

City of
HARVARD

McHENRY COUNTY, ILLINOIS

Municipal Building • 201 Diggins Street • P.O. Box 310 • Harvard, Illinois 60033
815-943-6468 • Fax 815-943-4556 Web page: www.cityofharvard.org

September 3, 2024

STATE OF ILLINOIS)
COUNTY OF MCHENRY)
CITY OF HARVARD)

NOTICE OF HEARING

Before the Planning and Zoning Commission of the City of Harvard, in the petition of the City of Harvard, 201 W. Diggins St., Harvard, IL 60033.

Notice is hereby given that a public hearing will be held Tuesday, September 3, 2024, at 7:00 pm in the Community Hall, 203 W. Diggins St., Harvard, IL 60033.

The petitioner is seeking text amendments to the Unified Development Ordinance (UDO):

- Amend Section 8.3G, Principal Use Standards, Dwelling - Multi-Family or Townhouse
- Amend Section 8.3H, Principal Use Standards, Dwelling - Single-Family or Two-Family
- Amend Table 5-1, Residential Districts Dimensional Standards
- Amend Section 11.5E, Parking Lot Perimeter Landscape Yard, Decorative Metal Fencing
- Amend Section 9.6, Fences

Petition is on file with Lori Moller, City Clerk for review. Anyone desiring to be heard may be present at the above-described hearing.

Planning and Zoning Commission
Published on August 17, 2024





City of Harvard

Community Development Department
201 West Diggins Street - PO Box 310 – 60033 – 815-943-6468

To: Chairman Carbonetti & Planning & Zoning Commission Members

From: Donovan Day, Community & Economic Development Director

CC: Lou Leone, City Administrator

Date: September 3, 2024

RE: Proposed Amendments to the Unified Development Ordinance

Purpose and Action Requested

Staff is seeking Planning & Zoning Commission's consideration for the petition filed by the city to have a Public Hearing to amend certain sections of the Unified Development Ordinance (UDO) as described below.

Background/Discussion

Harvard's Unified Development Ordinance was adopted on August 28, 2018 (Ordinance 2018-121). The intent of the UDO is to establish land use regulations to serve Harvard. Since its adoption, and up to 2023, there wasn't substantial growth with residential or commercial developments to put the UDO to practice. With residential development reignited in the Turtle Crossing, Oak Grove Crossing and Autumn Glen subdivisions, staff has found several sections of the UDO that are conflicting or need refinement.

- 1) There is conflict between the illustration depicted in Section 8.3.H and the text found in Sections 8.3.H 1-5 and A-D. Please note, there is a clarifying section in the UDO that specifies what to use when there is text accompanied by an illustration or graphic.

Section 1.3.F states:

Any illustrations, graphics, and/or photos contained in this Ordinance are to assist the reader in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

Although 1.3.F states the text in the UDO is the guiding factor when reviewing plans, it makes sense to amend the illustration to match the text to avoid confusion.

Sections 8.3.H 1-5, the accompanying illustration, and sections A-D below the illustration describe principal use standards for single-family and two-family dwellings. Section 8.3.H.4 and illustration descriptions D and C states: Front-loaded attached garages are limited to 60% of the width of the front building line or 22 feet, whichever is greater. Garage width is measured between garage doors; in the case of garages designed with multiple garage doors the distance is measured between the edge of the outmost doors.

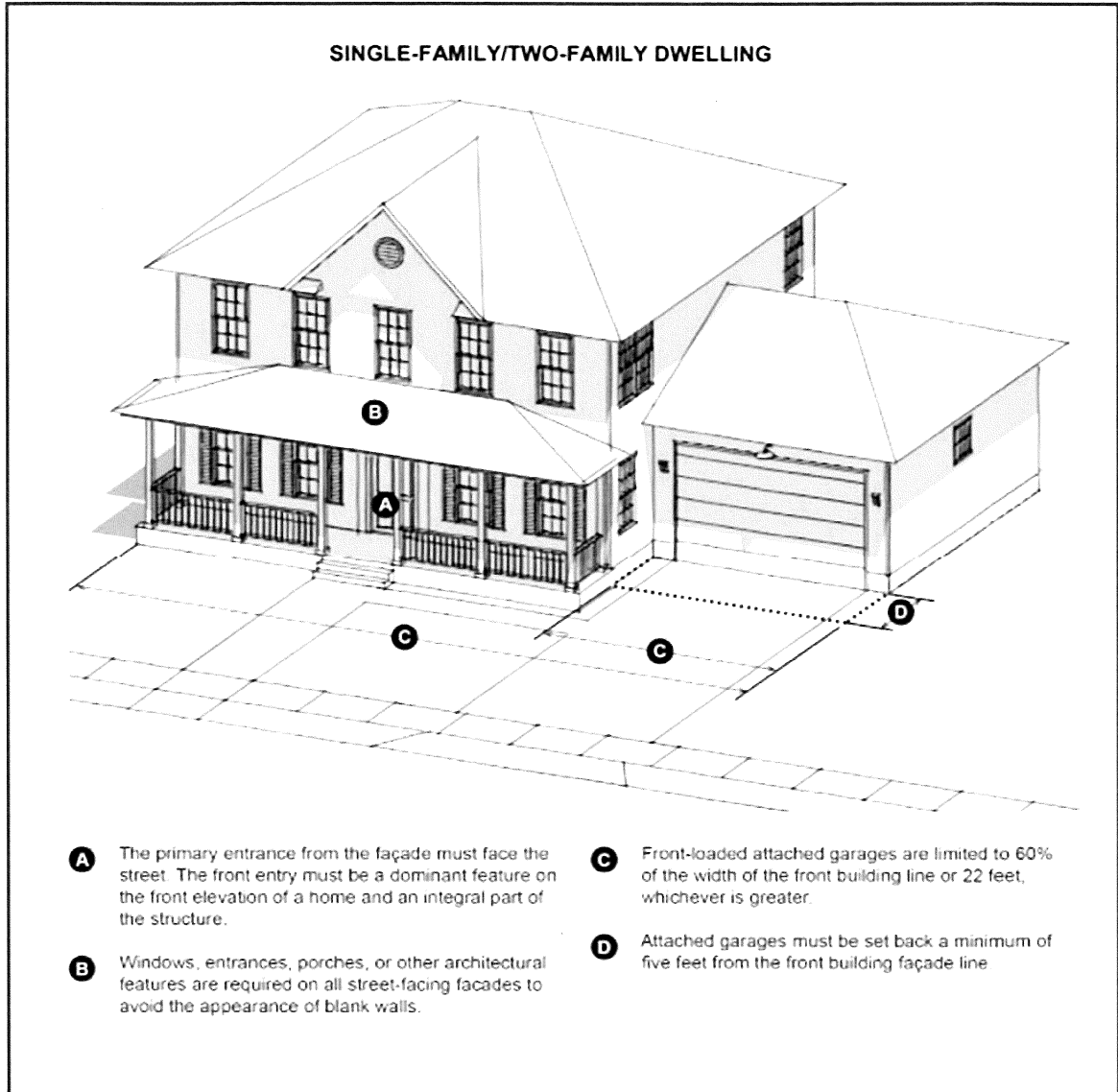


Illustration description C shows the width of the *building line* being from one side of the principal structure to the other side of the principal structure's attached garage. However, *building line* is defined in Section 2.3 Definition of General Terms as: A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

Meaning, the measurement is taken at the point of the front of the building, and from lot line to lot line. It is assumed that rather than taking the measurement at the front of the property, this defining point was to accommodate irregular shaped properties that may be located in cul-de-sacs for example.

Staff concludes the measurement should be taken as described in the text and not the illustration.

The other illustration labeled C demarks how a garage width is to be measured, and shows it is measured at the outer most edges of the garage. However, the text in Section 8.3.H.4 states “Garage width is measured between garage doors: in the case of garages designed with multiple garage doors the distance is measured between the edge of the outermost doors.

Staff concludes the measurement should be taken as described in the text and not the illustration.

- 2) Section 8.3.H.3 requires a 15% minimum transparency applied to a façade and is based on the entire area of the façade. Staff and builders have found this minimum requirement unnecessary and, in some cases, illogical because it would require windows to be installed primarily for aesthetics rather than functionality. The building code requires a certain amount of light (windows) and ventilation depending on type of room. In the majority of homes built since the adoption of the UDO this requirement hasn't been applied. Staff is recommending, with agreement from the Community Development Committee reducing the amount of transparency to no less than 5% and maintaining Section 8.3.H.2 which states: Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- 3) 5.1.E defines R-4 - Two-family Residential District as - The R-4 Two-Family Residential District would accommodate two-family dwellings on standard sized lots of 8,712 square feet.
Table 5-1 Residential Districts Dimensional Standards states the minimum lot area per dwelling is 6,000sqft. If the standard lot size for R-4 districts is 8,712 square feet then the minimum lot size per dwelling conflicts with the text. Staff recommends amending the Table to read the minimum lot size per dwelling is 4,356 square feet or, as recommended by the Community Development Committee, include an additional line in the table specifically for two-family dwellings and the minimum lot size as 8,712 square feet.
- 4) Section 11.5.E Decorative Metal Fencing requires that in any business district a four-foot-high decorative metal fence, painted black, shall be installed located one foot inside the parking lot. Under the accompanying illustration is further states: A decorative metal fence four feet high shall be installed within the landscape area one foot inside the parking lot. The requirement for the decorative metal fence applies only to parking lots in Business Districts.
Staff, along with the Community Development Committee, is recommending amending the section to allow for installation of fencing at a distance greater than one foot inside the parking lot to accommodate bumpers of vehicles extending beyond a curb and not

hitting the fence. The following is recommended: A decorative metal fence four feet high shall be installed within the landscape area ~~one foot inside~~ of the parking lot.

- 5) Staff is recommending amending Section 9.6-Fences to add a requirement that the finished side of a fence must face out. Currently, residents are permitted to install a fence with the unfinished side of the fence faces in allowing for neighboring property owners to see the unfinished side of the fence.
- 6) Staff is recommending including an anti-monotony section for existing vacant lots and future subdivisions that would prohibit multiple dwellings of the same style being constructed next to each other. The proposed section states:
 1. No building permit shall be issued for any new single-family detached dwelling unit or duplex dwelling unit, which is similar in appearance to any dwelling on the same street and within a distance of two hundred feet (200') of it.
 2. A dwelling unit on a corner lot may be considered dissimilar to another if the two (2) dwellings face different streets. On a cul-de-sac turnaround, no dwelling shall be similar in appearance to another dwelling on the turnaround.
 3. For purposes of measurement, the two-hundred-foot (200') separation distance shall be measured between the nearest points on a lot or parcel line.
 4. For purposes of this subsection, the term "similar in appearance" shall mean a dwelling which is identical or nearly identical. A variety of characteristics, including, but not limited to, roof type and height, location of windows and doors, and location and measurements of garage doors, may be used when determining the presence of monotony.
 5. If lots within two hundred feet (200') of each other have different housing styles, including, but not limited to, ranch, bilevel, trilevel, one and one-half (1 1/2) story, two-story or three-story, the difference in housing styles may be significant enough to constitute a dissimilarity.
 6. Snout houses, as well as similar residential dwellings where a front load garage is the dominant feature of a front facade, are discouraged.
 7. The regulations set forth in this subsection (?) shall be administered by the building inspector and compliance with said regulations shall be determined when an application for building plan approval and permit issuance has been submitted to the City for approval.

The previous City of Harvard Zoning Code had an anti-monotony section that didn't carry over into the UDO. The previous Ordinance stated:

With reference to one family and two-family dwelling units, in all subdivisions or planned unit developments containing same, there shall be constructed no more than one of said dwellings (without regard to whether it is a one- or two-family dwelling), of the like exterior design on either side of the street within 330 feet. A change in exterior design, shall require more than the mere change of details in the front elevation of a building, or window relocation, without

substantially changing the size of such windows or changing the location of doors or entrances or roof lines.

Staff is seeking direction from the Commission on either of the examples above to include as an amendment to the UDO Section 8.3.

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF HARVARD
ZONING PETITION**

1. PETITIONER AND OWNER INFORMATION

Petitioner's Name: City of Harvard
(insert attachment for multiple petitioners)

Property Address: 201 W Diggins St.
(Location of property subject to this petition)

Mailing Address (if different): _____

Petitioner's Daytime Phone: 815-943-6468

Petitioner's Email: leone@cityofharvard.org

Petitioners Signature  Date 7/18/2024

Are you the legal owner of the property? YES NO

If not, state the owner's name, address and phone number and submit his/her signature here or in a letter of authorization.

Owner's Name: _____
(insert attachment for multiple owners)

Owner's Address: _____

Owner's Daytime Phone: _____

Owner's Email: _____

Owner's Signature _____ Date _____
Letter of Authorization Attached

2. PROPERTY DESCRIPTION

Legal Description of the property (provide in word format)

Property Index Number (PIN) _____

Present Use: _____

Property is currently zoned _____ use district

3. DESCRIPTION OF REQUEST

Application for:

Variation

Petitioner requests a variation pursuant to Section 14.4 of the Harvard Unified Development Ordinance for a variation from section _____ (insert a detailed summary)

Conditional use

This is a Petition for Conditional Use pursuant to Section 14.3 of the Harvard Unified Development Ordinance. (insert a detailed summary)

This is a Petition for an appeal of a decision of the Zoning Officer pursuant to Section 14.9 of the Harvard Unified Development Ordinance. Petitioner requests that the decision be overturned based on the following reasons: (insert a detailed summary)

This is a Petition for an amendment to the regulations imposed, or the districts created pursuant to Section 14.2 of the Harvard Unified Development Ordinance

Petitioner requests that the property be re-classified to _____ Use District
or

Petitioner requests that Section See Below of the Harvard Unified Development Ordinance be amended by: (insert a detailed summary)

Briefly describe the request:

The City seeks to amend Sections 8.3G, 8.3H, Table 5-1, 11.5.E and 9.6 of the City of Harvard

Unified Development Ordinance.

4. CHECKLIST OF COMPLETE SUBMITTALS

Please check off those attachments being submitted with this application.

Required Submittals

Filing Fee, per the Community Development Department

Evidence of Ownership (tax bill)

Plans

Site Plan, showing lot dimensions, existing and proposed structures, existing and proposed setbacks, distances to structures on adjoining lots, and a north arrow.

Floor plans to accurate scale with all dimensions indicated.

Elevations drawn to accurate scale with all dimensions indicated.

Plat of Survey

Provide property legal description in word format