



Administration, Enforcement and Amendments

SECTION 701. PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this chapter shall be carried out by the village planning commission, the zoning board of appeals, the village council, and the village zoning administrator in conformance with applicable state enabling legislation.

1. **Zoning Administrator.** The village council, with the recommendation of the planning commission, shall employ a zoning administrator to carry out day to day administration and enforcement of this chapter. The village council may designate the building inspector as the zoning administrator. Conditions of the zoning administrator's employment, including compensation, shall be established by the village council. Additional staff may be employed, under the supervision of the zoning administrator, to assist with administration and enforcement of this chapter. The zoning administrator's duties shall include the following items and any other tasks that may be assigned by the village council or provisions of this chapter.
 - a. **Accept And Record Applications, Issue And Record Permits.** All applications for zoning permits shall be submitted to the zoning administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this chapter have been met regarding any application, the zoning administrator shall issue a zoning permit for the proposed use. When conditions are not met, the zoning administrator shall consult with the applicant to determine the proper course of action (see review process table at the end of Section 702). The zoning administrator shall maintain a record of all applications and related zoning permits, including documentation for each.
 - b. **Issue Written Denial.** When any application for a zoning permit is denied, the zoning administrator shall provide the applicant with a written denial, stating the reasons for the denial.
 - c. **Notice Of Hearings.** Whenever a zoning matter is the subject of a public hearing before the planning commission or the zoning board of appeals, the zoning administrator shall prepare notices of the hearing and disseminate such notices as described under Section 706.
 - d. **Inspections.** The zoning administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this chapter.

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- e. **Record Nonconforming Uses.** The zoning administrator shall record all nonconforming uses existing at the effective date of this chapter [November 8, 1995] for the purpose of carrying out the provisions of Section 401.
 - f. **Record Special Uses.** The zoning administrator shall keep a record of all special use permits issued under the terms of this chapter for the purpose of carrying out provisions of Chapter 6.
 - g. **Record Interpretations Of Ordinance.** The zoning administrator shall maintain a concise record of all interpretations of this chapter rendered by the zoning board of appeals to fulfill requirements of Section 703.3. This record shall be consulted whenever questions arise concerning interpretation of any provision of this chapter to determine whether any applicable precedents have been set.
 - h. **Public Information.** The zoning administrator shall respond to inquiries and dispense information or copies of this chapter to make the public aware of and familiar with the provisions of this chapter. Public awareness and acceptance of the zoning ordinance will help to maintain compliance with it.
 - i. **Respond To Complaints.** The zoning administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this chapter or any permit issued pursuant to it. The zoning administrator shall provide a report at each regular planning commission meeting summarizing the nature and disposition of complaints that have been received.
 - j. **May Not Change Ordinance.** Under no circumstances is the zoning administrator permitted to make changes in this chapter or to vary the terms of this chapter.
2. **Planning Commission.** The village planning commission shall be responsible for the following administrative and enforcement activities under this chapter.
- a. **Site Plan Approval.** The planning commission shall review site plans and issue its approval, conditional approval or denial of same as provided by Section 707.
 - b. **Special Use Permits.** The planning commission shall conduct a public hearing on any application for a special use permit. Following a public hearing, the planning commission shall review and approve or deny such application. The planning commission shall also take any necessary action to revoke a special use permit as provided by Section 602(6).
 - c. **Rezoning Or Amendment.** The planning commission shall conduct public hearings for proposals to rezone property or amend the text of this chapter as provided by Section 703. Following a public hearing, the planning commission shall make its recommendation regarding the proposed rezoning or text change to the village council. The planning commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and village council approval.

3. **Zoning Board of Appeals.**

- a. **Establishment.** The village council, exercising the authority of PA 110 of 2006, as amended, hereby provides that a village zoning board of appeals be established. Upon adoption of this chapter, the zoning board of appeals established under the terms of the previous zoning ordinance shall remain in office, including all members thereof.
- b. **Membership.** The village zoning board of appeals shall consist of five (5) members.

One of the regular members of the zoning board of appeals shall be a member of the planning commission. The remaining regular members, and any alternate members, shall be selected from the electors of the Village of St. Charles residing within the zoning jurisdiction of Village of St. Charles. The members selected shall be representative of the population distribution and of the various interests present in Village of St. Charles. One regular member may be a member of the Village Council but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the Village Council may not serve as a member of the zoning board of appeals.

The Village Council may appoint not more than 2 alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified in the zoning ordinance to serve as a regular member of the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 1 or more consecutive meetings of the zoning board of appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

- c. **Terms Of Office.** Terms shall be for 3 years, except for members serving because of their membership on the planning commission, or Village Council, whose terms shall be limited to the time they are members of the planning commission, or Village Council, respectively, and whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- d. **Per Diem Or Expenses.** The total amount allowed such board of appeals in one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the village council.
- e. **Rules Of Procedure.** The board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its

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function. The board shall annually choose its own chairman, vice-chair and secretary.

- f. **Meetings.** Meetings shall be held at the call of the chairman and at such times as the board of appeals may determine. A simple majority of the membership of the board of appeals shall constitute a quorum and may conduct any items of business brought before the board. All meetings of the board shall be open to the public. The board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance. The chair or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- g. **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the village clerk and shall be public records.
- h. **Decisions.** The zoning board of appeals shall return a decision upon each case within thirty (30) days of the appeal hearing unless a further time is agreed upon by the parties concerned. Any decision of the zoning board of appeals shall not take effect until the expiration of five (5) days after the date of such decision, unless the board of appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No zoning permit authorized by such a decision shall be issued until the decision has taken effect.
- i. **Majority Vote.** The concurring vote of a majority of the members of the zoning board of appeals present at the meeting shall be necessary to decide upon any issue brought before the board.
- j. **Conflict Of Interest.** A member of the board of appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- k. **Duties.** The village zoning board of appeals shall have the power to act on those matters where this chapter provides for an administrative review, interpretation or variance as defined in this section. The board of appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this chapter.
 - 1) **Administrative Review.** The board of appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or by any other official administering or enforcing provisions of this chapter.
 - 2) **Interpretation.** The board of appeals shall have the power to interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of the chapter as defined by Section 703.3.

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- 3) **Variances.** The board of appeals shall have the power to authorize variances from any quantifiable requirements of this chapter where practical difficulties prevent carrying out the strict letter of this chapter.
- l. **Zoning Board of Appeals Decisions.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court.
- 4. **Village Council.** On recommendation of the planning commission the village council has adopted the zoning ordinance, making it the enforceable policy of village government. Likewise, the village council may amend the text of this chapter or the boundaries of zoning districts (rezoning). The village council shall, by resolution, set fees to be charged for any administrative action under this chapter. The council may also act to waive any fee.

SECTION 702. ADMINISTRATION PROCESSES.

- 1. **Zoning Permit Required.** The issuance of a zoning permit signifies compliance with the requirements of this chapter. A zoning permit must be obtained from the zoning administrator before any of the following activities may legally take place.
 - a. Occupancy and use of vacant land (including parking lot construction).
 - b. Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building which requires issuance of a building permit by the village building inspector. (A zoning permit must be obtained before a building permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate zoning permit.
 - c. Any use of land or a building which would be identified as a use by special use permit by the uses table in Chapter 3, district regulations, for the zoning district in which the parcel is located.
 - d. Any change of a nonconforming use or building.
- 2. **Application For Zoning Permit.** Application for a zoning permit shall be made at least ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material:
 - a. **Application Form.** Applicants for a zoning permit shall submit a zoning application form with all requested information completely filled in.
 - b. **Submission With Building Permit Application.** When a building permit is also required, application for a zoning permit may be made at the same time. If the village building inspector also acts as zoning administrator, the inspector may elect to accept information submitted for a building permit without duplicating it on the zoning application form.

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Reissuance of a zoning permit which has expired requires a new zoning application form to be filed with the zoning administrator and processed without consideration of any previous action.

7. Review Process Table.

ZONING PERMIT APPLICATION--INITIAL REVIEW PROCESS

Question	Refer to	If all standards are met, next step	If any standards are not met		
			Situation	Applicant's options	Next step
#1 Is proposed activity permitted in this zoning district?	Chapter 3-- District regulations: Uses table	Activity is a use by right: Go to question #2 or activity is a special use: Go to actions table: Special use permit. (Refer to Chapter 6) Continues to question #2	Activity is permitted in a different zoning district	Request a rezoning	Actions table, Chapter 7: Rezoning
			Activity is not listed for any zoning district	Request an interpretation	Actions table: Interpretation
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
			Any situation	Withdraw	Denial letter
# 2 Does the parcel meet standards for this zoning district?	Chapter 3-- District regulations: Dimensions table - "Lot Size"	Go to question # 3	Any situation	Request a variance	Actions table: variance
				Withdraw	Denial letter
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
# 3 Does existing or proposed structure or building meet yard and area standards?	Chapter 3-- District regulations: Dimensions table	Go to question # 4	Existing facility violates standards	Request a variance	Actions table: Variance
				Continue with process as is	Section 401, nonconformities
			Proposed facility will violate standards	Request a variance	Actions table: Variance
				Amend application to meet all standards	Go to question # 4
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
Any situation	Withdraw	Denial letter			

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# 4 Will proposed activity meet parking requirements?	Chapter 4--Parking table and Section 406, supplementary off-street parking requirements	Go to question # 5	Existing facility violates standards	Request a variance	Actions table: Variance
				Continue with process as is	Section 401, nonconformities
			Proposed facility will violate standards	Request a variance	Actions table: Variance
				Amend application to met all standards	Go to question # 5
			Withdraw	Denial letter	
Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal			
# 5 Will proposed activity meet all supplementary regulations?	Chapter 4-- Supplementary regulations	Go to question # 6	Proposed activity will violate measurable standards	Request a variance	Actions table: Variance
				Amend application to meet all standards	Go to question # 6
				Withdraw	Denial letter
			Proposed activity will violate nonmeasurable, written standards	Request a text change	Actions table: Text change
				Amend application to meet all standards	Go to question # 6
				Withdraw	Denial letter
			Applicant does not agree with administrator's finding	Request an administrative appeal	Actions table: Administrative appeal
# 6 Has permit fee been paid?	Village fee schedule	Issue permit	Fee represents a serious hardship to applicant	Request a fee waiver	Actions table: Fee waiver
				Withdraw	Denial letter

SECTION 703. ADMINISTRATIVE ACTIONS BY THE ZONING BOARD OF APPEALS.

The review process table identifies alternative courses of action to be pursued if standard requirements of this chapter are not met by a proposed activity. Some of these actions, described in this section, provide flexibility to address situations which are likely to arise. Other situations may suggest changes in the text of this chapter or the boundaries of the zoning districts. Procedures for amending this chapter are provided in 705. Various requirements for each administrative action are presented by the actions table at the end of this chapter.

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1. **Variance.** The zoning board of appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this chapter which can be expressed in terms of numbers may be brought before the zoning board of appeals to be considered for a variance. The board of appeals may grant any variance it deems reasonable, subject to the rules outlined in subsection (5).
2. **Administrative Review.** The zoning board of appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this chapter. The board is not empowered to overturn decisions of the planning commission regarding special use permits. The board may not overturn the denial of a site plan in connection with any special use permit proceedings. However, the board may reverse site plan denials by the zoning administrator or the planning commission in other instances, subject to the rules outlined in subsection (5) and site plan review standards.
 - a. **Requests For Administrative Review.** An administrative review by the zoning board of appeals may be requested by any person aggrieved, or by any officer, department or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the zoning administrator's decision. The request shall be filed with the zoning administrator and shall specify the grounds for the review. The zoning administrator shall immediately transmit to the chairman of the board of appeals any papers constituting the record upon which the action being reviewed was taken.
 - b. **Stay.** An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If zoning administrator certifies in writing to the zoning board of appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the zoning board of appeals or by court action.
 - c. **Public Hearing.** Upon receipt of a written request seeking an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the appeal of an administrative decision not less than 15 days before the public hearing. In addition, if the request for an appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
3. **Interpretation.** The zoning board of appeals may interpret provisions of this chapter as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this chapter, whenever an interpretation question arises which has been addressed previously by the zoning board of appeals, the earlier interpretation shall apply without requiring further action by the board. The zoning administrator

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shall keep a concise record of all interpretations made by the zoning board of appeals to facilitate such reference.

- a. The board may determine the precise location of the boundary lines between zoning districts.
 - b. The board may classify any activity which is not specifically mentioned in the uses table in Chapter 3 (district regulations) for any zoning district as a use by right or special use within at least one zoning district, provided that such classification shall be consistent with the classification of similar uses and with the purpose and intent of each zoning district.
 - c. The board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 4, Section 406.
 - d. The board may interpret any portion of this chapter when the zoning administrator is unable to clearly determine its intent or effect.
 - e. Upon receipt of a written request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
4. **Fees.** A fee as established by the village council shall be paid to the zoning administrator at the time of filing application with the board of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the board of appeals in connection with the appeal.

5. Rules For Zoning Board Of Appeals Actions.

- a. A public hearing must be held by the zoning board of appeals prior to making a decision on a variance, site plan review, or before any administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given per the requirements of Section 706.
- b. Any decision by the zoning board of appeals must not be contrary to the public interest or to the intent and purpose of this chapter.
- c. In no way may a variance, site plan approval or finding of an administrative review be construed to allow the establishment within a zoning district of any use which is not permitted by right or by special use permit within that zoning district. The zoning board of appeals may only expand the list of permitted uses for any zoning district as a result of an interpretation regarding a use that is not listed anywhere in the uses table in Chapter 3, district regulations.

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- d. In making any decision, the zoning board of appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the zoning district in which the subject property is located.
- e. Any action brought before the zoning board of appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for zoning board of appeals action.
- f. Approval by the zoning board of appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is not an objective of this chapter.
- g. Any request which has been denied wholly or in part by the zoning board of appeals may not be resubmitted for a period of one year from the date of the last denial. However, if new evidence or changed conditions are found, the board may elect to rehear a case, subject to all notice requirements defined by the actions table.
- h. The board of appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate any zoning permit granted pursuant to the zoning board of appeals action. When it attaches any conditions to the approval of a request, the board of appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed. Such bond shall not exceed five thousand dollars (\$5,000).
- i. A variance or site plan approval may be necessary to overcome practical difficulties which prevent carrying out the strict letter of this chapter. These difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land, and the following:
 - 1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - 2) That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created).
 - 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

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- 4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- j. When a variance or site plan approval is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this chapter.
- k. A variance or site plan approval granted under the provisions of this chapter becomes a condition of the zoning permit granted pursuant to the variance or approval. If a zoning permit issued pursuant to such action is allowed to expire under the provisions of Section 702.5., any rights granted by the action expire together with the zoning permit.
- l. The minutes of the zoning board of appeals meeting at which any decision was made regarding a variance, site plan approval, administrative review or interpretation shall include the grounds used by the board in making such decision, and any conditions that may have been attached to authorization for issuance of a zoning permit.
- m. If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the board of appeals, the board shall suggest a general regulation for such conditions for the planning commission's consideration.

SECTION 704. ENFORCEMENT.

- 1. **Responsibility.** The zoning administrator shall enforce the provisions of this chapter.
- 2. **Violations And Penalties.** Violations of any provisions of this chapter are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this chapter, and which are observed by or communicated to a village official or employee, shall be reported to the zoning administrator.
 - a. **Inspection Of Violation.** The zoning administrator shall inspect each alleged violation he or she observes or is made aware of, and shall order, in writing, correction of all conditions found to be in violation of this chapter.
 - b. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the zoning administrator shall determine necessary and appropriate.

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- c. **Action By Village Attorney.** A violation not corrected within this period shall be reported to the village attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the village attorney, any legal action which the attorney deems necessary to restore compliance with all terms and conditions of this chapter is hereby authorized.
 - d. **Penalties.** Every person, whether as principal agent, servant, employee or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this chapter shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this chapter, shall be guilty of maintaining a nuisance per se, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the court. For each and every day the violation continues beyond the correction period identified by Section 704.2.b., a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this chapter.
 - e. **Cumulative Rights And Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
3. **Conflicting Regulations.** In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by this chapter are more stringent than any other law or ordinance, then the provisions of this chapter shall govern, provided also that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, the provisions of such other law or ordinance shall govern.

SECTION 705. AMENDMENT.

- 1. **Village Council May Amend.** The regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning district map may be amended, supplemented or changed by ordinance by the village council in accordance with the applicable enabling legislation of the state.
- 2. **Initiation Of Amendments.** Proposals for amendments, supplements or changes may be initiated by the village council of its own action, by the planning commission or by petition of one or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- 3. **Amendment Procedure.**
 - a. **Petition To Village Clerk And Payment Of Fee.** Each petition by one or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the village clerk. A fee as established by the village council shall be paid at the time of application to cover costs of necessary advertising for

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public hearings and processing of the amendment request. The village clerk shall transmit the application to the planning commission for recommended action.

- b. **Recommendation.** The planning commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The planning commission may recommend any additions or modifications to the original amendment petition.
- c. **Public Hearing.** Before voting on any proposed amendment to this chapter, the planning commission shall conduct a public hearing, with notice being given as specified by Section 706.
- d. **Notice Requirements For Public Hearing.** Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the village zoning administrator.
- e. **Amendment To Conform With Court Decree.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the village council and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this chapter.
- f. **Village Council Adoption.** Upon receipt of the planning commission's recommendation, the village council shall review such recommendation. The village council shall grant a hearing on the proposed amendment to any party who has filed with the village clerk a written request to be heard. Such request must be received prior to the meeting at which the proposed amendment would first be considered by the village council. The planning commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing shall follow the requirements of Section 706. If the village council deems advisable any changes to the amendment recommended by the planning commission, it shall refer these changes back to the planning commission for a report thereon within thirty (30) days. The village council may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the council's standard procedures for adoption of ordinances.
- g. **Resubmittal.** No application for a rezoning which has been denied by the village council shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the village council, are found to be valid.

SECTION 706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

Public Notice. All applications for development approval requiring a public hearing shall comply with the Zoning Act and the other provisions of this section with regard to public notification.

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1. Responsibility: When the provisions of this Ordinance or the Zoning Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of St. Charles and mailed or delivered as provided in this section.
2. Content: All mail, personal and newspaper notices for public hearings shall:
 - a. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and Mailed Notice
 - a. General: When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - 1) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - 2) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Village of St. Charles. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial

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area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.

All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 706.4.b., Registration to Receive Notice by Mail.

- 3) Other governmental units or infrastructure agencies within one mile of the property involved in the application.
 - b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Zoning Act, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
- a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 - b. Registration to Receive Notice by Mail:
 - 1) General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 706.3.a.(2), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - 2) Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.

SECTION 707. SITE PLAN REVIEW.

Various provisions of this chapter require review of site plans before certain types of administrative approval may be granted. The village zoning administrator conducts a review of site plans each time a zoning permit is issued. The zoning board of appeals conducts such reviews before granting various types of requests. However, for certain activities, a formal site plan review process is required. This section defines the procedures and standards to be used for such a review.

1. **Situations Requiring A Formal Site Plan Review.** The village planning commission must review and approve site plans before granting approval to special use permits, including those for planned unit developments, or subdivision plats. In addition, a site plan review before the village planning commission is hereby required for any zoning permit application meeting two (2) or more of the following conditions:
 - a. Any adjoining parcel is in a more restrictive zoning district.
 - b. The proposed project will have more than four (4) resident users (dwelling units, offices, stores or other uses).
 - c. The proposed project is in a commercial zoning district.
 - d. The proposed project is located in an industrial redevelopment district, a downtown development authority district, or a tax increment finance district.
 - e. The proposed project will require fifty (50) or more parking spaces as determined by the table of off-street parking requirements in Chapter 4.
 - f. The project site is larger than five (5) acres.
 - g. The project involves expansion of an acceptable nonconforming use, building or structure.

At no time shall a site plan review be required as a part of the decision process for a rezoning. This is because the decision to rezone property should be based on consideration of its effects on long range plans for the village, and on the merits of the proposed zoning district, and the uses it would allow, as they relate to the subject property and surrounding area.

2. **Site Plan Review Process.**

- a. **Application Deadlines.** If a zoning application requires a site plan review by the planning commission pursuant to subsection (1), a complete application package must be received at least fifteen (15) days before the date of a planning commission meeting in order to be reviewed at such meeting. If a site plan review is being conducted for a special use permit or subdivision plat, the application timetable specified for that process will apply.
- b. **Application Material.** Applications requiring site plan review, in addition to meeting the requirements of Section 702.2, must be accompanied by a fee as

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established by the village council and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.

- c. **Site Plan Requirements.** Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the planning commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the zoning permit issued pursuant to site plan approval, and is subject to the enforcement provisions of Section 704 of this chapter.
- 1) **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (50) feet for sites of three (3) acres or less, or one inch equals two hundred (200) feet for larger sites.
 - 2) **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
 - 3) **Property Information.** The site plan must accurately depict the subject property and land adjacent to it and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.
 - 4) **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
 - 5) **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays and refuse pickup stations.
 - 6) **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

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- 7) **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences and decorative walls.
- 8) **Supplementary Material.** The site plan shall be complemented by any additional information which, in the zoning administrator's discretion, is important for the site plan review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors or fire hazards.

d. **Staff Review Of Site Plan.**

- 1) **Persons Involved.** Before the site plan is reviewed by the planning commission, the village building inspector, public works director and fire chiefs or their designees, shall be given an opportunity to review and comment upon it. In addition, the zoning administrator may submit the site plan to any other department of village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the zoning administrator at least five (5) days before the planning commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the zoning administrator shall recommend to the planning commission what action should be taken.
- 2) **Standards To Be Used.** Reviewers shall address the considerations identified by the review standards in subsection (3). If a site plan review is being conducted for a proposed special use permit, the additional special use permit review standards listed for the particular use and zoning district in Chapter 6 shall be considered also.

e. **Planning Commission Review Of Site Plan.** The planning commission shall conduct their site plan review at a public meeting. A public hearing will be held only if any party submits a written request to the village clerk prior to the planning commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the planning commission acts upon the site plan. However, a site plan review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the planning commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the planning commission must take one of the following actions at the meeting during which the site plan review is conducted:

- 1) **Approval.** An affirmative vote of the majority of planning commission members present at the meeting is necessary to approve a site plan. Once

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approved, the site plan becomes a condition of any zoning permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by subsection (2)g.

- 2) **Conditional Approval.** The planning commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one or more requirements of this chapter, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any zoning permit granted for the project. Deviations from the conditions will only be permitted as outlined by Section (2)g.

Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of such other approvals. This shall include any variances which must be issued by the village zoning board of appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the planning commission.

- 3) **Denial With Explanation.** Failure to comply with one or more of the review standards listed by subsection (3) is the only justification for denial of a site plan. The vote of a majority of planning commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the review standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the planning commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- f. **Appeal To Zoning Board Of Appeals.** If a site plan for a project has been denied, the applicant shall have the option of submitting the site plan to the zoning board of appeals. The zoning board of appeals is to review the record and decision of the planning commission and determine whether the record supports the conclusion that was reached, in light of the requirements of this chapter. The board is not to start the site plan review over without consideration of the planning commission's action.

The zoning board of appeals must adhere to all rules, procedures and standards of this chapter, and should uphold the planning commission's decision unless the record clearly shows that the planning commission failed to consistently apply the rules, procedures or standards, or that the planning commission erred in some fashion, such as by relying on false information.

If a site plan has been denied by the zoning board of appeals, it may not be resubmitted for planning commission review for a period of one year unless the planning commission determines that substantial changes have been made in the nature and scope of the project.

- g. **Deviations From Approved Site Plan.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the zoning administrator determines that all site plan review standards have been complied with. These deviations shall be documented as described in subsection (2)h.

However, if the zoning administrator finds that a deviation from the approved site plan does not comply with the review standards, he or she shall immediately notify the permit holder, the village building inspector, and the planning commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the building inspector, affecting that portion of the project which is not in compliance with the site plan review standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the review standards, or of restarting the site plan review process. When the issue has been resolved, the zoning administrator shall send a written notice to the permit holder, the building inspector and the planning commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the review standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the zoning administrator before the building inspector issues final approval for the project and before any performance guarantee attached to the zoning permit may be fully refunded.

- h. **Record To Be Maintained.** The record relating to any approved site plan shall be maintained by the zoning administrator together with the records pertaining to the zoning permit for such project. This record shall include an official copy of the final site plan as it was approved by the planning commission, dated and signed by the permit holder, the planning commission chairman and the zoning administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the zoning administrator.
- 3. **Site Plan Review Standards.** All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, such lack is sufficient justification for denial of a site plan.

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- a. **District Regulations.** The project must comply with the applicable district regulations regarding use, dimensions, off-street parking and any other aspects. (When the site plan review is being conducted as part of the consideration process for a special use permit or a planned unit development, the use of the site will be addressed after the site plan review. Therefore, it must be presumed for this purpose that the use of the site will conform to the district regulations.)
- b. **Supplementary Regulations.** The project must comply with any and all of the supplementary regulations which may apply to it, as identified by Chapter 4 of this chapter.
- c. **Special Use Standards.** If the site plan review is being conducted for a proposed special use permit, any special use standards relating to the proposed use, as identified by Chapter 6, also must be satisfied.
- d. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the county road commission shall be sought.
- e. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- f. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current tri-township fire department personnel and equipment must be sufficient to serve the project. Finally, location, number and capacity of fire hydrants must be adequate to serve fire suppression needs.
- g. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining properties or help to control erosion, contain stormwater runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the state department of natural resources, the county health department or other agencies.

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- h. **Consistency With Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this chapter, as stated in Section 102, and with the purpose of the zoning district in which the subject parcel is located, as expressed in the purposes table in Chapter 3, district regulations.

SECTION 708. REVIEW OF SUBDIVISION PLATS.

1. **Zoning.** All plats shall be subject to the use provisions of the zoning district in which they are located. Any zoning district changes which may be necessary to accommodate a proposed plat's use or uses shall be made according to the amendment procedure prescribed in Section 705.
2. **Lot Standards.** No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within the plat equal or exceed the minimum size and width requirements and all other applicable provisions of this chapter.

SECTION 709. ACTIONS SUMMARY TABLE.

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

ACTIONS--PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

TABLE INSET:

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s) - Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Variance	Applicant or administrator	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or administrator	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal of administrative decision	Any aggrieved party or any state, county or village officer, board, bureau or department	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Site plan approval	Applicant or administrator	Planning commission	If requested by any party	Not required	Not required	Not applicable
Appeal of site plan denial	Applicant	Zoning board of appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Special use permit	Applicant or administrator	Planning commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Planned unit development	Applicant or administrator	Planning commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court

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Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s) - Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Rezoning	Applicant, planning commission or village council	Step 1: Planning commission recommends to village council	Yes	Not less than 15 days	Not less than 15 days	No action until after village council decision
		Step 2: Village council	If requested by any party	Not less than 15 days	Not less than 15 days	Subject to protest petition
Text change	Applicant, planning commission or village council	Step 1: Planning commission recommends to village council	Yes	Not less than 15 days	Not required	No action until after village council decision
		Step 2: Village council	If requested by any party	Not less than 15 days	Not required	Subject to protest petition
Fee waiver	Applicant	Village council	No	Not required	Not required	Circuit court

SECTION 710. CONDITIONAL REZONING.

The Village of St. Charles will not require nor imply that conditional rezoning or zoning agreements are a necessity or a condition for approval.

1. A request for conditional rezoning or a zoning agreement shall be submitted, in writing, to the Zoning Administrator, Chair of the Planning Commission and the Village President. The request shall be required prior to any application for rezoning or appearance before the Planning Commission.
2. Upon receipt of the request, the Zoning Administrator will prepare a memo to the Planning Commission and the Village Council detailing that a request has been received, from whom and the area proposed for rezoning. The applicant will receive a copy as well. The Zoning Administrator and the Village President will arrange for an informal meeting with the developer to discuss the specific request or requests.
3. **Informal Review Process**
 - a. An informal meeting will be held with the Zoning Administrator and the Village President and Chair of the Planning Commission and the proposed developer or developers.
 - b. During the meeting the developer should be prepared to provide the following information, in writing:
 - 1) The zoning district desired.
 - 2) The specific use proposed.

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- 3) A sketch of the proposed development (hand sketch is fine; no full site plan is required at this point.)
 - 4) Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
- c. From this meeting, the Village will provide a follow-up letter to the developer and copied to the Planning Commission and Village Council which details the following:
- 1) The proposed use of the parcel and the desired zoning district.
 - 2) A discussion of all related zoning requirements included within the existing zoning ordinance.
 - 3) A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
 - 4) A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
 - 5) An overview of the discussion, including any relative buffering or other such items which may be considered by the Planning Commission in terms of surrounding uses, intensity of surrounding uses and the purpose and intent of the zoning regulations and the adopted Master Plan and any other policy documents or guide so adopted by the Village.

4. Formal Review Process

- a. Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional rezoning or zoning agreement shall be:
 - 1) A rough site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - 2) An elevation of the proposed structure.
 - 3) Conversely, if a developer so chooses, they may submit the full drawings and request a site plan approval concurrently.
 - 4) The rezoning request must be submitted in accordance with the Village's rezoning policy, Section 705.
- * It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as represented to the Village at this point may result in a loss of the status of the conditional rezoning.

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- b. All public notifications, reviews and hearings will be scheduled and advertised as set forth in the Zoning Ordinance and as typically practiced in the Village for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
- c. The Village Attorney will draft a zoning agreement for execution by the Village and the developer.
- d. Any and all conditions imposed as part of the conditional rezoning or zoning agreement process and proposed approval must meet the following criteria:
 - 1) Conditions such as building appearance, landscaping, setbacks in an amount more than what is required; additional screening requirements, etc., shall be directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding property owners or properties in general.
 - 2) Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
 - 3) Conditions limiting the specific use of the property are permitted, however, the Planning Commission and Village Council should be mindful of being too specific. For example, limiting a use to a “professional office” may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
 - 4) The Planning Commission will forward their recommendations to the Village Council for consideration.
- e. If the Planning Commission recommends, and the Village Council approves, a conditional rezoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case and the zoning approval and specific conditions.
- f. A final zoning agreement, drafted and reviewed by the Village Attorney, will be executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement. These costs shall be passed through from the Village Attorney.
- g. The developer, the Chair of the Planning Commission and the Village Clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the Village.
- h. A copy will be recorded at the Register of Deeds.

5. Enforcement

- a. By approving the conditional rezoning or zoning agreement, the Village grants rezoning and then, subsequently or concurrently, site plan approval. The specific conditions imposed and agreed to by the Developer and the Village become part of the approval.
- b. Should the developer not meet the conditions as specified, they will be considered in violation of the Village Zoning Ordinance and will be pursued as such.
- c. Any change to the conditions shall require a rezoning.
- d. Should the developer not complete the proposed project within eighteen (18) months, the property shall revert to the previous zoning classification.
- e. Should the developer abandon the specific use and it is vacant and/or abandoned for a period of 18 months, the parcel shall convert to its previous zoning classification.
- f. A property that reverts from conditional rezoning will be considered a non-conforming use and subject to all applicable zoning regulations.
- g. Reversion of the subject property shall require:
 - 1) The original developer, the current property owner (if different) and the occupant(s) of the property to be notified of the pending reversion by registered mail by the Village Clerk. The Village Council and Planning Commission shall receive the same notice. The notice will provide a thirty (30) day period for which the developer/owner can seek an extension of the time frame or begin construction.