

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *dah*

DATE: December 22, 2010 (BOT) Date: January 6, 2011

TITLE: PC 10-24: Text Amendments to the Zoning Ordinance

SUBMITTED BY: Department of Community Development *ll*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Village requests a text amendment to Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link and privacy fences to be installed in the front yard of properties in single-family residential districts.

The Plan Commission recommended approval of this petition.

Please place this item on the January 6, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>dah</i>	Date	<u>12/22/10</u>

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

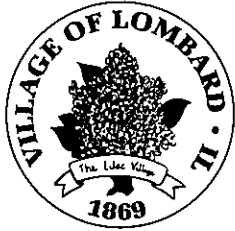
DATE: January 6, 2011

SUBJECT: PC 10-24; Text Amendments to the Zoning Ordinance

Attached please find the following items for Village Board consideration as part of the January 6, 2011 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 10-24;
3. An Ordinance approving text amendments to the Lombard Zoning Ordinance.

The Plan Commission recommended approval of the proposed text amendments.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

January 6, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 10-24: Text Amendments to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to the Lombard Zoning Ordinance, amending Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link to be installed in the front yard of properties in residential districts.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 20, 2010. Michael Toth, Planner I, presented the petition. The Planning Services Division was directed to review the fencing regulations within the Zoning Ordinance, more specifically fencing located in the front yard of residential properties. As a result of this review, staff is preparing text amendments that address fencing material allowed in the front yard. Mr. Toth stated that contrary to the title of the staff report, privacy fences will not be a part of this petition. Also, the text amendments will not only affect single-family residences, but fences in all residential districts.

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard.

Based upon complaints received by the Village, specifically related to chain link fences in the front yard, staff has reviewed provisions of the Zoning Ordinance relative to the fencing materials allowed in the front yard. As a result, staff revisited aesthetic provisions currently existing within the Zoning Ordinance to determine whether or not chain link fencing is appropriate in the front yard.

Based upon direction from the Village Board, Plan Commission and Zoning Board of Appeals, staff implemented text amendments to the Zoning Ordinance relative to permissible corner side yard fencing materials in 2005 (PC 05-11). The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. The following provisions were a direct result of PC 05-11 (which still apply to this date):

Fences located in a corner side yard can be up to six (6) feet in height provided that the following conditions are met:

- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (*chain link fences are specifically excluded*);
- b) The fence, in its entirety, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

As demonstrated in the aforementioned corner side yard fence provisions, the Village does have a history of amending its Zoning Ordinance to address fence design aesthetics on residential properties relative to fencing. The Zoning Ordinance establishes aesthetic guidelines for fences in the corner side yard by only allowing fences constructed of a decorative material to exceed the maximum four (4) height restriction. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. As previously mentioned, the Zoning Ordinance does not specify required materials for fences in the front yard of properties in residential districts. Similar to the aforementioned corner side yard provisions, staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences.

At this time, staff is only proposing amendments to chain link fencing. The Village has not had any recent complaints relative to other fencing materials in the front yard. Understandably, this could be attributed to the fact that property owners do not wish to construct fences in their own front yard that would be considered to be unappealing. Should complaints arise in the future; staff will revisit the issue at such time.

Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the Standards for Text Amendments and is recommending approval.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that he agrees with staff on the aesthetic reasoning for not wanting chain link fences in the front yard. He then asked staff how many chain link fences exist in the front yard.

Mr. Toth stated that he does not know an approximate number, but they have had a couple of recent complaints on the issue. Mr. Toth then named a property in the vicinity of Route 53 and St. Charles Road that comes to mind. He added that you don't see a lot of chain link fences in front yards. He then stated that, as someone who review fence permits, they are few-and-far-between.

Commissioner Olbrysh cited a property on Westmore-Meyers that has a wrought iron fence. He then asked if wrought iron would still be permissible. Mr. Toth replied, yes.

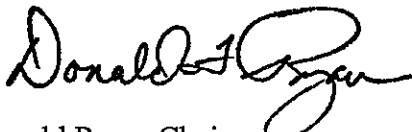
Commissioner Sweetser asked if anyone, who currently has an existing chain link fence in the front yard, would have to come into compliance. Mr. Toth stated that they would be considered legal non-conforming and would only need to come into Code compliance if the fence is being replaced.

Chairperson Ryan asked about fence repairs. Mr. Toth stated anything twenty-five percent (or less) would be considered a repair and not replacement.

On a motion by Commissioner Olbrysh and a second by Commissioner Sweetser, the Plan Commission voted 5 to 0 that the Village Board **approve** the text amendments associated with PC 10-24.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over a horizontal line.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: December 20, 2010

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 10-24; Text Amendments to the Zoning Ordinance: The Village requests a text amendment to Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link and privacy fences to be installed in the front yard of properties in single-family residential districts.

GENERAL INFORMATION

Petitioner:	Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148
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ANALYSIS

DESCRIPTION

The Planning Services Division was directed to review the fencing regulations within the Zoning Ordinance, more specifically fencing located in the front yard of residential properties. As a result of this review, staff is preparing text amendments that address fencing material allowed in the front yard.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING DIVISION

The Building Division has no comments.

FIRE DEPARTMENT

The Fire Department has no comments.

PLANNING

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard.

Based upon complaints received by the Village, specifically related to chain link fences in the front yard, staff has reviewed provisions of the Zoning Ordinance relative to the fencing materials allowed in the front yard. As a result, staff revisited aesthetic provisions currently existing within the Zoning Ordinance to determine whether or not chain link fencing is appropriate in the front yard.

Based upon direction from the Village Board, Plan Commission and Zoning Board of Appeals, staff implemented text amendments to the Zoning Ordinance relative to permissible corner side yard fencing materials in 2005 (PC 05-11). The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. The following provisions were a direct result of PC 05-11 (which still apply to this date):

Fences located in a corner side yard can be up to six (6) feet in height provided that the following conditions are met:

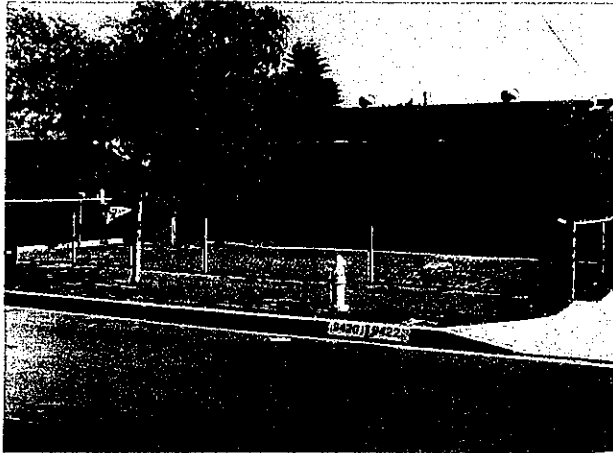
- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (*chain link fences are specifically excluded*);
- b) The fence, in its entirety, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

As demonstrated in the aforementioned corner side yard fence provisions, the Village does have a history of amending its Zoning Ordinance to address fence design aesthetics on residential properties relative to fencing. The Zoning Ordinance establishes aesthetic guidelines for fences in the corner side yard by only allowing fences constructed of a decorative material to exceed the maximum four (4) height restriction. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. As previously mentioned, the Zoning Ordinance does not specify required materials for fences in the front yard of properties in residential districts. Similar to the aforementioned corner side yard provisions, staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences.

At this time, staff is only proposing amendments to chain link fencing. The Village has not had any recent complaints relative to other fencing materials in the front yard. Understandably, this could be attributed to the fact that property owners do not wish to construct fences in their own front yard

that would considered to be unappealing. Should complaints arise in the future; staff will revisit the issue at such time.

The following pictures illustrate the different fencing materials used on a property:



Chain Link Fencing



Picket Fencing

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance are denoted by **underlining** new text.

SECTION 155.205 FENCES, WALLS, AND HEDGES

(A) Fences and Walls

(1) Fences or walls in Residential Districts

(c) Permitted Height

(ii.) Fences or walls in required front and corner side yards shall not exceed four feet (4') in height. Fences in required front yards shall not be constructed of chain link (with or without slats). Notwithstanding the foregoing, fences in a corner side yard, may be increased up to six (6) feet in height provided the following conditions are met:

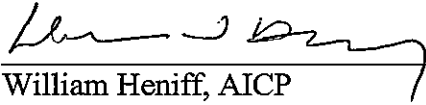
- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (chain link fences being specifically excluded);
- b) The fence, in its entirety must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard 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 amendments **comply** with the standards required by the 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 10-24.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP
Director of Community Development

Attachment A
Response to Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's and staff comments are noted below:

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 front yard fence amendments be approved, it would apply to all residential properties in the Village.

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

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. Staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences

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

The proposed amendment will create non-conformities for those properties that are using chain link fences in the front yard. If a property owner is currently using a chain link fence and wishes to replace the fence, they will be required to install a new fence type to meet the Village's new requirements.

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

The proposed amendments would not make the Zoning Ordinance more permissive with regard to allowable fencing materials allowed in the front yard; however, staff believes that neighborhood design aesthetics do need to be addressed in this case.

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

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. The amendments will enhance the character of residential neighborhoods by removing chain link fences from the front yard of residential properties, which deteriorate over time.

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 does have a history of amending its Zoning Ordinance to address design aesthetics on residential properties relative to fencing. In 2005, The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. Chain link fences were specifically excluded as a permissible fencing material in the corner side yard to avoid any negative visual impacts imposed by such fences.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 10-24; Text Amendments to the Zoning Ordinance)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, Section 155.102 (E)(13) of the Zoning Ordinance directs the Director of Community Development to initiate a review of the provisions established within the Zoning Ordinance; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on December 20, 2010 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 200, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

SECTION 2: GENERAL PROVISIONS

SECTION 155.205 FENCES, WALLS, AND HEDGES

(A) Fences and Walls

(1) Fences or walls in Residential Districts

(c) Permitted Height

(ii.) Fences or walls in required front and corner side yards shall not exceed four feet (4') in height. Fences in required front yards shall not be constructed of chain link (with or without slats). Notwithstanding the foregoing, fences in a corner side yard, may be increased up to six (6) feet in height provided the following conditions are met:

- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (chain link fences being specifically excluded);
- b) The fence, in its entirety must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2011.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 10-24
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2011.

Brigitte O'Brien, Village Clerk