

City of St. Charles, Illinois

Ordinance No. 2017-Z- 9

**Ordinance Amending Title 17 of the St. Charles
Municipal Code Entitled "Zoning", Ch. 17.22 "General
Provisions", Section 17.22.030 "Permitted
Encroachments" and Ch. 17.30 "Definitions", Section
17.30.030 "General Definitions"
(Yard encroachments for Pergolas and Sports Courts)**

**Adopted by the
City Council
of the
City of St. Charles
April 17, 2017**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, April 22, 2017**

Nancy Garrison

City Clerk

(SEAL)



HC8

City of St. Charles, IL
Ordinance No. 2017-Z- 9

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled "Zoning", Ch. 17.22 "General Provisions", Section 17.22.030
"Permitted Encroachments" and Ch. 17.30 "Definitions", Section 17.30.030
"General Definitions"
(Yard encroachments for Pergolas and Sports Courts)**

WHEREAS, on or about February 22, 2017, 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 yard encroachments for Pergolas and Sports Courts; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about March 17, 2017, 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 April 4, 2017 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 April 4, 2017; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about April 10, 2017; 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 17.22 "General Provisions", Section 17.22.030 "Permitted Encroachments", Table 17.22-3 "Permitted Encroachments" is hereby amended by deleting "and Pergolas" from the Type of Structure or Use Encroachment listed as "Gazebos and Pergolas".

3. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by adding “Pergola”, 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
Pergola	P, maximum 8 ft. encroachment in the RT and CBD-2 districts, if directly adjacent to principal structure; NP in other districts	P, 3 ft. from lot line in RT and CBD-2 districts; NP in other districts	P, 3 ft. from lot line	P

4. Chapter 17.22 “General Provisions”, Section 17.22.030 “Permitted Encroachments”, Table 17.22-3 “Permitted Encroachments” is hereby amended by replacing the Type of Structure or Use Encroachment currently listed as “Tennis Courts, excluding those located on park/playground or school sites” with “Sports Court, excluding those located on park/playground or school sites”.

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

a. The term “Gazebo” and its definition shall be added as follows:

“**Gazebo.** A freestanding roofed structure that may or may not be open on all sides.”

b. The term “Pergola” and its definition shall be added as follows:

“**Pergola.** An open-sided structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.”

c. The term “Sports Court” and its definition shall be added as follows:

“**Sports Court.** A hardscape area used for recreational purposes, including, but not limited to, tennis courts, basketball courts, racquetball courts, and ice rinks. This definition shall not include swimming pools or driveways used for access to a garage.”

6. 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 17th day of April, 2017.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,
Illinois this 17th day of April, 2017.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 17th day of April, 2017.


Raymond P. Rogina, Mayor

Attest:


Nancy Garrison
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

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.

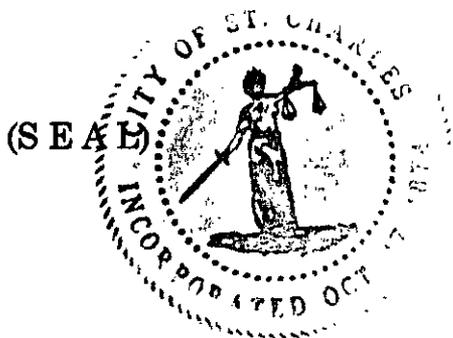
I further certify that on April 17, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No. 2017-Z-9 entitled

"Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled "Zoning", Ch. 17.22 "General Provisions", Section 17.22.030 "Permitted Encroachments" and Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions" (Yard encroachments for Pergolas and Sports Courts)"

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

The pamphlet form of Ordinance No. 2017-Z-9, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 22, 2017, 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 17th day of April, 2017.



Nancy Garrison
Municipal Clerk