



## General Requirements

### SECTION 401. NONCONFORMITIES.

1. **Intent.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this chapter. However, it is hereby declared that nonconformance with the provisions of this chapter is contrary to the best interests of the citizens of the village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired or reconstructed only as prescribed by this section.
2. **Historic Properties.** Any nonconforming property in the village which is listed on the state or National Register of Historic Places is specifically excluded from any requirement of this section which would damage the historic character of the property. When any such property is the subject to any administrative decision, the input of the state's historic preservation officer shall be requested in writing not less than thirty (30) days before any regulatory action may take effect.
3. **Legality Of Nonconformities.** Illegal nonconformities are presumed to have existed before the adoption of zoning regulations in the village, or to have been developed in conflict with zoning regulations through oversight or error. Nonconforming properties or uses will be considered to be legal nonconformities if they meet each applicable criterion, listed as "(1)" through "(4)," below. Note that temporary signs are not considered to be legal nonconforming structures.
  - a. The nonconformity existed before the effective date of this chapter.
  - b. The use, parcel, building or structure in question meets one of the following standards.
    - 1) It complied with the district regulations of any previous zoning ordinance.
    - 2) The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
    - 3) It was previously recognized as a "legal nonconforming use."
    - 4) (Applies to nonconforming setback or lot size only.) The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.

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- 5) (Nonconforming parcels only.) Area, width and depth of parcel and the number of off-street parking spaces provided, are at least ninety (90) percent of minimum requirements for its zoning district.
  - c. (Applies to nonconforming uses only.) the use has not been discontinued for any six-month period.
  - d. (Applies to nonconforming buildings or structures only.) The building or structure does not extend into a public right-of-way, or over a neighboring property line.
4. **Inventory Of Nonconformities.** The village zoning administrator is hereby required to establish and maintain an inventory of legal nonconformities known to exist in the village. Listed properties shall be arranged in the order of the village assessor's parcel identification numbers. All listed properties shall also be identified on a large scale map of the village which shall be available for public inspection. Properties shall be added to or deleted from the inventory as circumstances change or as village officials become aware of previously unlisted situations. Each listing in the inventory of nonconformities shall include the following information:
  - a. Parcel identification number.
  - b. Property address (if one is assigned).
  - c. Current owner(s).
  - d. Property description.
  - e. Parcel dimensions.
  - f. Current zoning district.
  - g. Current use of property.
  - h. Description of all nonconformities.
5. **Reductions Of The Degree Of Nonconformance.** A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
6. **Prior Construction Approval.** Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this chapter, provided that all terms of the permit are fully complied with.
7. **District Changes.** Whenever changes occur in the boundaries of zoning districts, the provisions of this section shall apply to any uses or properties that become nonconforming as a result of the boundary changes.
8. **Elimination Of Nonconformities.** It should be recognized that state laws permit the village council to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the village. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.
9. **Reconstruction And Restoration.** Any lawful nonconforming use that is damaged may be restored, rebuilt or repaired provided that such restoration does not exceed fifty (50) percent

of its appraised value, as determined by the assessing officer exclusive of foundations. Provided, also, that such use be the same or more nearly conforming with the provisions of the district in which it is located.

10. **Repair.** Nothing in this chapter shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.

11. **Changing Uses.** If no structural alterations are made, the board of appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

12. **Regulation of Nonconformities.**

a. **Table.** The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by village officials.

b. **Interpretation.** Should any question arise concerning the interpretation of any provision of the regulation of nonconformities table, or if a situation is encountered which was not anticipated by the table, the question shall be submitted to the zoning board of appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

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**REGULATION OF NONCONFORMITIES**

Determine situation (columns), and type of nonconformity (rows).  
The point where they meet lists action to take.

TABLE INSET:

Type	If discontinued for 6 months	If damaged more than S.E.V.	If damaged less than S.E.V.	Change in use (including new buildings)	Expansion of nonconforming use or building	Remodeling, maintenance, code work
<b>Legal nonconforming parcel</b>	Not applicable	Not applicable	Not applicable	Change or construction permitted	Not applicable	Property must be kept in safe condition
<b>Legal nonconforming use of land</b>	May not be resumed	Not applicable	Not applicable	Permitted, but must reduce degree of nonconformance	Requires a variance. All requirements of section 26-118 must be met	Property must be kept in safe condition
<b>Legal nonconforming use of building or structure</b>	May not be resumed	May rebuild if plans meet all other district regulations	May repair to pre-damage status	Permitted, but must reduce degree of nonconformance	Requires a variance. All requirements of section 26-118 must be met.	Permitted so long as use is not expanded
<b>Legal nonconforming dimensions or setback of building or structure</b>	Not applicable	May rebuild, but must reduce degree of nonconformance	May repair to pre-damage status	Change or construction permitted	Permitted, but may not create any greater degree of nonconformance	Permitted, but may not create any greater degree of nonconformance
<b>Illegal nonconforming parcel</b>	Not applicable	Not applicable	Not applicable	Needs variance. All other district regulations apply	Not applicable	Property must be kept in safe condition
<b>Illegal nonconforming use of land</b>	May not be resumed	Not applicable	Not applicable	Must adhere to all district regulations	Not permitted	Property must be kept in safe condition
<b>Illegal nonconforming use of building or structure</b>	May not be resumed	Use must stop and may not be resumed	Repairs allowed if use is not expanded	Must adhere to all district regulations	Not permitted	Permitted so long as use is not expanded
<b>Illegal nonconforming dimensions or setback of building</b>	Not applicable	Building must be rebuilt to fully comply with applicable district regulations	May repair, but must remove any part of building in a right-of-way, over a lot line, or exceeding zoning district coverage limit	New use and new building must adhere to all district regulations	Building must be changed to fully comply with all dimension regulations	Permitted, but may not create any greater degree of nonconformance
<b>Illegal nonconforming dimensions or setback of structure</b>	Not applicable	Structure must be removed	Structure must be rebuilt to comply with all district regulations (may need to be removed)	Structure must be rebuilt to comply with all district regulations (May need to be removed)	Structure must be rebuilt to comply with all district regulations (May need to be removed)	Permitted, but may not create any greater degree of nonconformance

## SECTION 402. SUPPLEMENTARY USE REGULATIONS.

1. **Building Permits Required.** Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.
2. **Prior Building Permits.** Any building permit issued prior to the effective date of this chapter [November 8, 1995] shall be valid, even though not conforming to the provisions of this chapter, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one year of the date of issuance.
3. **Occupancy Permit.** Upon completion of a structure and before moving into a building in any district, an occupancy permit, available from the zoning administrator, is required.
4. **Required Water Supply And Sanitary Sewerage Facilities.** No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. All such installations and facilities shall conform with all requirements of the county health department and applicable state agencies.
  - a. All new structures or uses shall be required to hook up with the public system before they may be occupied.
  - b. When public sewer becomes available to a parcel, connection to the public sewer system shall be made within ninety (90) days.
5. **Accessory Uses.** Nothing in this chapter shall be construed to prohibit the following accessory uses.
  - a. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - b. Buildings or structures necessary for provision of essential services.
  - c. Gardens, garden ornaments and usual landscape features within required yard space.
  - d. Fences within required yard space, provided they meet the standards cited in subsection (g), below.
  - e. Retaining walls.
  - f. Public playgrounds.
  - g. Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one ton rated capacity.
  - h. Accessory occupations, by special use permit.
  - i. Home occupations.

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- j. Use of premises as a voting place.
  - k. The renting of rooms to not more than two (2) nontransient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
6. **Inoperative Or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, in any zoning district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided such storage does not exceed forty-eight (48) hours. Note that the storage period may be extended with written permission of the zoning enforcement officer.
7. **Fences, Walls And Screens.** No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3) feet in any front yard, and must be chain link or constructed in such a way that they can be seen through for the length of the fence in any R-1A, R-1, R-2 or R-3 zoning district. Fences, other than those in front yards, shall not exceed six (6) feet in height in any R-1A, R-1, R-2 or R-3 zoning district. If a fence is within two (2) feet of the property line, the good side must face out.
8. **Storage Of Garbage.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two (2) weeks, or so as to cause hardship, health hazard or annoyance to adjoining properties.
9. **Parking Of Licensed Recreational Equipment.** Parking of recreational equipment including travel trailers, campers, snowmobiles, boats and similar items in any R-1, R-2 or R-3 zoning district must conform to required setbacks for accessory structures and to overall limitations for lot coverage.
10. **Heavy Trucks.** Overnight parking of commercial vehicles in excess of one ton-rated capacity, including all semi-truck tractors and trailers, is prohibited within any R-1, R-2 or R-3 zoning district.
11. **Agricultural Equipment.** Agricultural equipment, motorized or nonmotorized, must be housed in a garage, in an R-1, R-2 or R-3 zoning district.
12. **Chickens.** Chickens (*Gallus gallus*) or any type of domesticated bird raised as a type of poultry are prohibited in all zoning districts.

### SECTION 403. SUPPLEMENTARY DWELLING REGULATIONS.

1. **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards," then the state or local standard shall apply.

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2. **Mobile Home Installation.** In the event that a dwelling is a mobile home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Village Building Code and the rules and regulations of the state mobile home commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.
3. **One Single-Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members.
4. **Structures To Be Of Uniform Quality.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
5. **Aesthetically Compatible.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than six (6) inches on all sides and contain steps connected to such exterior door areas where a difference of elevation requires the same. The compatibility of design and appearance shall be determined initially by the village zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to an appeals board. Any determination of compatibility shall be based on the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings, located outside of mobile home parks, and within two thousand (2,000) feet of the subject dwelling where such area has not less than twenty (20) percent of lots developed; or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard home design.
6. **Maintenance.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
7. **Use Of Mobile Home For Temporary Dwelling.** A temporary dwelling may be authorized to house family members as provided in subsection (c) above, to house the owner and immediate family during construction of a single-family home, and to house the owner and immediate family during the repair of a single-family home that has been damaged to the degree that it cannot be occupied. Any mobile home intended for temporary use as a dwelling must meet the standards of this chapter and the Village Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling for any length of time unless authorized by the planning commission by the issuance of a temporary permit as provided for by section 26-52 of this chapter. Temporary dwelling structures may not be occupied by more than one family.
8. **Storage Area.** Every dwelling unit must contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas or a separate structure which meets all requirements of the Village Building Code.

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9. **Foundation.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Village Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
10. **Dimensions.** All single-family dwellings must have a minimum width across any front, side or rear elevation of twenty (20) feet and comply in all respects with the Village Building Code, including minimum heights for habitable rooms.
11. **Roof.** All one- or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6) inches beyond the walls.
12. **Exterior Doors.** Every single-family dwelling must have exterior doors on not less than two (2) sides with steps and porches connected to such doors where required due to a difference in elevation.
13. **Garage/Yard Sales.** Sales of used materials from a single-family dwelling's side yard, rear yard or garage may occur twice a year for a period not to exceed three (3) days for each occurrence.
14. **Auto Repair.** Repair of vehicles not owned by a resident of the parcel on which such activity is occurring is expressly prohibited in any R-1, R-2 or R-3 zoning district.
15. **Garages In Residential Zoning Districts.** Garages for any dwelling unit in any R-1A, R-1, R-2 or R-3 zoning district may provide storage for no more than the number of vehicles noted below.
  - a. **Single-Family Dwellings.** Three (3) vehicles, including not more than one commercial vehicle with a load capacity of no more than one ton.
  - b. **All Other Dwellings.** Two (2) vehicles, including not more than one commercial vehicle with a load capacity of no more than one ton.
16. **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any zoning district is to be used as a dwelling.

## SECTION 404. SUPPLEMENTARY PARCEL REGULATIONS.

1. **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line for the required width. "Flag lots" are not permitted.
2. **Access To A Street.** Any parcel created after the effective date of this chapter [November 8, 1995] shall have hard surfaced access to a public street.



3. **Space Used Once.** Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
4. **Additional Front Setback.** Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the appropriate public authority, an additional front yard setback from such street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one-half ( 1/2) of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this chapter.
5. **Zoning District Boundary Exceptions.** The degree of restrictiveness for the zoning districts proceeds from greatest to least in the following sequence: R-1A, R-1, R-2, R-3, B-1, B-2 and M.

When a zoning district boundary line divides a parcel, any use permitted as a use by right in the less restrictive portion of the parcel may be extended to the entire parcel if both of the following conditions are met:

- a. One-half ( 1/2) or more of the area of such parcel shall be in the less restrictive zoning district.
- b. Any part of a less restricted use extending into the more restrictive zoning district shall be confined entirely within an enclosed building which conforms to the applicable yard and area requirements of the more restrictive zoning district.

#### **SECTION 405. SUPPLEMENTARY STRUCTURE REGULATIONS.**

1. **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the dimensions table of the district regulations chapter, must be adhered to, as well as any requirements listed herein.
  - a. Open porches, paved terraces and patios, provided the following restrictions apply. Note: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
    - 1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
    - 2) If roofed, a porch is unenclosed, and the roof is no higher than one story.
    - 3) If unroofed, paved areas or porches may have noncontinuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area or porch.

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- b. Structural elements such as cornices, sills, chimneys, gutters and similar features projecting a maximum of two and one-half (2 1/2) feet.
  - c. Fire escapes, outside stairways and balconies, if of open construction, projecting a maximum of five (5) feet.
  - d. Signs, subject to provisions of Chapter 5.
2. **Permitted Height Exceptions.** The following exceptions shall be permitted to height limitations in the dimensions table of the district regulations chapter. These permitted exceptions shall not be for human occupancy or dwelling. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.
- a. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any commercial zoning district and sixty (60) feet in any industrial zoning district.
  - b. Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas or microwave relay towers shall be permitted to a maximum height of one hundred seventy-five (175) feet in R-1A and M zoning districts.
  - c. Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150) feet in any zoning district.
  - d. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any residential zoning district. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
  - e. Flagpoles in any B or M zoning district are permitted to a maximum height of sixty (60) feet.

## SECTION 406. SUPPLEMENTARY OFF-STREET PARKING REGULATIONS.

1. **Intent.** This section is intended to balance the need to avoid clogging of streets by parked cars with the need to avoid wasteful use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
2. **Table Of Off-Street Parking Requirements.**
  - a. **Calculations.** The included table of off-street parking requirements is used to compute the required number of off-street parking spaces for a parcel. Add the requirements for each activity existing on, or proposed for, the parcel.

### **TABLE OF OFF-STREET PARKING REQUIREMENTS** (see Section 406 also)

Total parking required is the sum of spaces for all land uses proposed on the site, plus employee parking, as defined below.

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TABLE INSET:

Land use	Parking spaces	Per activity unit The following uses may have gravel surface parking:
One- and two-family homes	2	Dwelling unit
Campground/RV park	1	Campsite
Animal boarding	1	Five (5) animals boarded
Riding stable	1	Two (2) horses housed on site
Roadside produce stand	5	Stand
Grain elevator	4	Business
Cemetery	2	Acre
Game area, nature preserve	1	Ten (10) acres
Picnic area	1	Picnic table
Tennis	2	Court
Team sports	12	Court or field
Park, golf course	1	Two (2) acres
Driving range	1	Tee
Gun club	4	Range, skeet or trap house
General aviation	1	Three (3) tie downs, one hangar space
<b>The following uses must have paved parking:</b>		
Mobile home park, apartments	2	Dwelling unit
Senior citizen housing	1	Three (3) dwelling units
Day nursery	1	Four (4) children, per license
Doctor, dentist, veterinarian	2	Exam or treatment room
Retail, office, service, financial	1	One hundred fifty (150) square feet of public area
Vehicle sales	1	Five hundred (500) square feet of public area
Vehicle service/wash, gas station	3	Wash, stall or fuel pump
Truck stop	5*	Fuel pump (12' x 70'/truck)
Barber shop or beauty salon	2	Chair
Bar or restaurant (not drive-in)	1	Two (2) seats
Drive-in restaurant	1	Twenty (20) square feet gross floor area
Hotel or motel, bed and breakfast	1	Guest room
Meeting or bingo hall, skating rink, community center, gymnasium	1	Four (4) persons allowed in building based on Fire Code rules
Bowling alley	4	Lane
Wholesale, industrial	1	Two thousand (2,000) square feet gross floor area
Church, theater, arena, stadium, auditorium	1	Three (3) seats or six (6) feet of bench or pew seating
Grade school	1	Ten (10) all-day students #

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High school (Excluding stadium, aud.)	1	Five (5) students #
College, technical school	1	Three (3) full-time students #
Hospital, visitor parking	1	Three (3) beds
Hospital, doctors parking	1	Two (2) medical staff members
Nursing home	1	Six (6) beds
Library, museum, gallery, post office	1	Six hundred (600) square feet gross floor area
Private club	1	Two (2) member families
Any employment site**	1	Employee on peak shift

\* Spaces must be sized as noted.

\*\* Employee parking surface type shall be same as for the main use.

# Per building design capacity.

- b. **Mixed Uses.** In the case of mixed uses, each of which occupies at least twenty (20) percent of the floor area of a building, the total off-street parking requirements for the building shall be reduced to ninety (90) percent of the sum of parking spaces required for the individual uses computed separately.
  - c. **Joint Provision Of Off-Street Parking.** Where two (2) or more abutting parcels in any commercial zoning district provide paved vehicular access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten (10) percent in addition to reductions allowed by other provisions of this section.
  - d. **Reductions For Further Public Benefits.** In any commercial or industrial zoning district, uses on parcels fronting on county primary roads or state highways, and meeting any three (3) of the following conditions, may reduce the number of parking spaces required by ten (10) percent in addition to reductions allowed by other provisions of this section.
    - 1) The parcel has no driveway openings onto the major road.
    - 2) No freestanding signs are located in the required front yard setback area for the building.
    - 3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
    - 4) A portion of the parcel equivalent to at least thirty-five (35) percent of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped, except for landscape plantings.
    - 5) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier-free nonmotorized travel.
3. **Additions.** Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.

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- a. **Uses Not Listed.** Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the zoning administrator.
- b. **Exclusive Use For Parking.** It shall be unlawful to use any off-street parking areas required by this chapter for any purpose other than the parking of licensed vehicles.

### 4. Site Development And Construction Requirements.

- a. **Handicapped Spaces.** Any off-street parking area larger than twenty-five (25) spaces must include one handicapped parking space, meeting the size requirements outlined below, for each one hundred (100) spaces in the parking area, or fraction thereof. Such spaces shall be located as close as possible to the principal barrier-free entrance to the building and clearly signed for use only by handicapped persons. Curb cuts, ramps or other necessary devices shall be provided to overcome all barriers to access between these parking spaces and the building entrance.
- b. **Drainage.** Stormwater collection, drainage and retention structures shall meet all requirements of the village.
- c. **Hard Surface.** Where the table of off-street parking requirements requires off-street parking areas to be hard-surfaced, they shall comply with either of the following.
  - 1) Six (6) inches of concrete; or
  - 2) Two (2) inches of asphalt surface laid over a six-inch base of compacted crushed stone.

### 5. Size of Spaces.

- a. **Standard.** Parking spaces constructed to meet the requirements of this chapter shall be nine (9) feet wide by twenty (20) feet long.
- b. **Handicapped.** Spaces designated for use by handicapped persons shall be twelve (12) feet wide by twenty (20) feet long.
- c. **Other.** Parking spaces for certain vehicles, such as large trucks or cars with boat trailers, must conform to dimensions as noted in the table of off-street parking requirements.

### 6. Driveways And Aisles.

Adequate ingress and egress to the parking areas shall be provided by means of clearly marked and limited driveways and aisles. Driveways and aisles for any off-street parking area built to accommodate over twenty (20) vehicles shall comply with the following requirements:

- a. **Aisle Width.** Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. **Driveway Configuration.** Each driveway shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces,

equivalent to five (5) percent of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety-degree angle.

- c. **Driveway Spacing.** Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line or within fifty (50) feet of a street intersection.
  - d. **Deceleration Lane.** Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveways opening onto such thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.
7. **Lighting.** Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable zoning district and shall be so arranged that light is not directed at adjacent properties or public thoroughfares.
  8. **Setbacks.** Parking and loading areas shall conform to a twenty-foot front yard setback from any street and to side yard setback requirements for accessory buildings. Further, off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.
  9. **Screening For Residential Areas.** Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five (5) feet high and may include a berm.
  10. **Permit.** No parking lot shall be constructed unless and until a building permit therefore has been issued.

#### **SECTION 407. SUPPLEMENTARY OFF-STREET LOADING REGULATIONS.**

1. **Intent.** This section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading.
2. **Dimensions Of Loading Spaces.** Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, it must have at least fifteen (15) feet of vertical clearance. Where it is expected that semi-trucks will be making deliveries on a daily basis, or that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.
3. **Hard Surface.** Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.

4. **Location Of Loading Spaces.** Loading spaces must be located within or immediately adjacent to the building to be served and so arranged that queueing or maneuvering of trucks using the space does not take place on a public street.
5. **Spaces Required Per Parcel.** It is presumed that structures which will generate truck traffic will be provided with enough loading area to efficiently serve the building. However, to insure long range usefulness of structures, the following provisions are required.
  - a. **Multifamily Residential.** In buildings where the principal entrances to dwelling units are from a common hallway, one off-street loading space shall be provided for each one hundred (100) dwelling units. Such loading space shall have barrier free access to the ground level common hallway and to an elevator, if one is present.
  - b. **Retail.** Buildings used for retail sales or eating and drinking establishments shall include one off-street loading space for every thirty thousand (30,000) square feet of public area, or fraction thereof.
  - c. **Office.** Each office building taller than two (2) stories shall include one off-street loading space.
  - d. **Wholesale Or Warehouse.** Each building for such uses shall have at least one off-street loading space for every twenty-five thousand (25,000) square feet, or fraction thereof.
  - e. **Industrial.** Each industrial building shall have one off-street loading space for every twenty thousand (20,000) square feet or fraction thereof.
6. **Solid Waste Collection Facilities.** The following rules are intended to prevent unhealthy or unsightly conditions regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.
  - a. **Enclosure.** Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence or masonry wall at least as high as the container. The fourth side of such enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
  - b. **Paving.** Such enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.
  - c. **Siting.** Such enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Such enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

## SECTION 408. SUPPLEMENTARY ENVIRONMENTAL REGULATIONS.

1. **Intent.** Several state laws impact the development of environmentally sensitive land and require permits for development in areas under their jurisdiction. Permit processes

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associated with these laws supersede local land use regulations. Therefore, zoning administration must be coordinated with these laws. This section is intended to facilitate compliance with the Flood Plain Control Act of 1968, the Goemaere-Anderson Wetland Protection Act, the Inland Lakes and Streams Act, and the Soil Erosion and Sedimentation Control Act.

2. **Process.** One step in the review process for any zoning permit application (see section 26-117) is to determine whether any sensitive environmental areas will be impacted by the proposed project. The zoning administrator reviews the maps identified by the table of environmental regulations in subsection (c) below, to determine whether a proposed land use involves any of the sensitive areas listed by the table. If it does, an application must be filed with each agency identified by the table. Issuance of a zoning permit will be conditioned upon receipt of the applicable permit(s), unless the table indicates otherwise.
  
3. **Table Of Environmental Regulations.** This table identifies which actions, in which areas, are subject to special regulation under various state laws. It indicates which permit processes are to be followed, what maps are to be used to identify the areas of concern, and other pertinent information.

**TABLE OF ENVIRONMENTAL REGULATIONS**

TABLE INSET:

State Act	Actions covered	Areas covered	Map locating such areas	Permit process	Other
<b>Floodplain Reg. Authority Act (245 of 1929) and (167 of 1968)</b>	Any fill or construction	100-year floodplain	FEMA flood hazard boundary maps	DNR joint application	Additional requirements for construction. See section 26-58(e)
<b>Goemaere-Anderson Wetland Protection Act (203 of 1979)</b>	Any dredging, filling, drainage or construction	Wetlands over five (5) acres or contiguous to a lake or stream	National Wetlands Inventory or Michigan Resource Information System Maps	DNR joint application	See section 26-58(f)
<b>Inland Lakes and Streams Act (346 of 1972)</b>	Any dredging, filling or construction; erect, maintain or operate any marina	Bottomland or banks of any lake or stream. (DNR claims jurisdiction over county drains also)	County drain maps	DNR joint application	Zoning administrator may allow upland construction to proceed, but only if no other environmental law is applicable
	Create or alter any lake or stream	Any lake or stream, or within five hundred (500) feet			
<b>Soil Erosion and Sedimentation Control Act (347 of 1972)</b>	Any dredging, filling, grading or construction	Any lake or stream or within five hundred (500) feet	County drain maps	Soil erosion permit from the county soil conservation district	
	Construction which disturbs over one acre	Anywhere	Any local map		
<b>Michigan Drain Code (Act 40 of 1956)</b>	Any dredging, filling, grading or culvert installation	Within the banks of any county drain	County drain maps (open drains only)	County drain commission permit	Zoning administrator may allow construction outside drain easement to proceed, but only if no other environmental law is applicable
	Any construction activity	Within a drain easement	County drain maps		



4. **Maps And Permit Forms.** The zoning administrator shall maintain a set of maps indicating the geographic extent of areas covered by the various laws identified in the table of environmental regulations. These shall be available for public inspection. Permits must be obtained from the state department of natural resources or the soil erosion and sedimentation control enforcement officer before a zoning permit may be issued for activities in such areas. The zoning administrator shall maintain a supply of application forms for such permits and provide copies of them to interested persons.
5. **Provisions For Flood Hazard Areas.** Flood hazard areas are divided into areas known as the floodway and floodway fringe by the flood insurance study for the village. Elevations of the 100- and 500-year floods for various village locations are identified by this study, issued by the Federal Emergency Management Agency.
  - a. **Current Uses Continue.** Land uses in existence before the effective date of this chapter [November 8, 1995] may continue in floodway or floodway fringe areas.
  - b. **New Use Limitations In Floodway.** Structures proposed for location in floodways must first obtain a state permit. They shall not be designed for human occupancy and shall have no, or a very low, flood damage potential. Storage of material or equipment in floodway areas is allowed only if same is readily removable upon flood warning.
  - c. **Use Limitations In Floodway Fringe.** Structures proposed for location in the floodway fringe must first obtain a state permit.
    - 1) **Fill Or Storage.** Nonstructural uses shall not unduly restrict the capacity of tributaries, drainage ditches or other drainage facilities.
    - 2) **Structures To Be Elevated.** Structures located in the floodway fringe must be so constructed that the bottom of the lowest structural member supporting the lowest floor of the structure, or of any mechanical or electrical equipment (including duct insulation that may be subject to water damage), must be located above the base flood elevation. The actual elevation of such structural items shall be certified by an architect or engineer licensed to practice in the state, and a record of this certification shall be maintained by the village and filed with the building permit which authorized the structure.
    - 3) **Structures Parallel To Flood Flow.** Permitted structures shall be erected so as to offer their longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow line as adjoining structures.
    - 4) **Embankments For Homes.** Residential buildings must be placed on fill embankments which extend at or above the 100-year flood elevation for at least fifteen (15) feet on all sides of the building.
    - 5) **Floodproofing For Certain Structures.** If there are compelling reasons why a nonresidential structure can not be built to comply with the preceding paragraphs, it still may be permitted if a civil engineer licensed to practice in Michigan certifies that it will be "flood proof." That is, it must be of watertight construction and capable of resisting hydrostatic and hydrodynamic pressures that would be exerted by floodwaters of a 500-year flood at such location.

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- 6) **Provisions For Wetlands.** During the review of any zoning permit application, if the zoning administrator determines that the proposed activity will impact regulated wetlands, he or she will provide the applicant with a copy of the DNR joint permit application form and assist with filling it in. The state department of natural resources personnel will determine whether the department actually has jurisdiction over the area in question. Further review of the zoning permit application may proceed, with any approvals conditioned upon receipt of a wetlands permit or waiver of DNR jurisdiction.

Secs. 26-59--26-70. Reserved.