ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/Address:	General Amendment: Misc. 2019		
	City Staff:	Ellen Johnson, Planner		
	PUBLIC HEARING 1/8/19	X	**MEETING 1/8/19**	X
APPLICATION:		General Amendment		
ATTACHMENTS AND SUPPORTING DOCUMENTS:				
Staff Memo		Application for General Amendment		

SUMMARY:

City staff is proposing multiple minor amendments to the Zoning Ordinance to address issues observed with existing ordinance definitions and lighting provisions.

The following amendments are proposed:

- Clarify the definition of Pet Care Facility.
- Add a definition of "Arbor or Trellis" and amend the definition of "Pergola" to differentiate between these structures.
- Permit series lighting or neon tubing as exterior accent lighting for a two-month period over the holidays.
- Clarify prohibition of backlit awnings.

SUGGESTED ACTION:

Conduct the public hearing 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 feel that they have enough information to make a recommendation.

INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:

- See **Sec. 17.04.320** 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.
- Public hearing is required. No mailed notice to surrounding property owners.
- 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.

Community & Economic Development
Planning Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

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 miscellaneous provisions

DATE: January 4, 2019

I. GENERAL INFORMATION

Project Name:	General Amendment – Misc. 2019
Applicant:	City of St. Charles
Purpose:	Modify definition of Pet Care Facility and Pergola, add a definition of Arbor or Trellis, and modify provisions for series and awning lighting

II. PROPOSAL & ANALYSIS

City staff is proposing multiple minor amendments to the Zoning Ordinance, Title 17 of the City Code to address issues that staff has observed with existing ordinance definitions and lighting provisions. Additions to text are underlined and deletions are crossed out.

1. Definition of "Pet Care Facilities"

Proposal:

a. Ch. 17.30 "Definitions", Section 17.30.020 "Use Definitions": Amend definition as follows:

Pet Care Facilities
A building, structure or portion thereof designed or used for the retail sale of pet products and food, grooming, boarding, training, daycare or overnight boarding of dogs, cats or other household domestic animals. The overnight boarding area of the establishment shall not exceed 50% of the total Gross Floor Area of the business. Establishments that only provide ~~daycare and~~ overnight boarding services, or establishments where ~~these~~ this service~~s~~ exceeds 50% of the Gross Floor Area, shall be considered a Kennel, not a Pet Care Facility.

Explanation: The existing definition has caused confusion in that the floor area limitation used to distinguish Pet Care Facilities from Kennels applies only to overnight boarding areas,

but the following sentence implies that both the overnight boarding and daycare components of are used to distinguish the uses. The proposed change clarifies that a business which only provides overnight boarding or where overnight boarding exceeds 50% of the gross floor area is considered a kennel. This would remove the square footage limitation for daycare facilities, which is difficult to meet. The purpose of establishing a use for Pet Care Facilities distinct from kennels was to allow service businesses providing doggie daycare and other types of pet related services to locate in commercial zoning districts; kennels are only permitted in industrial districts. Staff has observed that doggie daycare businesses which otherwise meet the definition of Pet Care Facility have difficulty limiting the daycare component of the facility to 50% of the floor area. The proposed change is in line with the intent of this definition.

2. **Definitions of "Arbor or Trellis" and "Pergola"**

Proposal:

a. Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions": Add definition of "Arbor or Trellis":

   Arbor or Trellis. A frame or shelter made of vines, branches, or latticework which may be covered with climbing shrubs or vines with horizontal dimensions no larger than 10 ft. x 3 ft. A structure meeting this definition but which is larger than 10 ft. x 3 ft. in horizontal dimension shall be considered a Pergola, as defined herein.

b. Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions": Amend definition of "Pergola":

   Pergola. An open-sided structure consisting of parallel colonnades supporting an open roof of girders and cross rafters. A structure meeting the definition of Arbor or Trellis, as defined herein, shall not be considered a Pergola.

Explanation: "Arbor or Trellis" is included on the list of permitted yard encroachments provided in Table 17.22-3. However a definition of this type of structure is not provided in the ordinance. Arbor/Trellis is permitted without limitation within the front and rear yard setbacks. Pergolas are listed separately and can encroach only 8 ft. into the front yard, in the RT districts only, and can be up to 3 ft. from the rear lot line.

The fact that Arbor/Trellis is not defined in the ordinance has caused confusion in differentiating that type of structure from a Pergola. Last summer a situation arose in which a structure appearing to meet the definition of Pergola was constructed very close to the front lot line. An argument was made that the structure could be considered an Arbor/Trellis and therefore was allowed to be constructed close to the lot line.

Staff is proposing to add a definition of Arbor/Trellis which would differentiate this type of structure from a Pergola based on its size. Larger structures, greater than 10'x3', would be considered a Pergola and would therefore be subject to more stringent setback standards.

3. **Neon & Series Lighting Awning Lighting**

Proposal:

a. Ch. 17.28 "Signs", Section 17.28.060 "Illumination": Modify limitations on neon and series lighting:

B. Limitations on Neon and Series Lighting

1. Neon advertising signs shall be permitted as wall signs, subject to the standards of this Chapter and this Title.
2. Series lighting or neon tubing used to accentuate or trim windows, architectural features, or to outline borders of signs or buildings, is specifically prohibited <u>except during the period from November 15 through January 15.</u>

Explanation: The proposed change would allow the use of series lighting or neon tube lighting for a two-month period over the holidays. Several businesses decorate for the holidays with this type of lighting. The proposed change would allow this but would continue to prohibit this lighting for the rest of the year.

Note that Section 17.22.040 "Site Lighting" contains the following provision regarding glare, to which all exterior lighting, including neon and series lighting, are subject:

> *"No exterior lighting shall be maintained on a lot so as to shine into, or upon, any other lot or any right of way with an intensity great enough to reduce a viewer's ability to see, or to cause momentary blindness."*

b. Ch. 17.28 "Signs", Section 17.28.060 "Illumination": Clarify prohibition of backlit awnings:

<u>E. Awnings</u>
<u>Backlit awnings are prohibited.</u>

Explanation: Table 17.28-1 lists permitted signs by zoning district. The "Other Requirements" column on this table states, "Backlit awnings are prohibited" in the commercial zoning districts. Because this information is provided on the table of permitted signage, it is unclear whether this lighting limitation also applies to plain awnings that do not contain signage type text. The proposed addition clarifies that backlighting of all types of awnings are prohibited, which has been staff's interpretation in practice.

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 12/19/18

CITY OF ST. CHARLES

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

ST. CHARLES
SINCE 1834

COMMUNITY & ECONOMIC DEV./PLANNING DIVISION PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	GA- Misc. 2019
Project Number:	2018 -PR- 015
Application Number:	2018 -AP- 037

Received Date
RECEIVED
St. Charles, IL
DEC 19 2018
CDD
Planning Division

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
		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?

Amend definition of Pet Care Facility; add definition of "Arbor or Trellis"; amend defintion of "Pergola"; modify limitations on series lighting; prohibit backlit awnings

What sections are proposed for amendment?

Chapters(s): Ch. 17.30 "Definitions"; Ch. 17.28 "Signs"

Section(s): 17.30.020, 17.30.030, 17.28.060

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.

Allen Johnson — 12/19/18

Applicant — Date

17.30.020 Use Definitions

Pet Care Facilities
A building, structure or portion thereof designed or used for the retail sale of pet products and food, grooming, boarding, training, daycare or overnight boarding of dogs, cats or other household domestic animals. The overnight boarding area of the establishment shall not exceed 50% of the total Gross Floor Area of the business. Establishments that only provide ~~daycare and~~ overnight boarding services, or establishments where this ~~these~~ service~~s~~ exceeds 50% of the Gross Floor Area, shall be considered a Kennel, not a Pet Care Facility.

17.30.030 General Definitions

Add:

Arbor or Trellis. A frame or shelter made of vines, branches, or latticework which may be covered with climbing shrubs or vines with horizontal dimensions no larger than 10 ft. x 3 ft. A structure meeting this definition but which is larger than 10 ft. x 3 ft. in horizontal dimension shall be considered a Pergola, as defined herein.

Amend:

Pergola. An open-sided structure consisting of parallel colonnades supporting an open roof of girders and cross rafters. A structure meeting the definition of Arbor or Trellis, as defined herein, shall not be considered a Pergola.

17.28.060 Illumination

B. Limitations on Neon and Series Lighting

1. Neon advertising signs shall be permitted as wall signs, subject to the standards of this Chapter and this Title.
2. Series lighting or neon tubing used to accentuate or trim windows, architectural features, or to outline borders of signs or buildings, is specifically prohibited except during the period from November 15 through January 15.

E. Awnings

Backlit awnings are prohibited.

Findings of Fact

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

   Commercial & Office Areas Goal 1 is to, "Develop attractive and highly functional retail and commercial areas that are market responsive, create a diverse tax base, and serve the needs of the City's residents and, in some areas, a larger regional market." The proposed amendment to the definition of Pet Care Facility supports this goal by allowing some flexibility for establishing this type of use, in response to the way these types of service businesses operate. The proposed clarifications to lighting limitations promote attractive commercial areas.

   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 in relation to clarifying the definition of certain accessory structures to allow enforcement of 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:
   - Protecting the character of established residential neighborhoods.
   - Maintaining business and industrial areas that are attractive and economically viable.

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 the definition of Pet Care Facilities adds clarification to existing requirements and establishes a definition that is in accordance with the intended definition of this use.

   The proposed amendment regarding Arbor/Trellis and Pergola clarifies existing requirements in that the ordinance contains setback standards for Arbor/Trellis but does not currently provide a definition for this type of structure.

   The proposed amendment regarding neon and series lighting is more workable than existing text as it allows flexibility for holiday decorating.

   The proposed amendment regarding backlit awnings clarifies existing provisions regarding this type of awning lighting.

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 amendments generally clarify existing requirements which will allow for more consistent and transparent code interpretation.

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

   The proposed amendment may create a limited number of setback nonconformities for structures previously considered an Arbor or Trellis which would now be considered a Pergola. However, such Pergolas 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 amendments apply to all properties in the City regardless of zoning district.