

DECEMBER 16, 2013

Title

PC 13-21

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The Village requests a text amendment to Section 155.205 (A)(1)(c)(ii)(b), and any other relevant sections for clarity, of the Village of Lombard Zoning Ordinance.

Prepared By

Matt Panfil, AICP
Senior Planner

DESCRIPTION

As manufacturers of open-style fences offer “puppy guards” (see below) as an option to customers, planning staff has prepared an amendment that clarifies the use of said puppy guards is permissible both in the clear line of sight area (currently allowed) and in a corner side yard which abuts another corner side yard (currently prohibited).

Though the impetus for this text amendment is based on the use of “puppy guards,” the amendment is applicable to any type of solid or less than 75% open space fence design located in a clear line of sight area or corner side yard.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

EXISTING REGULATIONS

Section 155.205 (A)(1)(e) of the Zoning Ordinance allows for solid fences or walls up to two (2) feet in height within a clear line of sight area. Once a fence exceeds two (2) feet in height, it must be a minimum of seventy-five percent (75%) open space.

However, when a corner side yard abuts another corner side yard, Section (155.205) (A)(1)(c)(ii)(b) requires the fence, **in its entirety**, to be a minimum of seventy-five percent (75%) open space. The phrase, “in its entirety” in Section 155.205 (A)(1)(c)(ii)(b) prevents the use of puppy guards on lots where a corner side yard abuts another corner side yard.

PROPOSED TEXT AMENDMENTS

Finding no rational reason as to why fences of a solid design and up to two feet (2') in height may be allowed within clear line of sight areas, but not permitted when a corner side yard abuts another corner side yard, staff recommends the following:

155.205 (A)(1)(c)(ii)(b) – Permitted Height of Fences or Walls in Residential Districts

The fence, ~~in its entirety~~, **at any point greater than two (2) feet in height**, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

STANDARDS FOR TEXT AMENDMENTS

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

Should the requested amendment be approved, it would apply to all residential lots where a corner side yard abuts another corner side yard.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The intent of the proposed amendment is to make the Zoning Ordinance more consistent in its regulation of fences and does not change the overall intent of any current regulations.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendment would not create any nonconformities, as it actually makes the Zoning Ordinance more permissive.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will make the Zoning Ordinance more permissive by allowing a solid fence design of up to two feet (2') on lots where a corner side yard abuts another corner side yard where they are not allowed by the current Ordinance.

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*

Staff believes the proposed amendment is consistent with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petition or by recognizing a desire to amend the code to address desired code regulations. The proposed amendments are consistent with established Village policy in this regard.

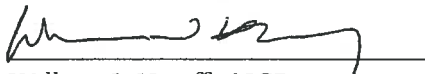
FINDINGS & RECOMMENDATIONS

Staff has prepared the requisite responses to standards for text amendments (above). Staff finds that the proposed amendments are consistent with the objectives of the Zoning Ordinance. The proposed amendment is also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendment **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 13-21.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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