



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to multiple provisions applicable to residential and manufacturing zoning districts.
Presenter:	Ellen Johnson

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development – (6/13/16)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES	NO
-----------------	-----	-----------	-----	----

If NO, please explain how item will be funded:

Executive Summary:

Proposed is a General Amendment to address several issues with provisions in the Zoning Ordinance observed by staff. The following topics are included in this amendment, most of which are applicable to residential properties:

1. Stoop encroachment and definition of “Stoop” – Allow a 4 ft. stoop projection into a nonconforming setback in the RT Traditional Residential zoning districts.
2. Patio encroachment and definition of “Patio” – Limit the front yard setback encroachment for patios to 8 ft. (except in RT districts) and clarify that patios must be at or near grade level.
3. Definition of “Story”, “Half Story”, and “Basement” – Do not count basements as a story of a house; basements will be counted as a half story if 4 ft. above grade around the perimeter of a house.
4. Definition of “Cantilever” and “Bay Window”, and relation to building coverage – Cantilevered portions of a building which are used to increase square footage cannot encroach into the yard setbacks and will count towards the calculation of building coverage.
5. Extension of nonconforming walls – A nonconforming wall can be extended only when the existing nonconforming wall remains intact to prevent construction of a dwelling on a nonconforming foundation.
6. Rear yard coverage in RT districts – Clarify that accessory structures can occupy up to 40% of the rear yard in RT districts if a detached garage is provided in lieu of an attached garage.
7. Attached garage requirements in RT districts – Clarify how attached garage width and setbacks are measured.
8. Fences in landscape buffer yards in the M-2 district – Fences to a height of 6 ft. can be placed within landscape buffer yards in the M-2 district to provide required screening.

The proposed changes add clarification to, and simplify administration of, existing provisions regarding the topics listed above.

Plan Commission Review

Plan Commission held a public hearing on 5/17/16 and recommended approval of the General Amendment by a vote of 8-1, with two conditions:

1. Modify the definition of “Patio” to state that the patio must be within 6 inches of grade level.
2. No limitation shall be placed on patio encroachments in the RT Traditional Residential zoning districts.

Staff has modified the proposal to align with the Plan Commission’s recommendation.

Attachments: *(please list)*

Plan Commission Resolution, Staff Report, General Amendment Application

Recommendation / Suggested Action *(briefly explain):*

Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to multiple provisions applicable to residential and manufacturing zoning districts.

For office use only:	Agenda Item Number: 3j
----------------------	------------------------

City of St. Charles, Illinois
Plan Commission Resolution No. 4-2016

A Resolution Recommending Approval of a General Amendment to Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030 “Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” (multiple amendments applicable to residential and manufacturing zoning districts).

Passed by Plan Commission on May 17, 2016

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, “Zoning”; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030 “Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” (multiple amendments applicable to residential and manufacturing zoning districts); and

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

1. The Consistency of the proposed amendment with the City’s Comprehensive Plan.

Residential Areas Goal 1 is to, “Maintain the City’s image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhood” (p. 22). The proposed amendment supports this goal by modifying requirements to facilitate appropriately scaled and designed structures in residential neighborhoods.

Industrial Areas objective #8 states, “Ensure that all uses are effectively screened from adjacent properties and public rights-of-way, through the use of landscaping and fencing” (p.25). The proposed amendment to allow fencing in landscape buffer yards in the M-2 district will allow this objective to be met.

2. The Consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Protecting the character of established residential neighborhoods.
- Minimizing the impact of unavoidable nuisance-producing uses.
- Implementing the goals and objective s of the St. Charles Comprehensive Plan.

- 3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.**

The proposed amendment adds clarification to existing requirements.

- 4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

The proposed amendment clarifies existing requirements, making the subject provisions easier to understand for both staff and the general public, which will allow for more consistent interpretation of zoning requirements.

- 5. The extent to which the proposed amendment creates nonconformities.**

The amendment will cause a small number of existing properties and or structures to be nonconforming in terms of certain zoning requirements. However, these structures will not be required to come into conformance with the new requirements, per the authority to continue granted in Ch. 17.08 “Nonconformities”.

- 6. The implications of the proposed amendment on all similarly zoned property in the City.**

The proposed amendment will apply to all similarly zoned property in the City.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030 “Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” (multiple amendments applicable to residential and manufacturing zoning districts), subject to the following conditions:

1. 17.30.030: The definition of “Patio” shall be modified to state that the patio must be within 6 inches of grade level.
2. 17.22.030: No limitation shall be placed on patio encroachments in the RT Traditional Residential zoning districts.

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Schuetz, Doyle, Macklin-Purdy, Frio

Nays: Spruth

Abstain:

Absent:

Resolution 4-2016
Page 3

Motion Carried: 8-1

PASSED, this 17th day of May 2016.

Chairman
St. Charles Plan Commission

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Bancroft
And the Members of the Planning and Development Committee

FROM: Ellen Johnson, Planner

RE: Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) pertaining to multiple provisions applicable to residential and manufacturing zoning districts

DATE: June 7, 2016

I. GENERAL INFORMATION

Project Name: General Amendment – Multiple Sections

Applicant: City of St. Charles

Purpose: Clarify and simplify existing provisions

II. BACKGROUND

This General Amendment addresses several issues with provisions in the Zoning Ordinance observed by staff, most of which are applicable to residential properties. The following topics are included:

1. Stoop encroachment and definition of “Stoop”.
2. Patio encroachment and definition of “Patio”.
3. Definition of “Story”, “Half Story”, and “Basement”.
4. Definition of “Cantilever” and “Bay Window”, and relation to building coverage.
5. Extension of nonconforming walls.
6. Rear yard coverage in RT districts.
7. Attached garage requirements in RT districts.
8. Fences in landscape buffer yards in the M-2 district.

III. ANALYSIS & PROPOSAL

1. Stoop encroachment and definition of “Stoop”:

Proposal:

- a. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”. Separate “Stoops” from “Porches, Unenclosed” on the table. Add encroachment information for Stoops:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Stoop	P, maximum 8 ft. encroachment; In RT Districts, maximum 4 ft. encroachment from a structure that has a nonconforming front yard or exterior side yard setback.	P, minimum as required by building code	P, 3 ft. from lot line	NP

- b. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”: Add definition of “Stoop”:

Stoop. *A structure immediately adjoining an exterior wall of a building, which is designed for the sole purpose of providing access into the building, is not covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings.*

Explanation: Currently, unenclosed porches and stoops are grouped together in the table of permitted setback encroachments. Both types of structures can encroach up to 8 ft. into the required front yard or exterior side yard setback. However, when a structure has a nonconforming setback and is therefore closer to the lot line, this reduces the allowable width for a porch or stoop. This issue exists mainly in the RT Traditional Residential zoning districts, which are the older residential neighborhoods surrounding downtown, where nonconforming setbacks are common.

The proposed amendment separates stoops from unenclosed porches in the table of permitted setback encroachments. It continues to allow an 8 ft. encroachment for stoops, but adds that in RT zoning districts, stoops can project up to 4 ft. from a structure with a nonconforming setback, regardless of the extent of the nonconforming setback. This will allow for a useable front access point to homes that were constructed closer to the lot line than permitted under the current Zoning Ordinance. The proposed amendment also adds a definition of “Stoop” to the Zoning Ordinance. Per this definition, a stoop is distinct from an unenclosed porch in that a stoop is uncovered and is designed for the sole purpose of providing access to the house.

**See attachment for definitions and encroachment information for related projections.*

2. Patio encroachment and definition of “Patio”:

Proposal:

- a. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”. Separate “Patio” from Sidewalks and Walkways. Add encroachment information for Patios:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Patio	P, maximum 8 ft. encroachment; P in RT districts	P, 3 ft. from lot line; P in RT districts	P, 3 ft. from lot line; P in RT districts	NP

- b. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”:
- Amend definition of “Patio” (changes are underlined):
Patio. *An open, hard surfaced area within 6 inches of grade level designed and intended for outdoor sitting, dining, socializing, or recreational use by people and not as a parking space.*
 - Amend definition and term for “Deck” (changes are underlined):

Deck/Raised Patio. *An accessory structure that may be attached or unattached to the principal building, which is open to the sky and provides a platform that is raised above the ground. This definition shall not include Patio, as defined herein.*

Explanation: Currently, patios are grouped with sidewalks and walkways in the table of permitted setback encroachments. There is no limitation on the extent to which patios, sidewalks and walkways can encroach into any yard. Also, based on the current definition of a patio, a hard surface that is raised can be considered a patio. Therefore theoretically, a patio raised above grade could cover a property's entire front, rear, and/or side yard.

The proposed amendment clarifies that patios must be within 6 inches of grade level, and can encroach only 8 ft. into the front or exterior side yard, which is the same permitted encroachment as an unenclosed porch. Patios can be up to 3 ft. from the side and rear lot lines, which is the same as the limitation for decks. For RT districts, no encroachment limitation is proposed for patios, due to the smaller lot sizes in those districts and more common occurrence of nonconforming setbacks. Raised patios are classified under the same category as decks, and therefore must meet the existing setback requirements for decks.

3. Definition of “Story”, “Half Story”, and “Basement”:

Proposal:

a. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”:

- Amend definition of “Story” (changes are underlined):

Story. *That portion of a building included between the surface of a floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling or roof above it. A basement ~~shall be counted as a story for the purposes of this Title; a cellar~~ shall not be counted as a story, but may be considered a Half Story as defined herein. ~~but shall be included in any calculation of gross floor area if it otherwise meets the applicable criteria.~~*

- Amend definition of “Story, Half” (changes are underlined) :

Story, Half. *A partial story that meets one of the following definitions:*

1. *A partial story above a full story and underneath one or more sloping roofs, meeting the following criteria:*
 - a. *Total wall height above the first floor level shall not exceed an average of 13 ft., measured along walls that intersect the roof plane, as shown in Figure 17.30-4. A garage floor level shall be calculated at the height of the first floor immediately adjacent to the garage. For a half story located above a second floor, the wall height shall be measured from the second floor level.*
 - b. *The total horizontal width of all projections out of the half-story roof plane shall not exceed 60% of the total horizontal length of the half story roof. Roof length shall be measured horizontally along all walls that intersect the roof, as shown in Figure 17.30-4. Projections include window dormers, shed dormers, wall projections up through the roof eave line, and other projections that do not extend out beyond the roof eave line.*
2. *A basement below a full story that has four (4) feet or more of its clear floor-to-ceiling height above the average grade of the adjoining ground around the*

full perimeter of the structure. A walkout or lookout basement that does not meet this criteria shall not be considered a half story.

- Amend definition of “Basement” (change are underlined):
Basement. *A portion of a building located partly or wholly underground. ~~If where~~ four (4) feet or more of its clear floor-to-ceiling height is above the average grade of the adjoining ground around the full perimeter of the structure, a basement shall be considered a half story.*
- Delete definition of “Cellar”.

Explanation: Proposed is removal of the term “Cellar” in the definitions chapter. The term is outdated and is not referred elsewhere in the zoning ordinance or used in the building code. The proposed definition of basement refers to all levels partially below grade as basements.

Under the current definition of story, basements are counted as a story of a structure. In practice, staff has not counted basements as a story. The residential zoning districts restrict building height based on the number of stories. Including a basement as a story would restrict home design and size.

Based on the proposed amendment, a basement would be counted as a half-story when it is 4 ft. or more above grade around the full perimeter of the structure. Also, the ordinance does not address walkout or lookout basements. Per the proposed amendment, a walkout or lookout basement would be considered a half story only if it meets the 4 ft. threshold. Otherwise, it would not be counted as a half or full story. This allows for flexibility in design of homes built on lots with significant changes in grade.

4. Definition of “Cantilever” and “Bay Window”, and relation to building coverage:

Proposal:

- a. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”. Add “Cantilever” to the table, with encroachment information:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Cantilever	NP	NP	NP	NP

- b. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”:

- Add definition of “Cantilever”:
Cantilever. *A projecting portion of a building without a foundation which provides additional floor area within the interior of a building. A Cantilever is distinct from a Bay Window, which does not provide additional floor area.*
- Amend definition of “Bay Window” (changes are underlined):
Bay Window. *A window which projects outward from the building wall, and does not rest on the building foundation or on the ground. A wall projection with a window(s) that provides additional floor area for the structure shall be considered a Cantilever, as defined herein.*

- Amend definition of “Building Coverage” (changes are underlined):
Building Coverage. *A measure of intensity of land use that represents the portion of a site that is covered by a principal building or buildings including attached garages and enclosed porches, and accessory buildings including detached garages and any other enclosed accessory building in excess of 150 square feet of Lot Coverage. Building coverage shall also include cantilevered portions of a building that extend beyond the footprint of a structure, including portions cantilevered over an open front porch. Building Coverage shall be measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post, other non-continuous foundation, or cantilever, excluding projections for bay windows or chimneys. Building coverage shall not include unenclosed porches, decks, or unenclosed accessory structures such as gazebos, swimming pools, or tennis and sports courts.*

Explanation: Currently, the ordinance does not address cantilevered portions of a structure, thus it is unclear whether cantilevers should be permitted to encroach into the yard setbacks and if cantilevers should count towards the calculation of building coverage. Due to this ambiguity, staff has observed situations where the building coverage limitation is circumvented by cantilevering a portion of the second floor beyond the first floor footprint to gain additional floor area. Also, under the current definition of bay window and the fact that bay windows are not included in the calculation of building coverage, builders have been able to increase the floor area of a structure by adding projections that include windows which are cantilevered nearly down to the ground. The proposed definitions of bay window and cantilever clarifies that such projections are considered a cantilever, and cantilevers are included in the calculation of building coverage.

5. Extension of nonconforming walls:

Proposal:

- a. Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”. Add the following language (changes are underlined):

“C. Additions and Enlargements

A building or structure, which is nonconforming with respect to its bulk, shall not be enlarged or added on to unless the addition does not create any new nonconformity or increase the degree of any existing nonconformity, except as follows: Where a wall of an existing single-family or two-family building is nonconforming with respect to the minimum yard or setback requirement, the nonconforming wall may be extended vertically and/or horizontally by adding to the existing building, subject to the following:

1. The existing nonconforming wall exclusive of a foundation wall must remain intact.
2. The wall extension shall not be any closer to the lot line than the existing nonconforming wall.
3. The extended building wall shall not create any additional nonconformities on the site.
4. The maximum building coverage and building height shall not be exceeded.

This section shall not permit the construction of a dwelling on a nonconforming foundation.”

Explanation: The proposed amendment clarifies that a nonconforming wall can be extended only when the existing nonconforming wall remains intact. Staff has observed situations in which a builder tears down a structure that has a nonconforming setback but retains the foundation wall, and then constructs a new structure on the nonconforming foundation in

order to avoid meeting current setback requirements. The proposed amendment clarifies the intent of this section, which is to permit building additions to nonconforming structures.

6. Rear yard coverage in RT districts:

Proposal:

- a. Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”. Amend the following (changes are underlined):

“**A.2.** The combined lot coverage of all detached accessory buildings and structures located within a required rear yard shall not occupy more than thirty percent (30%) of the required rear yard. For lots within an RT district, if a detached garage is provided in lieu of an attached garage, all structures in the rear yard may occupy up to ~~lot coverage for a detached garage structure may exceed 30% of the required rear yard to accommodate a 600 square foot detached garage structure, provided all structures in the rear yard do not occupy more than 40% of the required rear yard.~~”

Explanation: The purpose of this provision is to allow additional rear yard lot coverage in RT zoning districts to accommodate and incentivize detached garages due to the smaller lot sizes in these districts. However, the current language is unclear whether the increased lot coverage is only allowed to accommodate a new garage, or if 40% is allowed to accommodate additional structures, such as sheds, when a detached garage already exists. The proposed amendment clarifies and simplifies this requirement by stating that wherever a detached is provided instead of an attached garage, all structures may occupy up to 40% of the rear yard.

7. Attached garage requirements in RT districts:

Proposal:

- a. Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”. Amend the following (changes are underlined):

“**B.5.** In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, the width of an attached private garage door opening for a one or two family dwelling with an overhead door facing a street shall not exceed fifty percent of the width of the dwelling including the garage door opening, as measured along the front building line or exterior side building line that it faces. For corner lots, this restriction shall only apply along the lot line facing the primary front door entry into the building, as determined by the Building Commissioner.”

Explanation: The current language does not specify how to determine which part of the garage should be included in the calculation for determining if the 50% garage width limitation for attached, front-loaded garages is met. The proposed amendment clarifies that only the width of the garage door itself is included when calculating this requirement. In practice, staff has counted only the width of the garage door opening in this calculation.

Proposal:

- b. Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”. Amend the following (changes are underlined):

“**B.6.** In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, attached private garages for one and two family dwellings with an overhead door facing a street shall be set back from the front lot line or exterior side lot line that it faces at least five (5) feet more than a the

remainder of the dwelling walls, or b) the front of an unenclosed porch that extends along at least 75% of the length of the remainder of the dwelling walls adjacent to the garage door. For corner lots, this requirement shall apply to at least one of the building lines facing the street, and shall apply to the other building line only when the width of an overhead door or doors facing a street is less than sixty-six (66) percent of the width of the dwelling including the garage, as measured along the front or exterior building line that it faces.”

Explanation: The proposed amendment clarifies that, to meet the requirement that an attached, front-loaded garage be set back 5 ft. from the house, the 5 ft. can be measured either from the dwelling wall, or from an unenclosed porch that is adjacent to the garage. This will allow for greater flexibility in meeting this requirement. In practice, staff has allowed the 5 ft. setback to be measured from an unenclosed porch.

8. Fences in landscape buffer yards in the M-2 district:

Proposal:

- a. Ch. 17.22 “General Provisions”, Table 17.22-2 “Fence Height Exceptions”. Add the following to the table:

Exception	Maximum Allowable Fence Heights	Where Exception Applies
Fences within Landscape Buffer Yards	6 feet 4 inches	M-2 District

Explanation: Landscape buffer yards are required in certain zoning districts when a property abuts or is across a street from residential property. In the M-2 district, screening by means of landscaping, fencing, or decorative walls must be provided to a height of at least 6 ft. along public streets within the landscape buffer yard. However, the ordinance currently does not allow for fences to be placed within landscape buffer yards, and therefore fences cannot be used to provide the required screening. The proposed amendment will correct this issue by permitting fences to a height of 6 ft. 4 in. within landscape buffer yards in the M-2 district.

The ordinance was amended in 2015 to allow a reduced landscape buffer yard in of 40 ft. where a property abuts a collector or arterial right-of-way of at least 80 ft. in the M-2 district. The fence regulations should have been adjusted at that time.

V. PLAN COMMISSION RECOMMENDATION

The Plan Commission held a public hearing for the General Amendment on 5/17/16. The Commission voted 9-1 to recommend approval, subject to the following conditions:

1. The proposed definition of “Patio” should be modified to state that the patio must be within 6 in. of grade level.
2. There should be no limitation on patio encroachments in the RT districts.

Staff has revised the proposal to align with the Plan Commission’s recommendation.

VI. ATTACHMENTS

- Definitions and encroachment information for related projections
- Application for General Amendment, filed by staff on 4/21/16

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Porches and Stoops, Unenclosed	P, maximum 8 ft. encroachment	NP	P, maximum 8 ft. encroachment	NP
Decks	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot line	NP
Sidewalks, walkways and patios	P	P	P	P
<u>Stoop (proposed)</u>	P, maximum 8 ft. encroachment; In RT Districts, maximum 4 ft. encroachment from a structure that has a nonconforming front yard or exterior side yard setback.	P, minimum as required by building code	P, 3 ft. from lot line	NP
<u>Patio (proposed)</u>	P, maximum 8 ft. encroachment; P in RT districts	P, 3 ft. from lot line; P in RT districts	P, 3 ft. from lot line; P in RT districts	NP
Stairways and Steps, 4 ft. high or less, extending not more than 30 in. into the required yard or, if there is a front porch, 30 in. from the porch	P	P	P	P

Porch, Unenclosed: A structure immediately adjoining and projecting from an exterior wall of a building, which as direct access into the building, is covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings and columns.

Stoop (proposed): A structure immediately adjoining and projecting from an exterior wall of a building, which is designed for the sole purpose of providing access into the building, is not covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings and columns.

Deck: An accessory structure that may be attached or unattached to the principal building, which is open to the sky and provides a platform that is raised above the ground.

Patio: An open, hard surfaced area within 6 inches of grade level designed an intended for outdoor sitting, dining, socializing, or recreational use by people and not as a parking space.

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



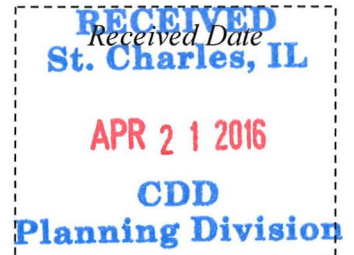
COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW

Project Name: GA - Multiple sections 2016
Project Number: 2016 -PR- 004
Application Number: 2016 -AP- 009



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

Applicant:	Name	City of St. Charles	Phone	630-377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	630-377-4062
			Email	ejohnson@stcharlesil.gov

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance (\$500)
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:**
An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**
Deposit of funds in escrow with the City. (For a General Amendment application only: \$1,000 deposit.)
- ☐ **FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

□ **WORDING OF THE REQUESTED TEXT AMENDMENT**

What is the amendment regarding?

Adding clarification to several zoning provisions.

What sections are proposed for amendment?

Chapters(s): 17.08, 17.22, 17.30

Section(s): 17.08.040, 17.22.020, 17.22.030, 17.30.030

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Ellen Johnson
Applicant

4/21/16
Date

Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”, Section C:

C. Additions and Enlargements

A building or structure, which is nonconforming with respect to its bulk, shall not be enlarged or added on to unless the addition does not create any new nonconformity or increase the degree of any existing nonconformity, except as follows: Where a wall of an existing single-family or two-family building is nonconforming with respect to the minimum yard or setback requirement, the nonconforming wall may be extended vertically and/or horizontally by adding to the existing building, subject to the following:

1. The existing nonconforming wall exclusive of a foundation wall must remain intact.
2. The wall extension shall not be any closer to the lot line than the existing nonconforming wall.
3. The extended building wall shall not create any additional nonconformities on the site.
4. The maximum building coverage and building height shall not be exceeded.

This section shall not permit the construction of a dwelling on a nonconforming foundation.

Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”, Section A.2:

The combined lot coverage of all detached accessory buildings and structures located within a required rear yard shall not occupy more than thirty percent (30%) of the required rear yard. For lots within an RT district, if a detached garage is provided in lieu of an attached garage, all structures in the rear yard may occupy up to lot coverage for a detached garage structure may exceed 30% of the required rear yard to accommodate a 600 square foot detached garage structure, provided all structures in the rear yard do not occupy more than 40% of the required rear yard.

Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”, Section B.5-6:

5) In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, the width of an attached private garage for a one or two family dwelling with an overhead door facing a street shall not exceed fifty percent of the width of the dwelling including the garage door opening, as measured along the front building line or exterior side building line that it faces. For corner lots, this restriction shall only apply along the lot line facing the primary front door entry into the building, as determined by the Building Commissioner.

6) In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, attached private garages for one and two family dwellings with an overhead door facing a street shall be set back from the front lot line or exterior side lot line that it faces at least five (5) feet more than, a) the remainder of the dwelling walls, or b) the front of an unenclosed porch that extends along at least 75% of the length of the remainder of the dwelling walls adjacent to the garage door. For corner lots, this requirement shall apply to at least one of the building lines facing the street, and shall apply to the other building line only when the width of an overhead door or doors facing a street is less

than sixty-six (66) percent of the width of the dwelling including the garage, as measured along the front or exterior building line that it faces.

Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures, Section C.3, Table 17.22-2 “Fence Height Exceptions”- Add Landscape Buffer Yards:

Exception	Maximum Allowable Fence Heights	Where Exception Applies
Landscape Buffer Yards	6 feet 4 inches	M-2 District

Ch. 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments”

Separate Porches, unenclosed, and Stoop:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Stoop	P, maximum 8 ft. encroachment; In RT Districts, maximum 4 ft. encroachment from a structure that has a nonconforming front yard or exterior side yard setback.	P, minimum as required by building code	P, 3 ft. from lot line	NP

Separate Patios from Sidewalks and walkways:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Patio	P, maximum 8 ft. encroachment; P in RT districts	P, 3 ft. from lot line; P in RT districts	P, 3 ft. from lot line; P in RT districts	NP

Add Cantilever:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Cantilever	NP	NP	NP	NP

Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” - Delete definition of Cellar; add definition of Stoop and Cantilever, and amend definition of Patio, Deck, Story, Story, Half, Basement, Bay Window, Building Coverage :

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

Stoop. A structure immediately adjoining an exterior wall of a building, which is designed for the sole purpose of providing access into the building, is not covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings.

Cantilever. A projecting portion of a building without a foundation which provides additional floor area within the interior of a building. A Cantilever is distinct from a Bay Window, which does not provide additional floor area.

Patio. An open, hard surfaced area within 6 inches of grade level designed and intended for outdoor sitting, dining, socializing, or recreational use by people and not as a parking space.

Deck/Raised Patio. An accessory structure that may be attached or unattached to the principal building, which is open to the sky and provides a platform that is raised above the ground. This definition does not include Patio, as defined herein.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling or roof above it. A basement ~~shall be counted as a story for the purposes of this Title; a cellar shall not be counted as a story, but may be considered a Half Story as defined herein. but shall be included in any calculation of gross floor area if it otherwise meets the applicable criteria.~~

Story, Half. A partial story that meets one of the following definitions:

1. A partial story above a full story and underneath one or more sloping roofs, meeting the following criteria:
 - a. Total wall height above the first floor level shall not exceed an average of 13 ft., measured along walls that intersect the roof plane, as shown in Figure 17.30-4. A garage floor level shall be calculated at the height of the first floor immediately adjacent to the garage. For a half story located above a second floor, the wall height shall be measured from the second floor level.
 - b. The total horizontal width of all projections out of the half-story roof plane shall not exceed 60% of the total horizontal length of the half story roof. Roof length shall be measured horizontally along all walls that intersect the roof, as shown in Figure 17.30-4. Projections include window dormers, shed dormers, wall projections up through the roof eave line, and other projections that do not extend out beyond the roof eave line.

2. A basement below a full story that has four (4) feet or more of its clear floor-to-ceiling height above the average grade of the adjoining ground around the full perimeter of the structure. A walkout or lookout basement that does not meet this criteria shall not be considered a half story.

Basement. A portion of a building located partly or wholly underground. ~~If where~~ four (4) feet or more of its clear floor-to-ceiling height is above the average grade of the adjoining ground around the full perimeter of the structure, a basement shall be considered a half story.

Bay Window. A window which projects outward from the building wall, and does not rest on the building foundation or on the ground. A wall projection with a window(s) that provides additional floor area for the structure shall be considered a Cantilever, as defined herein.

Building Coverage. A measure of intensity of land use that represents the portion of a site that is covered by a principal building or buildings including attached garages and enclosed porches, and accessory buildings including detached garages and any other enclosed accessory building in excess of 150 square feet of Lot Coverage. Building coverage shall also include cantilevered portions of a building that extend beyond the footprint of a structure, including portions cantilevered over an open front porch. Building Coverage shall be measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post, other non-continuous foundation, or cantilever, excluding projections for bay windows or chimneys. Building coverage shall not include unenclosed porches, decks, or unenclosed accessory structures such as gazebos, swimming pools, or tennis and sports courts.

FINDINGS OF FACT – GENERAL AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed amendment is appropriate. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate “not applicable” and explain why it does not apply.



See attached.

Amendment Description/Ordinance Section Number

Date

From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

5. The extent to which the proposed amendment creates nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

Findings of Fact

1. The Consistency of the proposed amendment with the City's Comprehensive Plan.

Residential Areas Goal 1 is to, "Maintain the City's image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhood" (p. 22). The proposed amendment supports this goal by modifying requirements to facilitate appropriately scaled and designed structures in residential neighborhoods.

Industrial Areas objective #8 states, "Ensure that all uses are effectively screened from adjacent properties and public rights-of-way, through the use of landscaping and fencing" (p.25). The proposed amendment to allow fencing in landscape buffer yards in the M-2 district will allow this objective to be met.

2. The Consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Protecting the character of established residential neighborhoods.
- Minimizing the impact of unavoidable nuisance-producing uses.
- Implementing the goals and objective s of the St. Charles Comprehensive Plan.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment adds clarification to existing requirements.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment clarifies existing requirements, making the subject provisions easier to understand for both staff and the general public, which will allow for more consistent interpretation of zoning requirements.

5. The extent to which the proposed amendment creates nonconformities.

The amendment will cause a small number of existing properties and or structures to be nonconforming in terms of certain zoning requirements. However, these structures will not be required to come into conformance with the new requirements, per the authority to continue granted in Ch. 17.08 "Nonconformities".

6. The implications of the proposed amendment on all similarly zoned property in the City.

The proposed amendment will apply to all similarly zoned property in the City.