

	<b>PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY</b>			
	<b>Project Title/Address:</b>		General Amendment: Pergolas and Sports Courts	
	<b>City Staff:</b>		Ellen Johnson, Planner	
	<b>PUBLIC HEARING 4/4/17</b>		X	<b>MEETING 4/4/17</b> <span style="float: right;">X</span>
<b>APPLICATION:</b>			General Amendment	
<b>ATTACHMENTS AND SUPPORTING DOCUMENTS:</b>				
Staff Report			Application for General Amendment	
<b>SUMMARY:</b>				
<p>Proposed is a General Amendment to the Zoning Ordinance regarding the following topics:</p> <ol style="list-style-type: none"> <li>1. Pergola encroachment and definition of “Pergola” and “Gazebo”: Permit pergolas up to 3 ft. from the side property line in the RT and CBD-2 zoning districts.</li> <li>2. Sports Court encroachment and definition of “Sports Court”: Change tennis courts to sports courts on the table of permitted yard encroachments to clarify location restrictions for sports courts.</li> </ol>				
<b>SUGGESTED ACTION:</b>				
<p>Conduct the public hearing and close if all testimony has been taken.</p> <p>Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.</p>				
<b>INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:</b>				
<ul style="list-style-type: none"> <li>• See <b>Sec. 17.04.320</b> regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.</li> <li>• Public hearing is required. No mailed notice to surrounding property owners.</li> <li>• Findings: 6 items of information for Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.</li> </ul>				

Community & Economic Development  
Planning Division

Phone: (630) 377-4443

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**STAFF MEMO**

**TO:** Chairman Todd Wallace  
And the Members of the Plan Commission

**FROM:** Ellen Johnson, Planner

**RE:** Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding yard encroachments for Pergolas and Sports Courts.

**DATE:** March 31, 2017

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**I. GENERAL INFORMATION**

Project Name: General Amendment – Yard Encroachments

Applicant: City of St. Charles

Purpose: Modify and clarify yard encroachments for Pergolas and Sports Courts

**II. BACKGROUND**

Proposed is a General Amendment addressing two issues with provisions of the Zoning Ordinance observed by staff:

1. Pergola encroachment and definition of “Pergola” and “Gazebo”.
2. Sports Court encroachment and definition of “Sports Court”.

The proposed changes are in regards to Table 17.22-3 “Permitted Encroachments” (see attached). This table lists various accessory structures, building projections, recreational and mechanical equipment, and other elements on a property other than the primary structure, and identifies the extent to which each type of structure/projection/etc. can be located within the required yard setbacks.

**III. ANALYSIS & PROPOSAL**

**1. Pergola encroachment and definition of “Pergola” and “Gazebo”:**

***Proposal:***

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

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Pergola	NP	P, 3 ft. from lot line in RT and CBD-2 districts; NP in other districts	P, 3 ft. from lot line	P

- b. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”: Add definition of “Pergola”:  
**Pergola.** *An open-sided structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.*
- c. Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”: Add definition of “Gazebo”:  
**Gazebo.** *A freestanding roofed structure that may or may not be open on all sides.*

**Explanation:** Currently, gazebos and pergolas are grouped together in the table of permitted yard encroachments. Neither type of structure is permitted to encroach into the required front, exterior side, or interior side yard. Both structures are permitted in the rear yard, up to 3 ft. from the rear lot line.

The proposed amendment separates pergolas from gazebos in the table of permitted yard encroachments. The same yard requirements will remain from gazebos. However, pergolas will be permitted within the interior side yard, up to 3 ft. from the lot line, only in the RT and CBD-2 zoning districts.

Also proposed are definitions of pergola and gazebo, as these types of structures are currently undefined in the Zoning Ordinance.

Over the past several months, staff has encountered situations where property owners want to build a pergola in their side yard, but are not able to do so because of the side yard setback requirement and the location of the house on the lot. This has occurred particularly in the RT Traditional Residential zoning districts, which comprise the City’s older residential neighborhoods, generally surrounding downtown. Properties within the RT districts are generally characterized by smaller, narrower lots than properties within the RS Suburban Residential districts. The RS districts comprise single-family subdivisions generally constructed after 1960.

Encroachment provisions for certain types of structures are different for the RT districts than other zoning districts due to the smaller lots and more compact pattern of development in these areas. For example, in the RT districts only, detached garages are permitted within the front and exterior side yards, up to 15 ft. from the property line. Also, patios are permitted in any yard with no limitation. In addition, stoops are allowed to encroach into the front or exterior side yard from a structure with a nonconforming setback.

Further, due to the small, narrow lots in the RT districts, side yards are generally utilized to a greater extent than in the RS districts. It is common for detached garages and driveways to be located within the side yards, as well as sheds, fences, patios, and other structures.

## 2. Sports Court encroachment and definition of “Sports Court”:

### ***Proposal:***

- a. Ch. 17.22 “General Provisions”, Table 17.22-3 “Permitted Encroachments”. Change “Tennis Courts” to “Sports Courts”, retaining the same encroachment information as currently exists for Tennis Courts:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Sports Court, excluding those located on park/playground or school sites	NP	NP	P, 10 ft. from lot line	NP

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

***Sports Court.*** A hardscape area used for recreational purposes, including, but not limited to, tennis courts, basketball courts, racquetball courts, and ice rinks. This definitional shall not include swimming pools or driveways used for access to a garage.

***Explanation:*** The table of permitted yard encroachments currently lists Tennis Courts and specifies the extent to which they can encroach into the yard setbacks. Other types of sports court such as basketball courts and ice rinks are not included in the table, making it unclear as to where these structures are permitted within a yard. The proposed amendment changes Tennis Court to Sports Court and retains the same encroachment information as exists for Tennis Courts.

This winter, the City received a complaint from a resident whose neighbor constructed an ice rink within their front yard. Because ice rinks are not addressed in the Zoning Ordinance, staff did not have definitive information to provide to the resident regarding regulations for the location of ice rinks. The proposed amendment clarifies the location restrictions for such improvements.

## IV. SUGGESTED ACTION

Conduct the public hearing on the General Amendment and close if all testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission determine that they have enough information to make a recommendation.

Staff has provided responses to the findings of fact for General Amendment for the Plan Commission’s consideration.

## V. ATTACHMENTS

- Application for General Amendment, filed by staff on 2/22/17
- Table 17.22-3 “Permitted Encroachments”

**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**

<b>CITYVIEW</b>	
Project Name:	GA- Yard Encroachments
Project Number:	2017 -PR- 005
Application Number:	2017 -AP- 008



*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.*

<b>Applicant:</b>	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?**

Yard encroachments for pergolas and sports courts.

**What sections are proposed for amendment?**

Chapters(s): 17.22; 17.30

Section(s): 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

2/22/17  
Date

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

Separate Gazebos and Pergolas:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Pergola	NP	P, 3 ft. from lot line in RT and CBD- 2 districts; NP in other districts	P, 3 ft. from lot line	P

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Gazebo (Existing)	NP	NP	P, 3 ft. from lot line	P

Change Tennis Courts to Sports Courts:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Sports Court, excluding those located on park/playground or school sites	NP	NP	P, 10 ft. from lot line	NP

**Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions”**

Add definition of Gazebo:

**Gazebo.** A freestanding roofed structure that may or may not be open on all sides.

Add definition of Pergola:

**Pergola.** An open-sided structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Add definition of Sports Court:

**Sports Court.** A hardscape area used for recreational purposes, including, but not limited to, tennis courts, basketball courts, racquetball courts, and ice rinks. This definitional shall not include swimming pools or driveways used for access to a garage.

## 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.

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*Amendment Description/Ordinance Section Number*

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*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.

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

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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.

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

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

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

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## **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 and clarifying setback requirements which will help to maintain and preserve the desirability of residential neighborhoods.

### **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:

- Promoting the public health, safety, comfort, convenience and general welfare.
- Protecting the character of established residential neighborhoods.

### **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 regarding pergolas reflects a change in policy to allow pergolas within the interior side yard in the RT Traditional Residential zoning districts, up to 3 ft. from the property line. Currently, pergolas are not permitted in the interior side yard.

The proposed amendment regarding sports courts adds clarification to existing requirements, as the ordinance currently addresses only tennis courts.

### **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 regarding pergolas will provide homeowners in the Traditional Residential neighborhoods more flexibility in the use of their yards.

The proposed amendment regarding sports courts adds clarification to the requirements, making the City's expectations clear for both staff and the general public, which will allow for more consistent interpretation of the requirements for all types of sports course.

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

The proposed amendment regarding pergolas will not create nonconformities, as the proposal will create less rigorous requirements than currently exist.

The proposed amendment regarding sports course may cause a small number of existing sports courts to be nonconforming since regulations previously were unclear for sports courts other than tennis courts. However, such sports courts 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 regarding pergolas will apply to all property within the RT Traditional Residential zoning districts.

The proposed amendment regarding sports courts will apply to all property in the City.

## 17.22.030 – Permitted encroachments

Encroachments into required yards shall be permitted as provided in Table 17.22-3 (Permitted Encroachments), subject to the specific limitations applicable to the particular encroachment described.

TABLE 17.22-3				
PERMITTED ENCROACHMENTS				
P= Permitted NP= Not permitted; Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified No permitted encroachments are allowed in the sight triangle as described in Section 17.22.010 E				
Type of Structure or Use Encroachment	Required Yards			
	Front Yards, Exterior Side Yards And Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Accessibility Ramps	P	P	P	P
Air Conditioner Window Units	P, 18 inches	P, 18 inches	P, 18 inches	P, 18 inches
Arbors and Trellises	P	NP	P	P
Balconies	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Basketball standards and backboards	P	P	P	NP
Bay Windows no more than 1 story in height and occupying no more than 33% of the exterior length of the wall	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Canopies accessory to gas stations, drive- through restaurants, drive-through banks, etc.	P but must comply with yard requirements for parking facilities	P but must comply with yard requirements for parking facilities	P but must comply with yard requirements for parking facilities	NP
Cantilever	NP	NP	NP	NP

## 17.22.030 – Permitted encroachments

Chimneys	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Compost Piles, Firewood Storage, Refuse and Recycling Receptacles (except when temporarily placed near the street for collection)	NP	NP	P	NP
Decks/Raised Patios	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP
Dog houses and dog runs	NP	NP	P	NP
Eaves, including gutters	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Fences	P, except per 17.22.	P	P	P
Fire Escapes (Open)	NP	P	P	P
Flag Poles	P	P	P	P
Garages, Detached (RT Districts)	P in exterior side yard in RT-2, RT-3, & RT-4, but shall be min. 15 ft. from right of way	P, min. 3 ft. from lot line	P, min. 5 ft. from rear lot line w/o alley,  min. 3 ft. from side lot line and from alley	NP
Garages, Detached (other than RT Districts)	NP	P, min. 3 ft from lot line	P, min. 5 ft from rear lot line w/o alley,  min. 3 ft from side lot line and from alley	NP
Gazebos and Pergolas	NP	NP	P, min. 3 ft. from lot lines	P
Hot Tubs	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP

## 17.22.030 – Permitted encroachments

Landscape plantings, ornamental lighting, and benches, statues, bird baths, sculptures, and similar decorative fixtures	P	P	P	P
Laundry Drying Equipment (clotheslines and poles)	NP	P	P	NP
Marquees, Awnings and Canopies	P, maximum 30 inches	P, maximum 30 inches	P, maximum 30 inches	NP
Ground mounted mechanical equipment units, including central air conditioning, heating, ventilating, compressors, pool and filtering equipment	NP/P1	P, min.5 ft. from lot line	P, min. 5 ft. from lot lines	NP
Non-commercial wireless antennas (amateur radio)	NP	NP	P, min. 3 ft. from lot lines	NP
Outdoor Fireplaces	NP	NP	P, min. 3 ft. from lot lines	NP
Parking lots,surface, drive-thru lanes, and access aisles	See Chapter 17.24, Off-Street Parking, Loading and Access	See Chapter 17.24, Off-Street Parking, Loading and Access	See Chapter 17.24, Off-Street Parking, Loading and Access	NP
Patio, at Grade	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
Playground and recreational equipment	NP	NP	P, min. 3 ft from lot lines	NP

## 17.22.030 – Permitted encroachments

and play houses accessory to residential uses, except basketball standards and backboards				
Porches, Enclosed (including screened-in porches)	NP	NP	NP	NP
Porches, Unenclosed	P, maximum 8 ft. encroachment	NP	P, maximum 8 ft. encroachment	NP
Refuse enclosure (subject to standards for Fences and Walls and per 17.26.120)	NP	P, 3 ft from lot lines	P 3 ft from lot lines	NP
Satellite Dish Antenna, Small	NP/P1	NP/P1	P	NP/P1
Satellite Dish Antenna, Large	NP	NP	P, 5ft from lot lines	NP
Sheds and Private Greenhouses	NP	P, min. 3 ft. from lot line	P, min. 3 ft. from lot lines	NP
Sidewalks and walkways	P	P	P	P
Signs, subject to Chapter 17.28, Signs	P	P	P	NP
Stairways and Steps, 4ft. high or less, extending not more than 30 inches into the required yard or, if there is a front porch, 30 inches from the porch	P	P	P	P
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

## 17.22.030 – Permitted encroachments

Swimming Pools, subject to Chapter 15.36, Swimming Pools, of the St. Charles Municipal Code	NP	NP	P, subject to Chapter 15.36, of the City Code, “Swimming Pools”	NP
Tennis Courts, excluding those located on park/playground or school sites	NP	NP	P, min. 10 feet from lot lines	NP
Transformers, switchgear, and other utility installations	P	P	P	P

1 Where it is impractical to locate mechanical equipment within the interior side or rear yard of a single family or two family dwelling, the Building Commissioner may approve an alternative location in the yards indicated, provided the mechanical equipment is screened from view from adjoining property and public streets in accordance with Section 17.26.120.

1 Where a Small Satellite Dish Antenna cannot receive a clear signal within the yard and setback requirements of the zoning district or the rear yard, the dish may be located in an alternative location in the yards indicated in compliance with Section 17.22.020 Communication Antennas.

([2016-Z-11](#) [1]: § 6-11; [2008-Z-24](#) [2]: § 14; [2008-Z-20](#) [3]: § 3; [2002-Z-24](#) [4]: § 1; [2002-Z-14](#) [5]: § 1; [2002-Z-9](#) [6]: § 4; [1994-Z-9](#) [7]: § 1; [1993-Z-15](#) [8]: § 1 & 2; [1988-Z-21](#) [9]: § 1; [1983-Z-6](#) [10]: § 1; [1983-Z-3](#) [11]: § 1; [1979-Z-7](#) [12]: § 1; [1963-12](#) [13]: §§ 1,2,3; [1960-16](#) [14]: § IV (K); [1960-16](#) [14]: § IV(J))