

 <b>ST. CHARLES</b> <small>S I N C E 1 8 3 4</small>	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>					
	Title:	Presentation of Proposed Parkway Planting Ordinance				
	Presenter:	James Bernahl				
<i>Please check appropriate box:</i>						
	Government Operations		X	Government Services 09.24.12		
	Planning & Development			City Council		
	Public Hearing					
Estimated Cost:		Budgeted:	YES		NO	
If NO, please explain how item will be funded:						
<b>Executive Summary:</b>						
<p>This agenda item is a follow-up to staff's presentation on April 23, 2012 pertaining to various items within city parkways. At the conclusion of that presentation, staff was directed by the Government Services Committee to evaluate the current city codes and propose how to best address concerns relative to the various parkway items presented. Staff has met internally to discuss these items and it is believed that the creation of a new section to the city code proposed as Chapter 12.10; "Parkways" would best help to distinguish this section.</p> <p>The creation of this section in the city code would also allow for additions to or consolidation to the existing code for other specific parkway items in the future. It is presumed that additional sections would focus on other parkway specialty items such as private sidewalks, mailboxes, sprinkler systems, hardscape items, illuminated items, etc. Staff is proposing that the first section to be addressed relates specifically to parkway maintenance and parkway plantings. Attached with this agenda item is a copy of the proposed ordinance modifications which were developed by staff and the City's legal counsel. This presentation will primarily focus on this new section along with a brief overview on other recommended sections and how staff plans to move forward developing these.</p> <p>Based on this presentation staff will be seeking direction from the City Council to continue forward with the final approval of the proposed ordinance addition, as well as direction to continue development of the addition sections listed in the presentation.</p>						
<b>Attachments:</b> <i>(please list)</i>						
Copy of proposed "Parkway" ordinance						
<b>Recommendation / Suggested Action</b> <i>(briefly explain):</i>						
This presentation is for informational purposes only. Staff will be seeking guidance and feedback from the City Council on the proposed ordinance.						
<i>For office use only:</i>		<i>Agenda Item Number: 6.h</i>				

**City of St. Charles, Illinois**  
**Ordinance No. \_\_\_\_\_**

**An Ordinance Amending Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions”, Section 12.04.005, “Definitions” and Section 12.04.217, “Parkway Maintenance Responsibility”, and Chapter 12.20 “Trees and Shrubs”, and adding a new Chapter 12.10, “Parkways”, of the St. Charles Municipal Code**

BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

Section 1. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions”, Section 12.04.005, “Definitions” of the St. Charles Municipal Code be and is hereby amended by deleting the language “For the purpose of this chapter, the following words shall have these meanings:” and substituting the following:

“For the purpose of this title, the following words shall have these meanings, unless another meaning is specifically provided for herein:” ...

Section 2. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions”, Section 12.04.005, “Definitions” of the St. Charles Municipal Code be and is hereby amended by adding the following definition thereto:

“H. “Private Plantings”. Flowers, ornamental grasses and other ornamental, non-woody vegetation.”

Section 3. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions” of the St. Charles Municipal Code be and is hereby amended by deleting Section 12.04.217, “Parkway Maintenance Responsibility” and by substituting the following therefor:

“RESERVED”

Section 4. That Title 12, “Streets, Sidewalks, Public Places and Special Events” be and is hereby amended by adding thereto a new Chapter 12.10, “Parkways”, as follows:

“Chapter 12.10

**PARKWAYS**

Sections:

12.10.010	Parkway Maintenance Responsibility
12.10.020	Parkway Plantings

**12.10.010 Parkway maintenance responsibility.**

- A. It is the responsibility of the owner of the lot or parcel adjacent to the parkway to mow the lawn areas of the parkway. The height of such grass lawn areas shall be governed by Section 8.28.020. If the owner does not maintain the grass lawn area to the height requirements, the nuisance will be handled in accordance with Chapter 8.28.
- B. Exceptions to the responsibility set forth herein are described in the "Lawn Maintenance Agreement" which is annually executed by the City of St. Charles with the St. Charles Park District.
- C. It is the responsibility of the owner of the lot or parcel privately served by a sidewalk, approach type, to maintain and repair such sidewalk, approach type.

**12.10.020 Parkway plantings.** The owner of the lot or parcel adjacent to the parkway may install private plantings in said parkway, subject to the following restrictions:

- A. Private plantings shall not be installed in such a manner as to interfere with the accessibility to public and private utility infrastructure appurtenances. A clearance area around a public or private utility appurtenance shall be maintained with turf in accordance with the City's Engineering Design and Inspection Policy Manual, Planting Guidelines Detail. The City or its designee shall have the right to remove private plantings within the parkway to perform maintenance work on existing public or private utilities, and shall not be required to replace the plantings so removed, but shall only be required to apply grass seed in such areas.
- B. Private plantings shall not be installed in such a manner as to interfere with the usage of public sidewalks or to cause unsafe passage of the same (Refer to "Standard Planting Parkway Detail" in the City's Engineering Design and Inspection Policy Manual).
- C. Private plantings shall not create an obstruction when vehicle occupants exit or enter vehicles parked along the edges of public roadways (Refer to "Standard Planting Parkway Detail" in the City's Engineering Design and Inspection Policy Manual).
- D. The height of private plantings shall not exceed the maximum vertical height as defined in the "Standard Planting Parkway Detail" in the City's Engineering Design and Inspection Policy Manual, except as may be specifically authorized by the Director of Public Works or designee. Notwithstanding the maximum allowable vertical height set forth herein, private plantings at street intersections shall not be installed so as to interfere with motorists' sightlines. If the Director of Public Works determines that such interference exists, the owner shall remove such plantings, or trim them down to a height specified by the Director of Public Works.
- E. Private plantings shall not be installed within the parkway in such a manner as to interfere with the natural drainage of storm water. Private plantings shall be placed in such a manner as to provide stabilization for existing loose soils, in conformance with

the adopted Kane County Stormwater Ordinance: Article 3 “Erosion and Sediment Control (NRCS)”; Sect: 300.b.

- F. No private plantings shall be installed that would be considered a public health nuisance or would be considered to be hazardous to the public’s well-being as referenced in Section 12.20.070 and Chapter 8.28 or determined by the Director of Public Works or designee.
- G. The owner of the lot or parcel adjacent to the parkway who installs private plantings within the parkway shall be responsible for all maintenance and trimming of such plantings utilizing good standard Arborist practices or as directed by the Director of Public Works or designee. If the plantings die or are otherwise removed, the parkway must be planted with grass seed or sod.
- H. In the event of a conflict between the provisions of this chapter and the provisions of a recorded easement over a parkway, the more stringent provisions shall apply.
- I. Planting of trees and shrubs in the parkway is governed by chapter 12.20.”

Section 5. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.20, “Trees and Shrubs”, of the St. Charles Municipal Code be and is hereby amended as follows:

Delete the definition of “Other Plants” in its entirety.

Delete all references to “trees, shrubs and other plants” and replace with “trees and shrubs”.

Delete all references to “trees, shrubs or other plants” and replace with “trees and shrubs”.

Delete all references to “tree, shrub, stump or other plant” and replace with “tree, shrub or stump”.

Delete all references to “tree, shrub or other plant” and replace with “tree or shrub”.

Section 6. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 7. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED by the City Council of the City of St. Charles, Illinois the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Ordinance No. \_\_\_\_\_  
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Mayor Donald P. DeWitte

ATTEST:

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City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Abstain:

Absent:

APPROVED AS TO FORM:

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City Attorney

DATE: \_\_\_\_\_