

January 6, 2011

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.

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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

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission