



## #2013-15 City of Crystal Lake Project Review for Planning and Zoning Commission

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**Meeting Date:** August 7, 2013

**Zoning Requests:** UDO Text Amendment from various provisions of the Unified Development Ordinance

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### **Background:**

- When the City Council adopted the Unified Development Ordinance (UDO) in 2009, it was intended to be a dynamic document that would be updated periodically. Accordingly, reviews were completed at 6 months and 1 year after the adoption of the Ordinance. Additional text amendments have since been approved by the City Council based on Planning and Zoning Commission and staff recommendations.
- The proposed text amendments would address issues observed by staff based on their day-to-day application of the UDO and would simplify the requirements and procedures for businesses and residents.

### **Discussion**

#### 1. Accessory Structures

##### **Ordinance Requirements**

- SUP required for all accessory structures greater 600 SF
- Requirement applicable to all accessory structures at least 12-inches above ground, including decks, aboveground pools, etc.

##### **Discussion**

- Majority of the requests are for garages or above-ground pool/deck combinations
- 3-car garages are more common today and range from 720 SF (24'x30') to 1440 SF (40'x36')
- Deck and pool combinations often exceed the 600 SF minimum

### **Proposed Amendment:**

#### Section 4-600 D

Special use permit required: Any individual structure, accessory to a single-family detached, single-family attached or a two-family dwelling, greater than 600 square feet **but less than 900 square feet** are required to meet principal structure setbacks. **Any structures greater than 900 square feet in area** are required to obtain a special use permit.

**Commentary:** The requirement for a special use permit is applicable to enclosed accessory structures including, but not limited to garages, sheds, greenhouses, playhouses, etc. This requirement **does not apply** ~~also applies~~ to other accessory structures including, but not limited to gazebos, decks, porches, terraces, etc. **as long as applicable setbacks are met.** ~~that are at least 12-inches above the average ground elevation surrounding the particular accessory structure.~~ This requirement ~~also applies~~ **does not apply** to above-ground swimming pools **or above-ground swimming pool and deck combinations as long as the applicable setbacks are met** (and is not applicable to in-ground swimming pools).

2. Height and Story

<p><b>Ordinance Requirements</b></p> <ul style="list-style-type: none"> <li>• Accessory structures in residential districts are restricted to 1 story.</li> <li>• Definition of a half-story is dependent on the height of the wall plate.</li> <li>• These requirements are not applicable to non-residential properties.</li> <li>• Gambrel roofs are measured similar to gable and hip roofs to the mean height level between the lowest eaves and the highest ridge.</li> </ul>
<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>• There has been some discussion recently regarding a ‘story’ versus ‘half-story’.</li> <li>• Discussion has also included whether an attic or storage should be considered a half-story or story.</li> <li>• The mean height measurements allows certain roof types to gain an advantage</li> </ul>

**Proposed Amendment:**

Section 3-300 Measurements and Exceptions

Section 3-300 B 12

Height of Principal Structure and Accessory Structure

The height of any building is measured as the vertical distance measured from the curb level, or its equivalent established grade, opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; ~~and~~ to the mean height level between eaves and ridge for a gable ~~and hip or gambrel~~ roof; **and to the highest pitch break or the mean height level between the lowest eaves and highest ridge, whichever is greater for a gambrel roof;** excluding elevator or mechanical equipment rooms.

Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the ~~finished~~ **pre-construction** lot grade at the front of the building.

For all non-residential structures, where the overall vertical grade of the area occupied by the footprint of the building varies more than 3 feet, the height of the building shall be measured from the average of all grade elevations of the building.

All principal buildings, accessory buildings or other structures shall not exceed the height and story maximums as provided in this Article, except as provided in Section 3-300 C, Exceptions.

Article 10 Definitions

**BUILDING HEIGHT:** The vertical distance measured from the curb level, or its equivalent established grade, opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the decline of a mansard roof; ~~and~~ to the mean height level between eaves and ridge for a gable ~~and hip or gambrel roof~~; **and to the highest pitch break or the mean height level between the lowest eaves and highest ridge, whichever is greater for a gambrel roof** excluding elevator or mechanical equipment rooms; and provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the ~~finished~~ **pre-construction** lot grade at the front of the building. For all nonresidential structures, where the overall vertical grade of the area occupied by the footprint of the building varies more than three feet, the height of the building shall be measured from the average of all grade elevations of the building.

**HALF STORY:** That portion of a building under a gable, hip, **gambrel** or mansard roof, ~~the wall plates of which are not more than 4 1/2 feet above the finished floor of such story~~ **where up to 25% of the floor space has a headroom of 5 1/2 feet or more.** In the case of single-family dwellings, two-family dwellings and multiple-family dwellings **that are** less than three full stories in height **and accessory structures for these dwellings**, a half story in a sloping roof shall not be counted as a story for the purpose of this ~~chapter~~ **Ordinance**. In the case of multiple-family dwellings and **structures for non-residential uses and any associated accessory structures**, three or more full stories in height, a half story shall be counted as an additional story.

3. Involuntary Annexation

**Ordinance Requirements**

- Any property involuntarily annexed into the City is zoned “E” Estate upon annexation.

**Discussion**

- For involuntarily annexed property, there is no provision within the Ordinance to bring into compliance nonconforming structures and/or uses such as billboards, other signs, parking lots, etc.

**Proposed Amendment:**

Article 7 Nonconformities

**Section 7-400 Nonconformities upon annexation**

Upon annexation of property or lot containing any non-conforming sign, parking area or other development feature, the following requirements of this section of the Ordinance shall apply. For nonconforming uses, signs, parking areas or other development features, upon annexation, an amortization period shall be established by the City Council either through an annexation agreement or within one hundred twenty (120) days after annexation.

The following information shall be required from the owner/operator of the nonconformity to establish the amortization period and shall be provided within sixty (60) days from the receipt of written notice from the City requesting such information:

- (1) Scale drawing or map showing the existing use and all existing structures related to the use; a
- (2) Written description of the existing use;
- (3) Detailed, written description of investment in the land, buildings, structures and equipment related to and used in the use, based on most recent County Assessor's records; and
- (4) Any other information determined necessary by the City to conduct a comprehensive review of the application.

Upon submittal of all information required above, or refusal to do the same by the owner/operator, the City shall schedule a public hearing on the matter before the Planning and Zoning Commission on the next open agenda. Notice given for the public hearing shall be as provided for in Article 9. The Planning and Economic Development Director shall cause to have prepared a staff report which shall be presented to the Planning and Zoning Commission. In making a recommendation on an amortization period, the Commission shall consider the staff report and recommendation; all comments received from the owner/operator and the public, and shall consider the following:

- (1) Criteria above; and
- (2) Unique or special circumstances which may be related to the particular request.

The Planning and Zoning Commission recommendation shall be in the form of minutes of the meeting, copies of which shall be furnished to the owner/operator.

4. Land Use

<p><b>Ordinance Requirements</b></p> <ul style="list-style-type: none"> <li>• Uses are permitted as Permitted, Limited or Special Uses through Article 2, Land Use of the UDO.</li> <li>• Criteria for Limited and Special Uses are listed in the Ordinance.</li> </ul>
<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>• Several uses have requested a Use Variation - for e.g. gymnasium-type uses typically seek manufacturing facilities that offer higher ceilings and larger uninterrupted spans.</li> <li>• Several use variations have been approved by the City with standard conditions, but have added time and expense for the applicant.</li> </ul>

**Proposed Amendment:**

Article 2-200 Use Categories

D. Interpretation

2. Where the Zoning Administrator determines that a use not mentioned is of a type, scope, or impact that does not fit any existing use category, the Zoning Administrator may request the Planning and Zoning Commission and City Council to initiate the process for a text amendment to incorporate the specific use into this Ordinance at its proposed location. ~~An approval does not create a right for a similar use within the same zoning category.~~

**TABLE 2-300 PERMITTED USES TABLE**

		F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
<b>COMMERCIAL</b>																	
<b>Automobile Dealer as an ancillary use to Major Automotive Repair uses</b>													<b>L</b>	<b>L</b>		<b>2-400C-64</b>	
Food and Beverage Stores	Supermarkets and Other Grocery (except Convenience) Stores									<b>P</b>	<b>P</b>	<b>P</b>					445110
Educational Services	Junior Colleges								<b>P</b>	<b>S P</b>	<b>S P</b>	<b>S P</b>	<b>S P</b>			<del>2-400C-22</del>	611210
Personal & Laundry Services	Funeral Homes								<b>L</b>		<b>P L</b>	<b>P L</b>				<b>2-400 C-63</b>	812210
	Crematories								<b>L</b>		<b>L</b>	<b>L</b>				2-400C-15	
Signs	Electronic Message Center (EMC) Sign except Gasoline Electronic Pricing Signs										<b>S L</b>					2-400C-61	
Commercial Recreation	Physical fitness facilities, weight training centers, strength development centers, weight loss center								<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			

## Article 2 Land Uses

### Section 2-400 Limited and Special Use Criteria

#### 3. Home Occupations

All Home Occupations must comply with the following standards:

a. General: The use for the occupation must be clearly incidental to the use of the dwelling as a residence, so that its existence is not apparent except for the signage as provided in Article 4-1000, Signs of this Ordinance. Any home occupation must not alter the exterior residential character of the dwelling or the neighborhood.

b. Use: The uses permitted as home occupations may include, but are not limited to:

- (i) Instruction in music, musical instruments, home crafts and arts and dance provided the total class size does not exceed 4 students at any time;
- (ii) Tutoring, limited to 4 students at any time;
- (iii) Home Day Care, subject to the standards listed in Section 203C-26;
- (iv) Offices offering professional services including, but not limited to, architects, brokers, engineers, insurance agents, lawyers, real estate agents, accountants, consultants, stockbrokers, financial planners, urban planners, etc;
- (v) Offices of salesmen, contractors, sales representatives or manufacturers representatives provided that no retail transaction shall take place on the premises, except through telephone, facsimile, telegraph or mail communication, electronic or wireless communication;
- (vi) Studios of artists, authors, composers, photographers, sculptors;
- (vii) Workrooms of dressmakers, seamstresses and tailors;
- (viii) Workrooms for home crafts, crafts and trade people, including, but not limited to model making, rug weaving, lapidary work and cabinet making.
- (ix) Limited personal services including, but not limited to cosmetology, massage therapy, etc.
- (x) Office of a home-based call center agent.

The following uses are prohibited as home occupations:

- (i) Human or animal care facilities, such as hospitals, clinics, stables, veterinarian clinics, kennels;
- (ii) Repair shop (excluding personal or small household goods repair such as clock repair, cutlery sharpening, watch repair, etc.);
- (iii) Rooming/Boarding House;
- (iv) Rental Outlets (including but not limited to rental of mobile homes, trailers, camper trailers)
- (v) Contractor Yards;
- (vi) Scrap/Salvage Services; and
- (vii) Automobile Repair Services.
- (viii) Eating and drinking establishments
- (ix) General Retail

c. Size: The Home Occupation may not occupy more than 20 percent or 500 square feet of the gross floor area of the dwelling unit, whichever is less;

d. Ownership: The Home Occupation must be managed and owned by a person residing in the dwelling unit;

e. Employment: It does not depend on the employment of more than one employee other than members of the immediate family living in the structure, provided however that appropriate off-street parking must be provided for the non-resident employee;

f. Site Design: The site design must comply with the following requirements:

- (i) An entrance may not be specifically dedicated for the home occupation, unless otherwise required by law;
- (ii) No alteration may be made which changes the exterior residential character or appearance of the dwelling. Home Occupations that require a structural alteration of the dwelling to comply with non-residential building codes are prohibited. This prohibition does not apply to modifications required to comply with any accessibility requirements;
- (iii) The Home Occupation may not require or use outdoor storage or involve conducting business activity outdoors;
- (iv) No commercial display of materials, merchandise, goods, or equipment is visible from the exterior of the dwelling;
- (v) Signage is restricted to an unlighted name plate or business sign with an overall size of no more than 1-square-foot, per the provisions of Article 4 -1000, Signs.

g. Operation: The Home Occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment other than by parcel delivery businesses. Sale of merchandise directly to customers on premise is not permitted.

h. The Home Occupation must be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

i. The Home Occupation must be operated in accordance with all applicable laws and, if any state, federal or local permit or license is required.

**Note: Certain home occupations may require approval by the McHenry County Health Department and involve modifications per the Building Code. It is the applicant's responsibility to check and ensure that all applicable McHenry County Health Department and code requirements are met.**

13. Gasoline Stations (with and without convenience stores)  
Gasoline stations must comply with the following standards:



- a. Location: Gasoline stations are not permitted within the City’s wellhead protection areas. Stations in the Crystal Lake watershed require a site specific analysis by the City’s watershed consultant.
- b. Environmental impact: No gasoline station shall commence operations unless it has first provided an environmental impact statement from a qualified expert in the related field that the use will not negatively affect ground water resources or contaminate the soil.
- c. Screening: Gasoline stations adjacent to residential properties shall provide an 6 foot tall solid screen consisting of a solid wooden fence, in accordance with the provisions of Article 4-700, Fences, Walls and Screening or opaque landscaping along the perimeters of the property abutting the residential district or use, in accordance with the provisions of Article 4-400, Landscaping and Screening Standards.
- d. Canopy: **Flat canopies are not permitted.** The edge of the pump canopy shall be setback at least 15 feet from all property lines e. Curb cuts: There shall be a maximum of 2 curb cuts per property. Corner lots shall be limited to 1 curb cut per street frontage. Curb cuts for corner lots shall be located at least 75 feet from the intersection, or as deemed appropriate by the City Engineer.
- e. Vending machines: One vacuum and one air compressors shall be permitted on-site. Vending machines are treated as outside sales and display. Refer to the handout on Outdoor Sales, Service, Storage and Display available through the Planning and Economic Development Department for further clarification.
- f. Outside sales: Outside product display and sales of seasonal items are prohibited.
- g. Propane tanks stored in 1 locked metal cage are not treated as outside sales and permitted subject to the approval of the City’s Fire Prevention Bureau. For any other outside display and sales, refer to the handout on Outdoor Sales, Service, Storage and Display available through the Planning and Economic Development Department for further clarification.
- h. Monitoring: Monitoring wells finished at appropriate depths and locations best suited to detect a contaminate plume are required to be designed and located by a groundwater professional for stations within the Crystal Lake watershed or as determined by the City Engineer.
- i. Electronic Pricing Signs: Electronic pricing signs must be requested as part of the Special Use Permit

**63. Funeral Homes**

**All Funeral Homes must comply with the following standards:**

- a. **Cross-access agreements with adjoining properties or other arrangement approved by the City Engineer is required to handle overflow parking. Where cross-access is provided, accommodations must be made such that pedestrians are able to utilize the parking safely.**

**64. Automobile Dealer as an ancillary use to Major Automotive Repair uses**

**All automobile dealers as an ancillary use to Major Automotive Repair uses must comply a. with the following standards:**

- a. **Display areas: All vehicle display areas must be paved with an approved surface (Approved surface shall mean asphalt/bituminous, concrete/P.C.C. and any surface that**

is approved by the City Engineer). Display areas shall be setback a minimum of 5 feet from all adjacent property lines and 10 feet from roadways.

- b. **Site Plan:** A striping plan for the parking lot illustrating the location of the customer/employee parking, location of any screening materials for the principal use including fences or landscape, and on-site circulation patterns must be provided
- c. **Landscaping:** Landscaping is not required within or surrounding vehicle display areas. Parking lot landscaping in accordance with Article 4-400, Landscaping and Screening Standards shall be provided for employee and customer parking areas.
- d. **Signage:** All signage must meet the provisions of the UDO for Industrial Uses.

5. Land Use

<p><b>Ordinance Requirements</b></p> <ul style="list-style-type: none"> <li>• Political signs are currently treated as Temporary Signs.</li> <li>• In Residential Districts, these are limited to 6 square feet in area.</li> </ul>
<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>• The temporary sign category includes other sign types such as real estate signs. Recent years have seen larger political signs that may not meet the area restrictions of the Ordinance, particularly in residential districts.</li> <li>• Do the UDO provisions meet the case law for constitutionality?</li> </ul>

**Proposed Amendment:**

Article 10 Definitions

**Political Campaign Sign:** A temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election. Political Campaign Signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters.

**Political Message Sign:** A sign other than a Political Campaign Sign expressing a noncommercial message regarding an issue of political or public concern.

Article 4-1000 Signs

D. Residential Signs

- 1. Single-Family Residential Signs
- 2. Multi-Family Residential Signs

E. Office Signs

F. Commercial Signs

G. Civic Signs

H. Industrial Signs

I. Unique Area Signs

Sign Type	Quantity	Size (sq. ft.)	Height (Feet)	Notes	-
<b>Political Signs</b>				<b>See Article 4-1000 M</b>	

**M. Political Signs**

- 1. **Political Signs of [six] square feet or less and up to [four] feet in height per sign may be located within the lot lines of any lot pursuant to the consent of the lot’s owner and the requirements established in this Paragraph.**
- 2. **Unless a Political Sign includes on the sign face the name of the person responsible for the sign, the owner of the lot on which the sign is located shall be deemed responsible for the sign.**
- 3. **Political Signs shall be exempted from any regulations regarding sign colors, but not regulations relating to illumination of signs.**

- 4. Political Signs are permitted at all times and are exempted from permit requirements at all times but must be maintained in good physical condition.**
- 5. Political Campaign Signs of [six] square feet in area or less and up to [four] feet in height per candidate or issue per lot may be displayed.**
- 6. Except as provided in Subparagraph (7), the total area of Political Signs (including Political Campaign Signs) shall not exceed a total of [30] square feet in area per zoning lot.**
- 7. Notwithstanding the size limitations contained in Subparagraph (6), from the date a ballot for any particular election has been certified until seven days after such election occurs, in addition to the amount of signage authorized in Subparagraph (6), Political Campaign Signs that meet the criteria established in (5) may be located within the required yard with no limitations on total square feet per zoning lot.**
- 8. Political Signs may be window signs or any other structural types permitted in the district, but must comply with the size, total area, and location limitations of this Paragraph.**
- 9. Political Signs must be located entirely on private property. No Political sign may be located within a public or private right-of-way.**