the provisions of this Title are more restrictive or impose higher standards or requirements than a private agreement, the requirements of this Title shall govern. The City does not enforce or maintain a record of private agreements.
- G. **Other Laws and Regulations** If the provisions of this Title are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.
- H. **Meanings and Intent** The language of the Title must be read literally. Regulations are no more or less strict than stated. Words defined in Chapter 17.30 and 17.32 have the specific meaning assigned. Words that are not defined in Chapter 17.30 or 17.32 have the meaning given in the latest editions of the Illinois Compiled Statutes, and if not defined therein, Black's Law Dictionary, or Webster's Third International Dictionary, unless the context expressly indicates another meaning.
- I. **Tenses and Usage:**
- Words used in the singular include the plural. The reverse is also true.
 - Words used in the present tense include the future tense. The reverse is also true.
 - The words "must," "will," "shall" and "may not" are mandatory.
 - The word "may" is permissive, and "should" is advisory, not mandatory or required.
 - When used with numbers, "Up to X," "Not more than X," and "a maximum of X" all include X.
 - The masculine gender includes the feminine and neuter.
- (Ord.1988-Z-8 § 1; Ord. 1960-16 III (part).)
- J. **Conjunctions**
Unless the context otherwise clearly indicates, conjunctions have the following meanings:
- "And" indicates that all connected items or provisions apply; and
 - "Or" indicates that the connected items or provisions may apply singularly and in combination.
- K. **Fractions**
1. **Minimum Requirements** When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.
 2. **Maximum Limits** When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 2,500 square feet is applied to a 6,250 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).
- L. **Headings and Illustrations** Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Title. In case of any difference of meaning or implication between the text of this Title and any heading, drawing, table, figured, photograph, or illustration, the text controls.
- M. **References to Other Regulations** All references in this Title to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations.
- N. **Current Versions and Citations** All references to other city, county, state, or federal regulations in this Title refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, the requirements of this Title for compliance are no longer in effect.
- O. **Lists and Examples** Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.
- P. **Delegation of Administrative Authority** Whenever a provision appears requiring an officer or employee of the city to perform an act or duty, that provision shall be construed as authorizing the officer or employee to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Title expressly prohibit such a delegation.
- Q. **Public Officials and Agencies** All employees, public officials, bodies, and agencies to which references are made are those of the City of St. Charles unless otherwise expressly stated.
- R. **Zoning of Property Outside of the City** For the purposes of this Title, zoning of properties not within but adjoining the corporate limits of the City of St. Charles shall be deemed to be characterized as the St. Charles zoning district that most closely approximates the uses and intensity of development permitted by the County or Municipal zoning regulations applicable thereto, or the uses and intensity of development contemplated in the applicable Comprehensive Plan of the jurisdiction in which it is located, whichever is more intensive.

(Ord. 2008-Z-32 § 2.)

(2006-Z-26 : § 1)

17.02.040 – Transition rules

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

A. Violations

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

B. Existing Nonconforming Buildings, Structures, Lots and Uses

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

C. Existing Permitted Uses Deemed Special Uses

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

D. Existing Special Uses

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

E. Uses Rendered Nonconforming

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

F. Principal Buildings, Structures and Lots Rendered Nonconforming

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

G. Previously Issued Building Permits

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

H. Previously Granted Planned Unit Developments

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

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I. Pending Applications

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

J. Historic Districts and Landmarks

Historic Districts and Landmarks designated prior to the effective date of this 2006 Zoning Ordinance shall remain in full force and effect.

(Ord. 2008-Z-32 § 3.)

17.02.050 – Separability

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

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

17.02.060 – Repeal of previous title

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

(2008-Z-32 : § 4)