



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, NOVEMBER 12, 2013
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Vice Chairman Greenman at 7:30 p.m. On roll call, members Batastini, Esposito, Gavle, Goss, Jouron, Skluzacek, and Greenman were present. Mr. Hayden was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, and Rick Paulson, Building Commissioner, were present from Staff.

Mr. Greenman asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Greenman stated that this meeting was being televised now as well as recorded for future playback on the City's cable station.

APPROVE MINUTES OF THE OCTOBER 16, 2013 PLANNING AND ZONING COMMISSION MEETING

Mr. Goss moved to approve the minutes from the October 16, 2013 Planning and Zoning Commission meeting as presented. Mr. Jouron seconded the motion. On roll call, all members present voted aye. Motion passed.

2013-29 DOHERTY –Annexation – PUBLIC HEARING

This petition is being continued to the December 4, 2013 PZC meeting

Mr. Esposito moved to continued 2013-29 Doherty Annexation to the December 4, 2013 PZC meeting. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

2013-41 LUMBER LIQUIDATORS – 4500 Northwest Hwy. – PUBLIC HEARING

This petition was continued from the November 6, 2013 PZC meeting.

PUD Amendment for a second free-standing sign: 20 feet tall; 350 sf. in area.

Mr. Greenman stated that this request was continued from a previous meeting and the petitioner was sworn in at that time.

Doug Merritt with Professional Permits was present to represent the petition. Mr. Merritt said he has worked very closely with staff who has been very helpful. At the previous meeting, it was suggested that they look into a two-faced angled sign. The height of the sign has been reduced. Mr. Merritt said they will be happy to discuss with staff at what angle the sides of the sign are no longer calculated separately. He said the building is significantly setback from the roadways. They do not own the property so they

do not have the authority to remove the existing free-standing sign. Mr. Merritt said they also looked at a series of directional signs but it would require multiple directional signs. They want the most appropriate sign – not necessarily multiple signs.

Mr. Greenman asked if there were any concerns with the conditions listed in the revised staff report. Mr. Merritt said no.

Ms. Maxwell said the petitioner did reduce the sign face size but because of the angle the sign faces are counted separately.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini said he is thrilled that Lumber Liquidators is in Crystal Lake. The PZC did give direction to check into an angled sign but the sign is still too large. When he was driving north on Route 31 he saw a billboard that might work. It is in close proximity to the property. He can't support the sign as presented.

Mr. Gavle said he likes having the two sided sign because of the proximity to Routes 31 and 14. He is concerned with the size of the sign. This sign is much farther from Route 31 so possibly more square footage could be put on that side of the sign, but it could look awkward.

Mr. Esposito said they do need a sign but 350 square feet is a lot. This would be similar in size to the Home Depot wall sign. Their hardship is the distance of the building from the road, and likes the way the sign is set up. He also likes the 10 year removal condition.

Mr. Skluzacek said he appreciates the petitioner reducing the size of the sign. The amount of square footage is a lot but he can live with it.

Mr. Jouron said this will set a precedent. People will always ask for a larger sign than the last one approved. The City has gone down that road before. Mr. Jouron said he has a problem with the removal of the sign in 10 years. If this petitioner is not at this location then the next tenant will move in and use that sign.

Mr. Goss said basically a two sided sign will work just as well as a single-face sign and the sign faces will only be counted once. Mr. Merritt said they do have a wall sign but that is not visible until the customer is on the frontage road. He said they want to be here. They chose this location. In time people will know where they are. Mr. Goss said the biggest problem is getting the people on the frontage road. Mr. Merritt said they believe the double faced sign will work. Mr. Goss said he can support the 175-square foot sign at 20 feet. That site needs that height. It can't be any lower and he doesn't want it any higher.

Mr. Greenman asked if removing the sign after 10 years is typical. Ms. Maxwell said it is not typical for a variation to have a time limit. When properties with non-conforming signs are annexed they have 10

years to bring the sign into compliance. This condition would be similar to that provision. Mr. Greenman thanked the petitioner for working with staff and they do want them to remain in Crystal Lake. They want the business to be successful. He said when they look at variations they also take into consideration the surrounding properties. He is struggling with the variation and feels that several of the Findings of Fact have not been met. Mr. Greenman added that part of the Comprehensive Plan is aesthetics. They do try to keep signs close to the ordinance. Mr. Greenman said the site and the sign itself are the issues.

Mr. Goss asked about putting directional signs on Route 14. Ms. Maxwell said that is a State Route. The signs would have to be on private property and they would need to check where the right of way is in that area because it is very deep in places. Mr. Goss said directional signs for traffic going east-bound on Route 14 would have more of an impact. Ms. Maxwell said they will check Rose Plaza's right of way.

Mr. Greenman said nothing has changed on the property since the petitioner came before the City to allow the use in this location. Mr. Merritt said he understands. He added that in a perfect world they would not need to ask for this variation but this property has issues. They want to be in this location and it is the best site for them. A 20-foot sign is not setting precedent.

Mr. Skluzacek asked if the sign was approved, could it be for this petitioner only. If they leave, the sign would need to be removed. Mr. Batastini said this is the same size sign shopping centers have with multiple tenants. Mr. Greenman said that is a retail area and this is manufacturing.

Mr. Batastini said there are other locations available in town. They don't want this business to fail. If this size sign is allowed, others will request larger signs for their business. The petitioner's biggest challenge is the frontage road. People need direction to the frontage road.

Mr. Jouron said when he traveled most hotels are hard to get to, but they have directional signs.

Mr. Paulson said if the condition were added that the sign would need to be removed if the business were to leave the next tenant would not be able to move in until the sign was removed.

Mr. Goss moved to approve the Final PUD Amendment to allow a second free-standing sign at 20 feet in height and **175 square feet in area (double sided)** for Lumber Liquidators at 4500 Northwest Highway with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Doug Merritt, received 08/05/13).
 - B. Sign Visibility Study (Imageworks, dated 9/30/13, received 10/23/13)
2. Ordinance 6892, approving the Use Variation and all conditions shall remain in effect except condition #4 which is modified by this request.

3. ~~The sign shall be removed after 10 years from the date of approval. The petitioner may seek an extension of this approval through the City Council.~~ **The sign is only for this user, Lumber Liquidators, and shall be removed by them when they leave.**

4. The petitioner shall comply with all of the requirements of the Engineering and Building and Planning and Economic Development Departments.

Mr. Skluzacek seconded the motion. On roll call, members Gavle, Goss, Jouron, and Skluzacek voted aye. Members Batastini, Esposito, and Greenman voted no. Motion passed 4-3.

Mr. Esposito said his no vote was because it would set a precedent.

2013-15 UDO AMENDMENTS – PUBLIC HEARING

General Discussion on various sections of the UDO.

Mr. Greenman said this item was tabled from the last meeting to allow staff the opportunity to gather more information on the possible amendments to the UDO. He stated that this is a public hearing and the public comment portion of the meeting was still open.

Ms. Bhide said there are three pending Amendment to the UDO for the PZCs consideration – Used Merchandise stores and political signs and UDO provisions relative to lake lots.

Ms. Bhide said there have been several Special Use Permits for Used Merchandise stores due to the necessary separation requirement that have been granted by City Council. Staff is suggesting a further breaking down the category by defining Antique Store/Antique Mall, Consignment Store, Junk Store and Flea Market. The measurement between stores would reduce from 1,000 feet to 500 feet and add that the separation requirement apply to stores of 15,000 square feet or less. There has been a problem with recording all of the items received. If items are donated, it is likely that they are not stolen. The only requirement for recording of merchandise would be for used merchandise stores who purchase electronic goods or jewelry which are the item the Police Department has expressed concern about.

Mr. Goss asked about the size of the Flagg business downtown. Ms. Bhide said Savers is 32,000 square feet and Good Will is 19,000 square feet. Mr. Paulson said the former Classic Oak building which is now a resale store is less than 10,000 square feet. Mr. Goss said this still doesn't address Route 14 turning into a lot of these types of stores. He doesn't have a problem with what has been presented. He can see many storefronts turning into these types of stores. Mr. Goss said he would prefer to deal with them on a case by case basis. Mr. Batastini said rents will dictate the type of business that will occupy the spaces. Mr. Goss is concerned with long term leases. Mr. Batastini said at some point the rents will go up and he doesn't believe property owners go for long term leases much anymore.

Mr. Greenman said this allows staff to review the use. He asked if these changes will help the businesses. Ms. Bhide said it will help some and not others.

The consensus of the PZC was to approve the changes to the UDO for Used Merchandise being a Special Use Permit in the B-2 and B-4 districts; Antique Store/Antique Mall permitted in the B-1, B-2 and B-4 districts and Consignment Store permitted in the B-2 and B-4 districts; Junk Store and Flea Market not permitted in any district. The consensus was also that the definitions and wording of the UDO amendment was acceptable as presented.

Ms. Bhide said for Political signs they contacted legal counsel for this. Mr. Goss asked if the candidate would need to sign something stating they know they are responsible for their signs. Ms. Bhide said the property owner is ultimately responsible for their property. Mr. Goss asked about sign enforcement on vacant or foreclosed on properties. Mr. Paulson said they have to be careful with political signs. If one candidate's signs are complained about and removed that candidate complains about another candidate's signs.

Mr. Batastini said getting the 4 x 4 signs out of the neighborhoods is the number 1 goal. Mr. Paulson said during the previous election the most property size of signs was the 4 x 4. The cost of that type of sign has significantly dropped.

Mr. Greenman is in general agreement. Political signage can be addressed but enforcement is a problem.

Ms. Bhide said the comments provided by legal counsel have been provided. Restricting signs could be looked at as restricting freedom of speech. Also the General Assembly has pre-empted local regulations on the duration of the sign – only the location can be restricted. Enforcement is a concern and City Council feels that there should be no reason to delay enforcement of the City's regulations.

Mr. Jouron said they are not politicians. The PZC members are appointed. He said Council members know what is best for politicians.

Mr. Goss said the signs must be out of the clear sight triangle. The signs can go up 90 days prior to the election but the ballot has not been certified at that time. He added that the provision that a candidate can place a sign in their district only would eliminate Lakewood Village Board candidates from placing their signs in Crystal Lake. Then the Building Division would need to have district maps and enforcement would be a nightmare.

Mr. Greenman asked if there was anyone in the public who wished to speak on any of the discussions they had. There was no one who wished to speak. Mr. Greenman said he knows they would want to speak on future discussions, so the public portion of the meeting was left open.

The consensus of the Commission was that a priority was to eliminate the 4 x 4 political signs in the residential areas and the definitions and wording of the UDO amendment was acceptable as presented.

Ms. Bhide said that relative to lake lots, the Council gave staff direction to take public comment in three areas (fences, accessory structures, and building height) from the property owners along and next to the lake. This information was compiled and forwarded to the City Council. The Council referred this matter to the PZC to hold a hearing and make a recommendation.

Ms. Bhide stated that in 2006 the Council approved an amendment to the Ordinance which determined that the front yard of a lake lot is along the lake side. The results of the survey were that the majority preferred a 4 foot tall fence in an open style. One of the suggestion at Council was that they would like to allow that anywhere in the City.

Ms. Bhide said accessory structures for water-related items such as boat lifts, docks, etc. are allowed in the front yard of lake lots – which is the lake side of the lot. The majority of the surveys returned wants a requirement for any new accessory structure (screen houses, gazebos, sheds, etc.) be required to receive a Special Use Permit. Another idea which came up after the surveys were sent out was to allow accessory structures to be approved on a Limited Uses but if the criteria was not met, a Special Use Permit would be required.

Ms. Bhide said building heights are allowed to be 28 feet and 2 stories measured from the curb level anywhere in the City. She explained how the building height is measured. There are a number of homes on the lake and elsewhere with a “3rd” story in the roof. This is not counted as a story. The Council generally felt the height should be measured from the street side which is how the rest of the City is measured.

Scott Richardson, 115 Baldwin, said he objects to changing how the buildings are measured now. As for the fencing – he would like to see a minimum setback from lake for 4 foot fences so views are not blocked. He also would prefer the fences to be open.

Michelle DellaMaria, 602 Edgebrook, read a prepared statement and made a Power Point presentation. She stated that the City allowed the home at 937 North Shore to be built and in reality it meets the 28 feet height requirement if measured from the street level. She showed photos of lake houses showing that the homes are mostly a consistent height. If the houses along the lake were measure from the street side that would make them consistent with all of the other homes in Crystal Lake. She understands that if the PZC approves the building height being measured from the street it would be enforceable immediately.

Ms. DellaMaria said they are currently trying to build a home on the lake and the City has denied their permit. She has shared this information with the City Council. The Council has expressed that they want the homes measured in the same way as other buildings in town. If the building height is measured from the street, their permit would be approved.

Bob Buelow, 179 Edgewater, said he has a petition pending with his neighbor regarding fencing. There were 121 lake owners who received the survey. Anyone could have filled out more than one survey and there were no controls on it. Mr. Buelow said he is requesting a 4 foot fence so he can enjoy his yard. Just because there is a lake there, his property shouldn't be treated any differently. The fence they want is beautiful. Mr. Buelow said the homes in this area should be measured the same way the other properties in the City are measured. He added that there are several homes on the lake that are 3 stories.

Wes Puchinski, 897 North Shore, and Val Phillips, 907 North Shore, said they share a concern about

decks and patios. Mr. Puchinski stated that there is a home between their two houses that raised their patio and that created a dam so the rain water doesn't flow like it was to. The water now runs into their two yards. Ms. Phillips showed photos of the area to the Commissioners. Mr. Greenman asked if they were asking for a restriction in the height. Mr. Puchinski said with decks, the water can run underneath them. Mr. Jouron asked how tall the neighbor's patio is. Mr. Paulson said it is 18 inches at the highest point. The City had sent an Engineering Tech out to the property during a recent rain and the grade was working properly. Mr. Puchinski said swales were put on each side of the property and the recent rain was only a ½ inch in 12 hours. Ms. Phillips said there is a problem when it rains. Mr. Goss asked about the height of the seat wall. Mr. Paulson said the height of the patio is 18 inches and the height of the seat wall is 18 inches higher than the patio. Mr. Greenman said storm water can't be displaced onto another property.

Kyle Franzen, 207 Edgewater, said he likes the homes measured from the street side. This seems that we are working against the residents. He also likes the 4 foot open fence.

There was no one else in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Greenman said the consensus of the public comment was to measure the buildings from the street side, no raised patios, and 4 ft. open fences are allowed.

Mr. Goss said the PZC is a review body only. Their recommendations go back to City Council for final action. The Council referred these issues back to the PZC for their recommendations only. Not a final decision.

Mr. Greenman called for a 5 minute recess. The meeting continued.

Mr. Greenman thanked those in attendance for sharing their thoughts. The PZC are here to represent the residents of Crystal Lake.

Mr. Greenman said they will review each section one at a time.

Mr. Esposito asked if the 4 ft. tall fence would be allowed anywhere even the front yards. Ms. Bhide said yes. Mr. Esposito said if that is done with the smaller front yard lots on the south side of town that would make them look even smaller.

Mr. Skluzacek said he would prefer a 3 ft. fence height in front yards for City lots elsewhere and 4 ft. open fence height for lake properties. Mr. Jouron agreed. Mr. Goss said he would prefer 4 ft. open fence in a split rail or wrought iron-style by the lake. He does not care for 4 ft. picket fence or vegetation. They can still block the view. He would not like it changed for the other portions of the City. That should remain as it is currently – not higher than 3 feet in the front yard. Mr. Gavle agreed with Mr. Goss.

Mr. Greenman asked about the spacing for pickets. Ms. Bhide said the spacing would be 3 times the

width of the picket. Mr. Goss and Mr. Jouron both said that picket fences are not appropriate. Mr. Batastini said he has no problem with the 4 foot open fence but a picket fence will still look closed. He agreed that this change should be for lake lots only. He added that in the future they should consider this same regulation for lots that back up to conservation areas in new developments or even fens or parks.

Mr. Greenman said the consensus was for 4 foot open fences – wrought iron-type, no picket fences or vegetation – for lake lots only.

Mr. Greenman asked for discussion of the accessory structures.

Mr. Batastini said the conditions for approval for a Limited Use includes getting approval from the neighbors. He doesn't feel comfortable have any neighbor sign off on anything that is done on another property. What if the neighbor doesn't like the one making the request? Also they have heard from neighbors who object to the request but are afraid to speak.

Mr. Gavle said he would prefer not to change the current ordinance for accessory structures. Mr. Skluzacek said he prefers them to receive a Special Use Permit. Mr. Jouron prefers no change to what is in place currently. Mr. Goss would prefer a Special Use Permit. Mr. Batastini said he doesn't want the accessory structures to obstruct views. Ms. Bhide said they hear from neighbors all the time about their views being blocked. Mr. Goss said a Special Use Permit for all structures would allow them to look at each separately and be certain that the views are not blocked. He feels that Limited Use is too open.

Mr. Greenman reviewed the comments made by the Commissions and feels that the criteria for asking the neighbors should be scratched.

Mr. Greenman asked for discussion of the building height.

Mr. Jouron asked when some of the homes around the lake were built. Ms. Bhide said around the 1950s and maybe earlier. She is not familiar with the ordinance in place at the time those homes were approved.

Ms. Bhide explained how the building height is measured.

Mr. Goss asked about the side yard setbacks for homes non-conforming lots around the lake. Ms. Bhide said they are 4.9 feet minimum with a total of 12.6 feet. Mr. Goss said the equipment to fight fires would not be able to get to the rear of the home. Ms. Bhide said the Fire Department does not review single family home plans that come in for permit. Mr. Goss said that he is concerned that the Fire Department does not review the permits for single family residential.

Mr. Greenman said the consensus of the Commissioners was to measure the homes from the street side.

Mr. Goss moved to approve the amendments to the UDO as follows:

Article 2 Land Uses

Section 2-400 Limited and Special Use Criteria

14. Used Merchandise Stores

Used Merchandise stores must comply with the following standards:

- a. Location: Used Merchandise stores **15,000 square feet in area or less** must be located more than ~~4,000~~ **500** 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~~ **purchased** and sold shall be kept and shall be made available during regular business hours for inspection by the Police Department.
- d. **Electronic Reporting: Any used merchandise store that purchases electronic goods or jewelry or is required to report/upload to LeadsOnline, or the City's current electronic reporting system, the information outlined by the City's Police Department for each and every transaction where electronic goods or jewelry was purchased by the end of that business day. All information shall be recorded in the English language. The electronic reporting requirement also applies to all used merchandise stores that conduct ten or more purchase transactions (not limited to electronic goods or jewelry) in one week. (calculated from each Monday through the next Sunday, inclusive)**

Article 10 Definitions

ANTIQUÉ OR COLLECTIBLE STORE: A retail store that sells antiques, curios, gifts and souvenirs and collectible items including sports cards and comic books **which have value and significance as a result of age, design, or sentiment.** A store that primarily sells books is included under "Book Store". ~~Antique or Collectible store does not include stores selling other types of second hand items (e.g. clothing) or pawn stores which are instead considered "Used Merchandise Store".~~ **This definition excludes "used merchandise store," "consignment store" "junk store," "pawnshop" and "flea market."**

ANTIQUÉ MALL: A building that is partitioned to provide spaces for the retail sale of antiques by antique dealers of articles of which have value and significance as a result of age, design, or sentiment. This definition excludes "used merchandise store," "consignment store" "junk store," "pawnshop" and "flea market."

CONSIGNMENT STORE: An exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

JUNK STORE: A retail store that sells previously used merchandise or goods the majority of which:

1. **Have not been maintained, repaired, restored or reconditioned to a functional condition; or**
2. **Consist of salvaged or disassembled parts of merchandise, equipment or objects no longer in their original assembled configuration.**

This definition excludes “used merchandise store,” “consignment store” “antique store or antique mall,” “pawnshop” and “flea market.”

FLEA MARKET: Any person or aggregation, congregation or assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings or temporary structures.

USED MERCHANDISE STORE: A retail store that buys or accepts donations and sells previously used merchandise, such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and usable condition. This definition excludes “antique store or antique mall,” “consignment store,” “pawn shop,” “junk store,” or “flea market.”

PAWNSHOP: An establishment that engages, in whole or in part, in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.

Article 4-1000 Signs

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	-
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Political Signs				See Article 4-1000 M	
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M. Political Signs

1. **Political Signs (Campaign or Message) 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 the Political Sign includes on the sign face the name of the person responsible for the sign, or 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 and the total area of Political Signs that may be located within any required yard is zero square feet.**

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. In no case shall the sign be located in the clear sight triangle as established in this Ordinance.

- 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.**

UDO Provisions relative to lake lots

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-six (36”) 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 in this Ordinance, 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 in this Ordinance).

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 or 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.~~

Accessory Structures

SECTION 4-600 Accessory Structures and Uses

E. Location of Accessory Structures

d. Waterfront Yard: Detached accessory structures in the waterfront yard must follow the requirements for Limited Use for ‘Detached Accessory Structures – Waterfront Yard’ in Article 2 Land Use of this Ordinance.

Article 2 Land Use

SECTION 2-400 Limited and Special Use Criteria

2-400 C Review Criteria for specific uses

Detached Accessory Structures – Waterfront Yard

All detached accessory structures - waterfront yard must comply with the following standards:

- a. Setback: All detached accessory structures must meet the minimum 5 feet setback from the interior property lines.
- b. Retaining Walls: Retaining Walls cannot 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 cannot be used to alter the overall natural topography of the land.
- c. Appearance: The proposed structure must be architecturally compatible with the principle structure on the lot and must be contextual with the neighborhood.
- d. ~~Adjacent Properties: The property owner must provide verification from the immediately adjacent property owners indicating that they have no objections to the proposed improvement.~~
- e. Exemption: Flatwork such as patios and decks not more than 12 inches (or another determined height) above the ground are exempt as long as the 5-foot side yard setback is met and the maximum allowable impervious coverage is not impacted. Any seat walls around the patio or deck can be no taller than 18 inches in height. A continuous wall around the patio or deck is not considered a seat wall.

Height of Structure

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.

BUILDING HEIGHT: The vertical distance measured from the top of the curb level (or where a curb is absent from the street centerline) at the midpoint along the front of the building to:

- (1) the highest point of the roof in the case of a flat roof;
 - (2) the deckline of a mansard roof;
 - (3) the mean height level between eaves and ridge for a gable or hip roof, and
 - (4) the highest pitch break or the mean height level between the lowest eaves and the highest ridge of a gambrel roof, whichever is greater;
- excluding elevator or mechanical equipment rooms.

Where the residence is setback more than five feet beyond the average existing setback of the two closest dwellings, building height shall be calculated from an equivalent existing grade. Equivalent existing grade is calculated at the midpoint along 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 as the average of all grade elevations of the building at the building corners.

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.

Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

REPORT FROM PLANNING

- UDO Amendments

Ms. Rentzsch reviewed the petitions for the next PZC meeting.

COMMENTS FROM THE COMMISSION

Mr. Esposito wished everyone a Happy Thanksgiving. There were no other comments from the Commissioners.

The meeting was adjourned at 10:10 p.m.

