



City of Crystal Lake

Memorandum

To: Members of the Planning and Zoning Commission
From: Latika V. Bhide, Planner
Date: September 18, 2013
Re: UDO Amendments

At the Planning and Zoning Commission meeting on August 7th, the Commission reviewed the proposed amendments to the Unified Development Ordinance. At the hearing, the Commission directed staff to provide additional research regarding some of the proposed amendments including Building Height, Land Use and Signs.

At the August 6th City Council meeting, the City Council reviewed a request from petitioners on North Shore Drive to allow a 4-foot-tall fence in the front yard, which for lake front lots is on the lake side. The Council tabled the item and directed staff to research and propose an amendment to the UDO along with the possibility of adding standards for fences on lake lots.

Attached for the Commission's review is the information that was provided to the Council for discussion at their September 17th meeting. Following direction from City Council, a public hearing before the Planning and Zoning Commission discussing all UDO amendments will be scheduled.

If you have any questions, please let me know. Thanks.



Agenda Item No: 18

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	September 17, 2013
<u>Item:</u>	Unified Development Ordinance provisions relative to lake lots.
<u>Recommendation:</u>	Discussion only.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Planning & Economic Development

Background:

At the August 6th City Council meeting, the Council reviewed a request from petitioners on North Shore Drive to allow a 4-foot-tall fence in the front yard, which for lake front lots is on the lake side. The Council tabled the item and directed staff to research and propose an amendment to the Unified Development Ordinance along with the possibility of adding standards for fences on lake lots.

Along with fences, staff would like to seek the Council's direction on other zoning issues related to lake lots, including accessory structures on the lake and building height.

Key Factors

1. Fences

Existing Regulations

Per Article 4-700, Fences, Walls and Screening of the UDO, fences, in any front yard (lake side yard) cannot exceed 3 feet in height. Additionally, for lots along Crystal Lake, the height of a fence in the rear yard (street side yard) is limited to 3 feet.

Existing Conditions

Staff completed a visual survey of properties along Leonard Parkway, Woodland Drive, Oak Court, North Shore Drive and Edgewater Drive. Along the street side, the most common fence types are a 3-foot or 4-foot picket fences. Some split rail or chain link fences are also seen. A few 6-foot board-on-board fences are also seen along North Shore Drive and Edgewater Drive. On the lake side, there are some board-on-board fences that are 6 feet along the side yard and transition to a 3-foot fence within the front (lake side) setback. There are a few chain link fences and a few instances of hedge rows which serve as natural fences.

Lake lots are considered as double frontage lots. There are several other double frontage lots in the City - along Briarwood Road, Swanson Road, Golf Course Road, Huntley Road or sections of Walkup Avenue, where similar requests for taller fences along the street could be requested in the future.

Discussion Points

- For lake lots, if a fence taller than 3 feet is requested, standards for fence material and opacity can be instituted.
- By creating a new definition for waterfront lots, this new standard would not affect the myriad of other double frontage lots in the City.

Recommended Language

While lake lots are double frontage lots, they are different in character than other double frontage lots that front two right-of-ways. Therefore, it is recommended that rather than defining the lake side yard as the 'front yard', it be defined as the 'waterfront yard'. The street side yard will continue to be the 'yard abutting street'.

The following definitions could be added to the UDO.

GRADE, EXISTING: The grade prior to excavating, filling, re-grading or other similar changes or improvements to the land.

GRADE, FINISH: The grade after excavating, filling, re-grading or other similar changes or improvements to the land.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a lot abutting upon a street and a waterway, the yard separating the principal structure from the street shall be designated as the "side abutting street"; the yard separating the principal structure from the water shall be designated as the "waterfront yard".

FENCE, NATURAL: Trees, shrubs, or other woody landscaping materials that have been planted for the purpose of enclosing or screening areas of land or to mark a boundary. Such a fence typically consists of closely spaced plantings that, based on typical growing conditions, will form a visual or physical barrier thirty (30") inches or higher above ground level. Plant material in a natural fence may be planted in rows, staggered, or at random. Natural fence heights shall be measured from finished grade, as defined herein as defined herein, to the highest point of the landscape material or if the natural fence is planted on a fill area, the height shall be measured from the existing grade (as defined herein).

WATER LINE: In the case of a lot abutting Crystal Lake, the water line shall mean the line separating the above-ground portion of the lot from water or the sea wall, where present.

SETBACK, WATERFRONT: The setback for a principal structure determined by drawing a straight line between the adjacent homes on each side of the subject property, provided that the adjacent houses are within five hundred (500') feet of the subject property. Boat houses, decks, patios, porches and similar accessory structures or attachments shall be disregarded when determining the waterfront setback.

YARD, WATERFRONT: An open space extending the full width of the lot, the depth of which is the horizontal distance between the water line and the nearest building line (waterfront setback), as defined herein.

The following changes could be made to Article 4-700 Fences, Walls and Screening

3. Height Requirements for Fences, walls and screening

- a. Fences, walls or screening (including natural fences) in any front yard, corner side yard or yard abutting a street shall not exceed 3 feet in height and meet the clear view provisions listed in Section 4-700 B-4 below.
- b. Fences, walls or screening (including natural fences) shall not exceed 6 feet in height in any side or rear yard.
- c. Fences, walls or screening (including natural fences) in a waterfront yard shall not exceed 3 feet in height. Fences 4 feet in height are permitted only if split rail, wrought iron style, or picket, open fencing are used, such that the fence does not obscure visibility and is at least 75% open. Spacing between pickets must be at least three times the width of the picket.

2. Accessory Structures

a. Structures

Existing Regulations

Per Article 4-600 Accessory Structures and Uses, accessory structures are not permitted within either the front yard or corner side yard setback. Exceptions are made for boat docks, boat houses, piers, seawalls, benches, decks and any other structures used for water related activities, children's playhouses and play equipment.

Existing Conditions

An analysis of properties along Leonard Parkway, Woodland Drive, Oak Court, North Shore Drive and Edgewater Drive, reveals that other than decks and patios, there are very few detached accessory structures in the waterfront yard. These include storage sheds, screened porch, gazebos, and play equipment.

Discussion Points

- Are accessory structures such as screened porches and storage sheds considered water-related and therefore permitted in the waterfront yard?
- Research of other Ordinances provides that new boat houses, water line structures, sheds or other structures are not allowed or require special approval.

Recommended Language

If accessory structures, other than those already permitted by the Ordinance are allowed, it is recommended that they be approved as a Special Use. This will allow for a site specific analysis of each proposed structure and its impact on surrounding properties based on the conditions for each lot.

b. Patios, decks and seat walls

Existing Regulations

Decks and patios (that are at least 12 inches above the ground) are also considered as accessory structures per the UDO.

Existing Conditions

Most lakefront houses have a deck, patio, terrace or a combination thereof. Per the UDO, decks and patios are permitted a four-foot encroachment into the required setbacks.

Discussion Points

- A majority of homes have a deck, patio or terrace at the house and/or at the water's edge.

Recommended Language

Because of the unique nature of the lake lots, flatwork such as patios and decks not more than 12 inches above the ground are recommended to be permitted within the waterfront yard as long as the 5-foot side yard setbacks are met and the maximum allowable impervious coverage is not impacted. Seat walls no taller 18 inches in height are permitted. A continuous wall around the patio or deck is not considered a seat wall.

Retaining or landscaping wall may not exceed three (3) feet in height, measured at any point on either side of the wall, from the finished grade level adjacent to the wall to the top of the wall. Walls shall not be used to alter the overall natural topography of the land.

3. Height of Structure

Existing Regulations

Per the UDO, Building Height is measured as the vertical distance from the curb level, or its equivalent established grade, opposite the middle of the front of the building. For lake lots, the front is on the lake side. Therefore, building height is measured on the lake side.

Existing Conditions

A visual survey of properties along Leonard Parkway, Woodland Drive, Oak Court, North Shore Drive and Edgewater Drive reveals that most of the homes are two stories high, predominantly with high knee walls. These are likely to be crawl space or basement knee walls. As the attached photo-survey indicates, some homes have a third story within the attic - which is considered a half-story (and therefore not counted as a story) where the wall plates are not more than 4 ½ feet above the finished floor level. There are a few examples of houses that have a full walk-out basement on the lake side. These have been built within the last decade or so.

Discussion Points

Where the natural contour of the land does not facilitate the creation of a walk-out, fill is brought on to the site to allow a walk-out to be created. This causes the resulting house to tower over the adjoining properties.

- Should building height for lake lots be measured along the lake side or the street side?

- If building height is measured on the lake side, where a lot naturally slopes to the lake, should an allowance be made for maximum building height?

Recommended Language

The 'Building Height' definition could be clarified to state where the height is measured and what the 'equivalent established grade' is.

The following definitions could also be added to the UDO.

GRADE, EXISTING: The grade prior to excavating, filling, re-grading or other similar changes or improvements to the land.

GRADE, FINISH: The grade after excavating, filling, re-grading or other similar changes or improvements to the land.

HEIGHT, BUILDING: Building Height, Lake lots: For buildings with a lower level walk-out, the maximum height may be increased by 10 feet for residential buildings having a lower level walk-out, provided that the walk-out was created because of the natural contour of the land, provided that the natural contour of the land provides a grade change of at least six (6') feet within the footprint of the proposed residential building.

Votes Required to Pass: Discussion only.

Fences



4-foot board-on-board fence from lake to front of lot.



Hedge row as a fence.



6-foot board-on-board fence to lake.



4-foot board-on-board fence to lake.



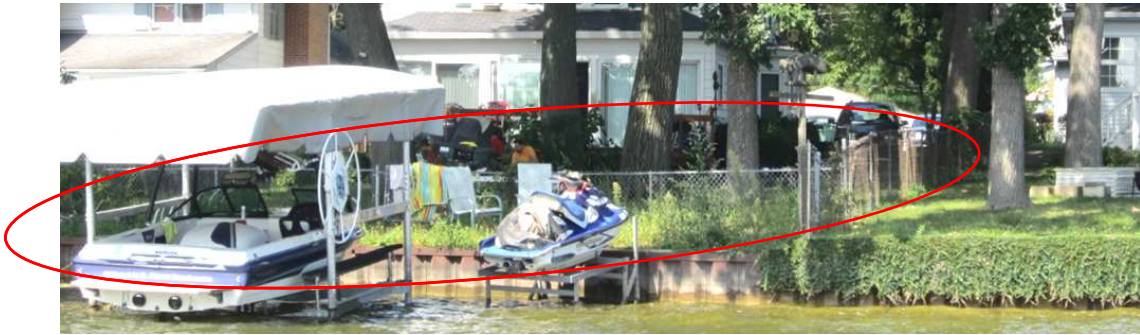
6-foot solid board-on-board fence transitioning to a 3-foot solid fence at lake edge



6-foot board-on-board fence to lake.



4-foot solid board-on-board fence to lake.



4-foot chain link fence around sides and front (lake side) of property.



3-foot board-on-board fence from house to lake.



4-foot chain link around property and front yard.

Accessory Structures



Boat storage.



Shed



Screened porch at the water's edge.



Covered seating area.



Children's play set.



Storage shed.



Storage shed.



Storage shed and gazebo.

BELOW: Screened porch.

Screened porch



Height

Two-story houses. Considered two-stories because the wall plates for the third story are not over 4 feet, even though there may be usable space in the attic.



Typical of houses in the area is to be raised 3-4 feet above the grade to avoid the high water level. These are considered two-story houses.





Three-story houses. Full three sets of windows visible. Three-stories may only be on the lake side and not on the street side.



Decks and Patios



Patio with seat wall nearly up to the water's edge.



Patio with wall.



Deck extending out from the house farther than the permitted 4-foot encroachment.



Flat concrete patio extending out near the water's edge.



Patio with seat wall.

Deck extending from the house.

Deck extending from the house.



Raised deck extending from the house.



Wood deck extending out with stairs toward the water farther than permitted 4-foot encroachment.



Second wood deck structure built near water's edge.