ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/Address:	General Amendment: Swimming Pools		
	City Staff:	Ellen Johnson, Planner		
	PUBLIC HEARING 6/4/19	X	**MEETING 6/4/19**	X
APPLICATION:		General Amendment		
ATTACHMENTS AND SUPPORTING DOCUMENTS:				
Staff Memo		Application for General Amendment		
Letter from Property Owner				

SUMMARY:

City staff is proposing amendments to the Zoning Ordinance regarding swimming pools and pool decks. Existing zoning provisions for swimming pools and pool decks are unclear and incomplete. The proposed amendment seeks to clarify requirements and establish standards that minimize impacts on neighboring properties.

The following amendments are proposed:

- Add definitions of "Swimming Pool" and "Swimming Pool Deck".
- Allow swimming pools and pool decks up to 10 ft. from the rear and interior side lot lines.
- Require 6 ft. screening when a pool placed in the rear yard of a corner lot is adjacent to a neighbor's front or interior side yard.

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

Staff Report

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 swimming pools

DATE: May 31, 2019

I. GENERAL INFORMATION

Project Name: General Amendment – Swimming Pools

Applicant: City of St. Charles

Purpose: Modify zoning provisions for residential swimming pools

II. BACKGROUND & EXISTING PROVISIONS

City staff is proposing amendments to the Zoning Ordinance, Title 17 of the City Code regarding swimming pools and pool decks. Existing zoning provisions for swimming pools and pool decks are unclear and incomplete. The proposed amendment seeks to clarify requirements and establish standards that minimize impacts on neighboring properties.

Table 17.22-3 lists permitted yard encroachments and required setbacks for permitted encroachments. Swimming Pool is currently listed in Table 17.22-3 as follows:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Swimming Pools, subject to Ch. 15.36, Swimming Pools, of the St. Charles Municipal Code	NP	NP	P, subject to Ch. 15.36, of the City Code "Swimming Pools"	NP

This entry references Ch. 15.36 of the City Code entitled "Swimming Pools". This chapter contains requirements related to building permit plan submittals and references design, construction and material standards contained in the State Department of Public Health and

building codes. The chapter does not contain any zoning requirements. It is therefore unclear as to why the chapter is referenced in Table 17.22-3.

The City's building permit packet for swimming pools states that pools may not be closer than 5 ft. to any lot line. It is unclear where this setback requirement came from as it is not contained in the Zoning Ordinance.

In addition, there are no provisions in the Zoning Ordinance specific to pool decks. It is unclear how a pool deck would be classified under the current ordinance and what setback requirements apply.

Finally, definitions are not provided for the terms "Swimming Pool" or "Pool Deck".

III. PROPOSAL & ANALYSIS

1. Definition of "Swimming Pool":

Proposal:

Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions" – Add definition of "Swimming Pool":

Swimming Pool. Any constructed pool, aboveground, on-ground, or below ground that is over 24 inches in depth and has a surface area greater than 250 sf.

Explanation: The proposed definition is consistent with the definition of swimming pool contained in Ch. 15.36. It encompasses all types of swimming pools with an area over 250 sf. The proposed definition is consistent with City permitting requirements; a building permit is required prior to construction of a pool that contains water over 24 inches in depth.

2. Definition of "Swimming Pool Deck":

Proposal:

Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions" – Add definition of "Swimming Pool Deck":

Swimming Pool Deck. An impervious area surrounding a swimming pool, up to 4 ft. in depth as measured from the outer edge of the swimming pool, which is intended for use by pool users.

Explanation: The proposed definition clarifies that an impervious area surrounding a swimming pool, which may be in the form of a paved surface, wood deck, or other material, is distinct from a general deck or patio. The portion of such a surface extending 4 ft. out from the edge of the pool is considered the pool deck and will therefore be subject to the setback requirements proposed in the following section.

3. Encroachment Provisions for Swimming Pools & Pool Decks

Proposal:

Ch. 17.22 "General Provision", Section 17.22.030 "Permitted Encroachments", Table 17.22-3 – Amend the entry for Swimming Pools and add an entry for Swimming Pool

Decks to require a 10 ft. interior side yard and 10 ft. rear yard setback in single-family zoning districts, as well as 6 ft. screening along certain lot lines:

Type	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Swimming Pool & Swimming Pool Deck	NP	P, 10 ft. from lot line in RE, RS and RT districts; NP in other districts	P, 10 ft. from lot line in RE, RS and RT districts; NP in other districts	NP
	For corner lots, where a Swimming Pool is located within a rear yard abutting an interior side yard or front yard of an adjacent lot, screening shall be provided in accordance with Section 17.26.070(C).			

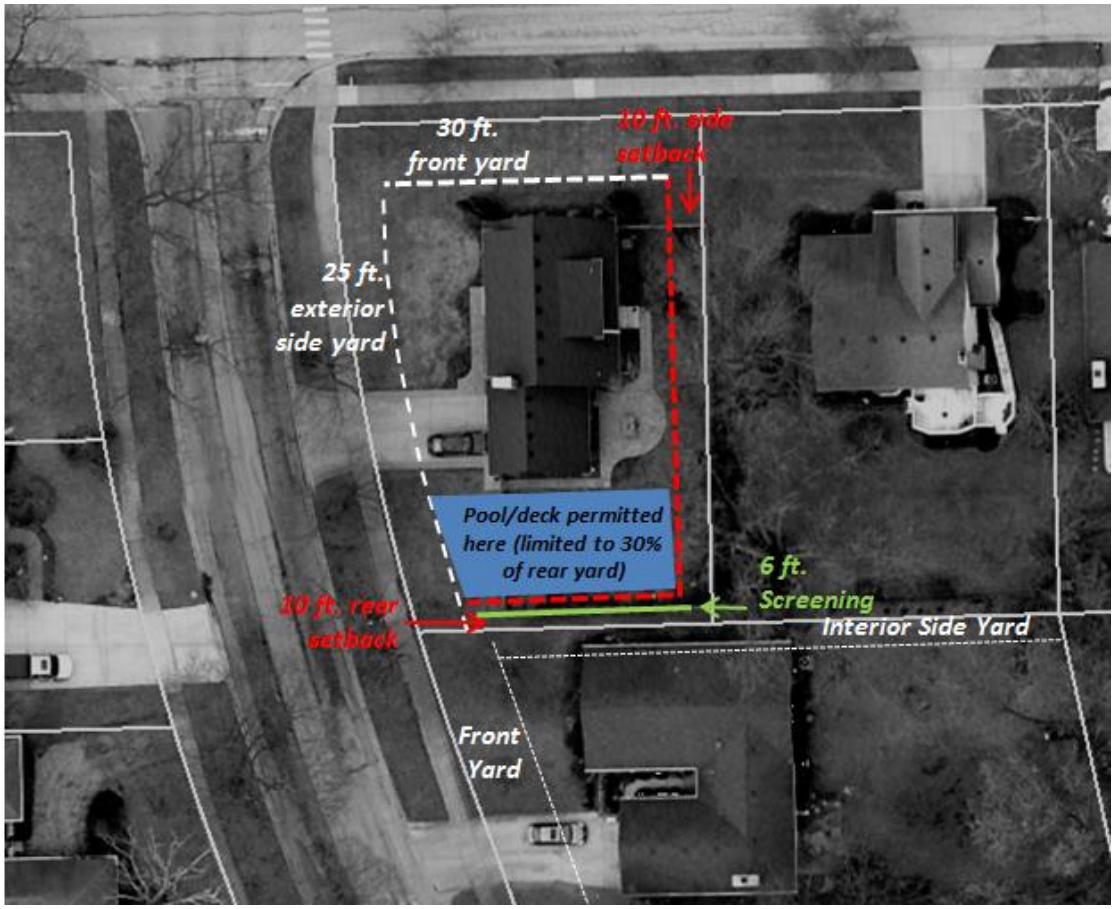
Explanation: Proposed is to allow swimming pools and pool decks up to 10 ft. from the interior side and rear lot lines in the RE Estate Residential, RS Suburban Residential, and RT Traditional Residential zoning districts only. In many residential districts, a 10 ft. side setback is greater than the required building setback, while the rear building setback is greater than 10 ft. in all residential districts. Staff feels 10 ft. is an appropriate side and rear setback based on neighboring communities' swimming pool zoning provisions. Also, if perimeter utility easements exist on a residential lot they are typically 5 or 10 ft. in width and the building code does not permit swimming pools to be located within an easement. Swimming pools and pool decks are not a permitted encroachment in the front, exterior side, or rear yard of through lots, meaning swimming pools must meet building setbacks along these lot lines.

As discussed under the definition of Swimming Pool Deck, only the portion of a pool deck extending 4 ft. out from the edge of the pool is considered the "pool deck". The portion of a surface surrounding a pool extending further than 4 ft. out from the pool will be classified as a deck or patio, which generally require a 3 ft. side and rear yard setback. Requiring the first 4 ft. of surface surrounding a pool to meet a 10 ft. setback from the side and rear lot lines helps to contain at least a portion of the area used by pool users further into the lot, reducing impacts on neighboring properties.

Also proposed is to require screening of swimming pools on corner lots under a specific set of circumstances. If a pool on a corner lot is located within a rear yard and the rear yard abuts the interior side yard or front yard of an adjacent property, screening will be required along the adjacent front and/or interior side yard lot lines. Screening shall be in accordance with 17.26.070(C). This section requires opaque, year round screening by means of berming, landscaping, fencing and/or decorative walls to a height of 6 ft. above grade of the common property line. This is in addition to any fencing required under the building code. The proposed screening requirement will reduce impacts on neighboring properties where the front and side of a house are very close to a neighbor's swimming pool due to the lot configuration.

The proposed provisions limit the location of swimming pools on a lot based on setbacks. A related, existing provision which further limits the size of a swimming pool is lot coverage. The definition of "Lot Coverage" states that swimming pools, including pool decks, are included in the calculation of lot coverage, along with principal buildings and other accessory structures. The lot coverage of buildings and structures, including swimming pools/pool decks, shall not occupy more than 30% of the required rear yard, or 40% of the required rear yard in the RT districts.

The figure below illustrates the proposed requirements when applied to a corner lot:



IV. ADDITIONAL CONSIDERATION

Section 17.22.020 requires "detached accessory buildings and structures" to be located at least 10 ft. from the principal building. The code is unclear as to whether a swimming pool is considered an "accessory structure" and would therefore be subject to the 10 ft. separation requirement. In practice, staff has not required the 10 ft. separation for swimming pools. Staff is not proposing to change this interpretation, however staff is open to discussion and thoughts on this topic should the Plan Commission feel a 10 ft. separation, or any other separation, is desirable.

V. 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.

VI. ATTACHMENTS

- Application for General Amendment, filed by staff on 5/17/19
- Letter from Property Owner

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- Swimming Pools
Project Number:	2019 -PR- 009
Application Number:	PLGA201900120

RECEIVED
St. Charles, IL
MAY 17 2019
CDD
Planning Division

Received Date

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?

Add provisions related to regulation of residential swimming pools and associated pool decks.

What sections are proposed for amendment?

Chapters(s): Ch. 17.22 "General Provisions", Ch. 17.30 "Definitions"

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

5/17/19
Date

General Amendment- Swimming Pools

Section 17.22.030, Table 17.22-3 "Permitted Encroachments"

- Amend the Swimming Pools item in Table 17.22-3 to establish the following yard encroachment provisions for Swimming Pools and Pool Decks in the RE, RS, and RT Districts:
    - Front, Exterior Side: NP (not permitted to encroach into the front or exterior side yards)
    - Interior Side: 10 ft. setback (permitted in the interior side yard with a 10 ft. setback)
    - Rear: 10 ft. setback (permitted in the rear yard with a 10 ft. setback)
    - Where a swimming pool in the rear yard of a corner lot is adjacent to a front yard or interior side yard on an adjacent lot, screening shall be provided in accordance with Section 17.26.070(C).

Section 17.30.030 "General Definitions"

- Add definition of "Swimming Pool":

    Any constructed pool, aboveground, on-ground, or below ground that is over 24 inches in depth and has a surface area greater than 250 sf.

- Add definition of "Pool Deck":

    An impervious area surrounding a swimming pool, up to 4 ft. in depth as measured from the outer edge of the swimming pool, which is intended for use by pool users

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). A related residential land use policy is to, "Preserve the character of the City's existing single family residential neighborhoods" (p.43). The proposed amendment supports these provisions by continuing to prohibit swimming pools in the front and exterior side yards where they would be most visible from public streets. The amendment requires a greater distance (10 ft.) from rear and interior side lot lines for both swimming pools and pool decks, creating a larger buffer from neighboring properties. The amendment also requires 6 ft. screening of swimming pools on corner lots adjacent to neighboring front or side yards which will further reduce impacts on neighboring properties.

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:
   - Promote 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 adds clarification to existing requirements regarding required setbacks for swimming pools and pool decks. Current provisions and permit packets reference unclear and conflicting information. The proposed definitions of "Swimming Pool" and "Swimming Pool Deck" also add clarity and will allow for consistent administration. The 10 ft. setback from interior side and rear property lines and the need for screening reflect 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.**

   The proposed setback and screening requirements for swimming pools and pool decks will help to mitigate impacts on surrounding properties that swimming pools can cause, including aesthetic impacts and disturbance caused by associated activity.

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

   The proposed amendment will create a limited number of nonconformities for existing swimming pools. However, such swimming pools 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. The allowance for a rear and interior side yard encroachment for swimming pools and pool decks applies only to the RE, RS, and RT single-family districts.