

*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*

TABLE OF CONTENTS

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
I	TITLE	1
II	PURPOSE AND INTENT	2
III	RULES AND DEFINITIONS	4
IV	GENERAL PROVISIONS	14
	Interpretation	14
	Separability	14
	Building on Lot	15
	Allowable Use of Land or Buildings	15
	Prohibited Use of Land or Buildings	15
	Control Over Use	15
	Control Over Bulk	15
	Accessory Buildings and Uses	16
	Special Uses	16
	Permitted Obstructions -- Yards	16
	Yards, General	17
	Flood-Plain Area	17
V	NON-CONFORMING BUILDINGS, STRUCTURES, AND USES	18
	Statement of Purpose	18
	Authority to Continue Non-Conforming Buildings, Structures, and Uses	18
	Exempted Buildings, Structures, and Uses	18
	Restrictions on Non-Conforming Buildings, Structures, and Uses Thereof	19
	Condemnation of Non-Conforming Buildings and Structures	22
	Non-Conforming Use of Buildings or Structures	22
	Non-Conforming Use of Land	23
VI	ZONING DISTRICTS	25
	Establishment of Districts	25
	Map	25
	Boundaries of Districts	26
	Annexed Territory	26
	Exemptions	26

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
VII	RESIDENCE DISTRICTS	27
	General Requirements — All Residence Districts	27
	R1 Single-Family Residence District	29
	R2 Single-Family Residence District	32
	R3 Two-Family Residence District	33
	R4 General Residence District	35
VIII	BUSINESS DISTRICTS	38
	General Requirements — All Business Districts	38
	B1 Local Business District	38
	B2 Community Business District	40
	B3 Service Business District	46
IX	MANUFACTURING DISTRICTS	51
	General Requirements	51
	M1 Limited Manufacturing District	57
	M2 General Manufacturing District	59
X	OFF-STREET LOADING AND OFF-STREET PARKING	61
	Off-Street Loading	61
	Off-Street Parking	63
XI	ADMINISTRATION	69
	Certificates and Occupancy Permits	69
	Duties of the Building Commissioner	69
	Zoning Board of Appeals	70
	Appeals	71
	Variations	72
	Plan Commission	74
	Amendments	75
	Special Uses	75
	Variations, Other — Non-Conforming Buildings, Structures, and Uses	78
	Fees	78
	Violation, Penalty, Enforcement When Effective	78

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.