



City of Crystal Lake

Memorandum

To: Members of the Planning and Zoning Commission
From: Latika V. Bhide, Planner
Date: October 16, 2013
Re: UDO Amendments

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.

At the City Council meeting on September 17th, the Council directed staff to gather public input in regards to the proposed provisions. A survey was sent to property owners on the lake and an open house is scheduled for Wednesday, October 16th. Along with public input, the City would like to provide the Planning and Zoning Commission's input regarding these provisions to the City Council. The attached information is for information purposes only - no action on this item is required.

Following direction from City Council, a public hearing before the Planning and Zoning Commission will be scheduled.

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



Agenda Item No: 18

City Council Agenda Supplement

Meeting Date: September 17, 2013

Item: Unified Development Ordinance provisions relative to lake lots.

Recommendation: Discussion only.

Staff Contact: 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.



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

Meeting Date: August 7, 2013

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

Staff Contact: Latika Bhide 815.356.3615

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.
- At the Planning and Zoning Commission meeting on August 7th, the Commission made a recommendation to the City Council to approve the recommended changes to the provisions relative to accessory structures and nonconformities.
- Other recommended changes are outlined below.

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~~ **within the specified zoning district.**

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
COMMERCIAL																	
Automobile Dealer as an ancillary use to Major Automotive Repair uses													L	L		2-400C-64	
Food and Beverage Stores	Supermarkets and Other Grocery (except Convenience) Stores									P	P	P					445110
Educational Services	Junior Colleges								P	S P	S P	S P	S P			2-400C-22	611210
Personal & Laundry Services	Funeral Homes								L		P L	P L				2-400 C-63	812210
	Crematories								L		L	L				2-400C-15	
Signs	Electronic Message Center (EMC) Sign except Gasoline Electronic Pricing Signs											S L				2-400C-61	
Commercial Recreation	Physical fitness facilities, weight training centers, strength development centers, weight loss center								P	P	P	P	P	P			

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 all applicable local, county, state and federal 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. Canopies must have a minimum 4:12 pitch.** 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.
- f. Vending machines: One vacuum and one air compressor 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.
- g. Outside sales: Outside product display and sales of seasonal items are prohibited.
- h. 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.
- i. 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.
- j. Electronic Pricing Signs: Electronic pricing signs must be requested as part of the Special Use Permit.

14. Used Merchandise Stores

Used Merchandise stores must comply with the following standards:

- ~~a. Location: Used Merchandise stores must be located more than 1,000 feet from an existing similar use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.~~
- b. Outdoor display: Outdoor display, storage, and sales of items is not permitted.
- c. Police inspection: Records of all items received and sold shall be kept and shall be made available during regular business hours for inspection by the Police Department.

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 are 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 with the following standards:

- a. Vehicles for sale: Vehicles available for sale are limited to automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans.**
- b. 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.**
- c. Site Plan: A striping plan for the parking lot, illustrating the location of the customer/employee parking, display area for vehicles for sale, location of any screening materials for the principal use including fences or landscape, and on-site circulation patterns must be provided. Areas for customer and employee parking and vehicles for sale must be clearly identified on the site plan. The required number of parking spaces must be maintained at all times.**
- d. 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.**
- e. Signage: All signage including all vehicle and window signage must meet the provisions of the UDO for Industrial Uses.**

Signs

Currently per the UDO requirements, political and election signs are a type of "temporary sign," but without specific limits regarding the time that such signs may remain in place. The City's legal counsel has advised us that although the seeming absence of specific limitations may be constitutionally acceptable, the ambiguity does present a risk of excessive discretion in enforcing the "temporary" aspect of such signs. Further, where some signs are more clearly permanent under the UDO, it is conceivable that the UDO may be regarded as treating some types of commercial signage more liberally than political signs.

Local ordinances often regulate the number of signs permitted on a property, as well as their size. Although these relate to the "manner" in which political and election signs are displayed, such limitations may also adversely impact the core objective of such political signage. Because First Amendment law is ever evolving, there is no guarantee that a court will find a particular restriction on the total area of political signage constitutional (no Illinois court has spoken to the issue directly), but the regulatory provisions presented below were recommended by legal counsel and are modeled after those that have been held constitutional in other jurisdictions.

The key provision of the following regulation is Subparagraph (7). In short, whatever political signs are desired (campaign or message) can be displayed at all times so long as they are located within the setback lines and do not exceed the area limitation. Under Subparagraph (7), however, during the campaign season ("the date a ballot for any particular election has been certified until seven days after such election occurs"), signs can be located to the street line of a property without

restriction on the total amount of signage area displayed, subject to size restrictions in Subparagraph (5).

These regulations essentially allow a person to display a sign favoring a specific candidate or office holder in perpetuity, but the number of such signs and their locations will depend on whether it is "election season" or not. Under the definition of "political campaign sign," it applies only to signs advocating a vote for a person (or ballot question) that has actually been certified on a ballot in Illinois. So, for example, if a person put up a sign in the summer of 2013 saying "Vote Smith for Governor," that sign would be a message sign, not a political campaign sign, because at that time there will be no gubernatorial ballot in Illinois on which anybody named "Smith" is certified. Accordingly, a sign can only be designated a Political Campaign Sign during the time period that an election ballot is certified. Certification generally occurs 61 days before an election is held.

Although regulation of First Amendment-protected speech always raises the specter of a constitutional challenge, the regulations presented here attempt to address the various policy objectives while keeping such regulations in relative balance with the judicial teachings on time, place, and manner restrictions on speech.

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	-
Political Signs				See Article 4-1000 M	

M. Political Signs

- 1. Political Signs of [six] square feet or less and up to [four] feet in height per sign for single-family residential and multi-family residential uses and [sixteen] square feet or less and up to [six] feet in height per sign for all other uses (except Sign area A for commercial signs where [thirty-two] square feet is allowed) 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 for single-family residential and multi-family residential uses and [sixteen] square feet or less and up to [six] feet in height (except Sign Area A for commercial signs where thirty-two square feet is allowed) per candidate or issue for all other uses per lot may be displayed.**
- 6. Except as provided in Subparagraph (7) below, the total area of Political Signs (including Political Campaign Signs) shall not exceed a total of [32] square feet in area per zoning lot.**
- 7. Notwithstanding the size limitations contained in Subparagraph (6) above, 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) above, 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.**

Article 4-600 Accessory Structures and Uses

Currently, accessory buildings or structures are not permitted in the side and rear yards for residential use fronting Crystal Lake. Therefore a variation must be requested to allow them. However, the granting of a variation is dependent upon the petitioner proving a hardship or practical difficulty, which is harder to establish. Therefore it is recommended that any accessory structures be approved via a Special Use Permit where it is not necessary to prove a hardship but rather establish that the use is appropriate at the proposed location.

E. Location of Accessory Structures

2. Side and Rear Yards

b. For residential uses fronting Crystal Lake: Accessory buildings or structures are ~~not~~ permitted in the side and rear (~~street~~) yards. **Accessory buildings or structures in the rear (street) yard will require approval of a Special Use Permit in accordance with the provisions of Article 9-200 D. Special Use Permits of this Ordinance.** Signs (in compliance with Section 4-1000, Signs); mailboxes; flagpoles; fences (in compliance with Section 4-700, Fences, Walls and Screening) are excluded from this requirement. All existing accessory structures located in side and rear (street) yards as of May 16th, 2006 are considered as legal non-conforming structures and shall conform with the requirements set forth in Article 7, Non-conformities of this Ordinance.

Article 4-300 Tree Preservation

B. Exemptions

c. Properties for which a landscaping or tree preservation plan was approved, pursuant to the terms of an annexation agreement, special use permit or other agreement or ordinance, as long as the development activity is in compliance with said approved plans. **It is the property owner’s responsibility to maintain the landscaping per the approved plan.**

Section 4-200 Off-Street Parking and Loading

H. Dimensional Standards for Parking Spaces and Aisles

1. General

The minimum dimensional standards for standard vehicle parking spaces and parking lot aisles shall comply with Table 4-200 H (1), Dimensional Standards for Parking Spaces and Aisles. **All parking spaces shall be separated by painted stripes or an approved alternative method of space separation. Where a single stripe is used, the stripe shall be four inches in width. For parking lots greater than 200 spaces, a double stripe design is recommended. Double stripes for space striping are recommended as they help parkers center their vehicles between**

stripes, maximizing the space between vehicles. The double stripe shall be separated by eighteen inches and parking spaces shall be measured from the center to center of double stripes. Parking facilities shall be regularly restriped to provide clearly visible separation between spaces.

Where wheel stops are provided, an overhang of 1 1/2 foot is permitted.

Article 9 Administration

Section 9-200 Specific standards and other requirements for applications for development approval

E. Planned Unit Developments

12. Amendment to a Final PUD Plan - For residential Planned Unit Developments, when amending an approved Final PUD Plan, unless the Home Owners' Association, where one is present, is authorized to act on behalf of the entire development, every property owner within the PUD is required to consent to the amendment to the PUD.