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City of St. Charles, Illinois

Ordinance No. 2016-Z-11

Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.08 "Nonconformities", Section 17.08.040 "Nonconforming Buildings and Structures"; Ch. 17.22 "General Provisions", Section 17.22.020 "Accessory Buildings and Structures" and Section 17.22.030 "Permitted Encroachments"; and Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions" (Multiple amendments applicable to residential and manufacturing zoning districts).

**Adopted by the
City Council
of the
City of St. Charles
June 20, 2016**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, June 25, 2016**

Nancy Garrison

City Clerk



(SEAL)

City of St. Charles, IL
Ordinance No. 2016-Z-11

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning”, Ch. 17.08 “Nonconformities”, Section 17.08.040
“Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”,
Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030
“Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030
“General Definitions”
(Multiple amendments applicable to residential and manufacturing zoning
districts)**

WHEREAS, on or about April 21, 2016, the City of St. Charles (“the Applicant”) filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles, regarding several provisions applicable to residential and manufacturing zoning districts; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about April 28, 2016, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about May 17, 2016 on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about May 17, 2016; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about June 13, 2016; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. Chapter 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”, Subsection C, is hereby deleted in its entirety and replaced by the following:

“C. Additions and Enlargements

A building or structure, which is nonconforming with respect to its bulk, shall not be enlarged or added on to unless the addition does not create any new nonconformity or increase the degree of any existing nonconformity, except as follows: Where a wall of an existing single-family or two-family building is nonconforming with respect to the minimum yard or setback requirement, the nonconforming wall may be extended vertically and/or horizontally by adding to the existing building, subject to the following:

1. The existing nonconforming wall exclusive of a foundation wall must remain intact.
2. The wall extension shall not be any closer to the lot line than the existing nonconforming wall.
3. The extended building wall shall not create any additional nonconformities on the site.
4. The maximum building coverage and building height shall not be exceeded. This section shall not permit the construction of a dwelling on a nonconforming foundation.”

3. Chapter 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”, Subsection A.2 is hereby deleted in its entirety and replaced by the following:

- “2. The combined lot coverage of all detached accessory buildings and structures located within a required rear yard shall not occupy more than thirty percent (30%) of the required rear yard. For lots within an RT district, if a detached garage is provided in lieu of an attached garage, all structures in the rear yard may occupy up to 40% of the required rear yard.”

4. Chapter 17.22 “General Provisions”, Section 17.02.020 “Accessory Buildings and Structures”, Subsection B.5-6 is hereby deleted in its entirety and replaced by the following:

- “5. In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, when an attached garage faces a street, the width of the garage door shall not exceed fifty percent (50%) of the width of the dwelling, including the garage door, as measured along the front building line or exterior side building line that it faces. For corner lots, this restriction shall only apply along the lot line facing the primary front door entry into the building, as determined by the Building Commissioner.

6. In the RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts, attached private garages for one and two family dwellings with an overhead door facing a street shall be set back from the front lot line or exterior side lot line that it faces at least five (5) feet more than, a) the remainder of the dwelling walls, or b) the front of an unenclosed porch that extends along at least 75% of the length of the remainder of the dwelling walls adjacent to the garage door. For corner lots, this requirement shall apply to at least one of the building lines facing the street, and shall apply to the other building line only when the width of an overhead door or doors facing a street is less than sixty-six (66) percent of the width of the dwelling including the garage, as measured along the front or exterior building line that it faces.”

5. Chapter 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures”, Subsection C “Fences and Walls”, Table 17.22-2 “Fence Height Exceptions” is hereby amended by adding “Landscape Buffer Yards” to Table 17.22-2, as follows:

Exception	Maximum Allowable Fence Heights	Where Exception Applies
Landscape Buffer Yards	6 feet 4 inches	M-2 District

6. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by deleting “and Stoops” from the Type of Structure or Use Encroachment listed as “Porches and Stoops, Unenclosed”.

7. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by adding “Stoop”, as follows:

Type of Structure or Use Encroachment	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
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

8. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by deleting “and patios” from the Type of Structure or Use Encroachment listed as “Sidewalks, walkways and patios”.

9. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by replacing “Decks/Raised Patios” with the Type of Structure or Use Encroachment currently listed as “Decks”.

10. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by adding “Patio, at Grade”, as follows:

Type of Structure or Use Encroachment	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
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

11. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by adding “Cantilever”, as follows:

Type of Structure or Use Encroachment	Front Yards, Ext. Side Yards, Rear Yards of Through Lots	Interior Side Yards	Rear Yards	Landscape Buffer Yards
Cantilever	NP	NP	NP	NP

12. Chapter 17.30 “Definitions”, Section 17.30.030 “General Definitions” is hereby amended as follows:

- a. The term “Cellar” and its definition shall be deleted in its entirety.
- b. The term “Stoop” and its definition shall be added as follows:
“Stoop. A structure immediately adjoining an exterior wall of a building, which is designed for the sole purpose of providing access into the building, is not covered by a roof or eaves, and is completely open on all sides not adjoining an exterior wall of a building, except for railings.”
- c. The term “Cantilever” and its definition shall be added as follows:
“Cantilever. A projecting portion of a building without a foundation which provides additional floor area within the interior of a building. A Cantilever is distinct from a Bay Window as defined herein, which does not provide additional floor area.”

d. The definition of "Patio" shall be deleted in its entirety and replaced with the following:

"Patio, at Grade. An open, hard surfaced area within six (6) inches of grade level designed and intended for outdoor sitting, dining, socializing, or recreational use by people and not as a parking space."

e. The term "Deck" and its definition shall be deleted in its entirety and replaced with the following:

"Deck/Raised Patio. An accessory structure that may be attached or unattached to the principal building, which is open to the sky and provides a platform that is raised above the ground. This definition does not include Patio, at Grade, as defined herein."

f. The definition of "Story" shall be deleted in its entirety and replaced with the following:

"Story. That portion of a building included between the surface of a floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling or roof above it. A Basement as defined herein shall not be counted as a story, but may be considered a Half Story as defined herein."

g. The definition of "Story, Half" shall be deleted in its entirety and replaced with the following:

"Story, Half. A partial story that meets one of the following definitions:

1. A partial story above a full story and underneath one or more sloping roofs, meeting the following criteria:
 - a. Total wall height above the first floor level shall not exceed an average of 13 ft., measured along walls that intersect the roof plane, as shown in Figure 17.30-4. A garage floor level shall be calculated at the height of the first floor immediately adjacent to the garage. For a half story located above a second floor, the wall height shall be measured from the second floor level.
 - b. The total horizontal width of all projections out of the half-story roof plane shall not exceed 60% of the total horizontal length of the half story roof. Roof length shall be measured horizontally along all walls that intersect the roof, as shown in Figure 17.30-4. Projections include window dormers, shed dormers, wall projections up through the roof eave line, and other projections that do not extend out beyond the roof eave line.
2. A basement below a full story that has four (4) feet or more of its clear floor-to-ceiling height above the average grade of the adjoining ground around the full perimeter of the structure. A walkout or lookout basement that does not meet this criterion shall not be considered a half story."

h. The definition of "Basement" shall be deleted in its entirety and replaced with the following:

"Basement. A portion of a building located partly or wholly underground. If four (4) feet or more of its clear floor-to-ceiling height is above the average grade of the adjoining ground around the full perimeter of the structure, a basement shall be considered a Half Story."

i. The definition of "Bay Window" shall be deleted in its entirety and replaced with the following:

"Bay Window. A window which projects outward from the building wall and does not rest on the building foundation or on the ground. A wall projection with a window(s) that provides additional floor area for the structure shall be considered a Cantilever, as defined herein."

j. The definition of "Building Coverage" shall be deleted in its entirety and replaced with the following:

"Building Coverage. A measure of intensity of land use that represents the portion of a site that is covered by a principal building or buildings including attached garages and enclosed porches, and accessory buildings including detached garages and any other enclosed accessory building in excess of 150 square feet of Lot Coverage. Building coverage shall also include cantilevered portions of a building that extend beyond the footprint of a structure, including portions cantilevered over an open front porch. Building Coverage shall be measured at the outer edge of the foundation line, or at the outer wall surface or support column in the case of a post, other non-continuous foundation, or cantilever, excluding projections for bay windows or chimneys. Building coverage shall not include unenclosed porches, decks, or unenclosed accessory structures such as gazebos, swimming pools, or tennis and sports courts."

13. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of June, 2016.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of June, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 20th day of June, 2016.




Raymond P. Rogina, Mayor


City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 9
Nays: 0
Absent: 1
Abstain: 0

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

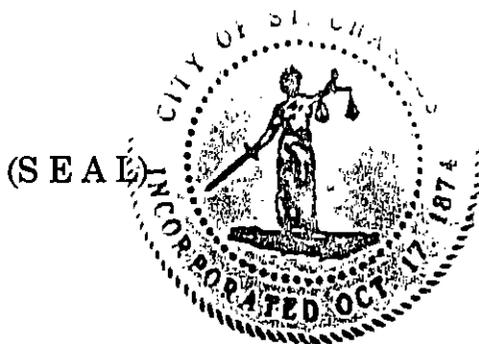
I further certify that on June 20, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No. 2016-Z-11, entitled

"Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.08 "Nonconformities", Section 17.08.040 "Nonconforming Buildings and Structures"; Ch. 17.22 "General Provisions", Section 17.22.020 "Accessory Buildings and Structures" and Section 17.22.030 "Permitted Encroachments"; and Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions" (Multiple amendments applicable to residential and manufacturing zoning districts)."

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2016-Z-11, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 25, 2016, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 20th day of June, 2016.



Nancy Garrison
Municipal Clerk