

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



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 services 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 except during the period from November 15 through January 15.

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:

E. Awnings

Backlit awnings are prohibited.

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