

**JULY 15, 2013**

**Title**

PC 13-11

**Petitioner**

Village of Lombard

**Approval Sought**

The Village requests a text amendment to Section 155.205 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance relating to fencing located in the Downtown Lombard B5 District.

**Prepared By**

William J. Heniff, AICP  
Community Development  
Director

**DESCRIPTION**

The existing Zoning Ordinance does not have any design criteria for fences within the Downtown Lombard B5 District. As such, a myriad of styles and designs could be placed within the downtown area that could be inconsistent with the intent of the downtown district. Moreover, as the downtown does not have general setback requirements, such fences could be legally be placed up to the front property line (frequently the abutting sidewalk) further impacting its aesthetic impact.

The intent of this text amendment is to provide reasonable regulations pertaining to the location, style and design of such fences within the B5 District. The regulations are also intended to limit or address adverse impacts of fencing.

**INTER-DEPARTMENTAL REVIEW**

**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 direct comments on the proposed amendments. However, considering one of the most asked question about fences in the downtown cannot be answered without the Illinois Accessibility Code and the Federal ADA code being addressed, it would be great to make a statement such as “all fences at commercial businesses for the purpose of surrounding seating areas shall be in compliance with the Illinois Accessibility Code and the 2010 Federal ADA Standards”.

**FIRE DEPARTMENT**

The Fire Department has no comments.

## **PROPOSED TEXT AMENDMENTS**

The proposed amendments to the Zoning Ordinance are offered below in underscore or strikeout.

### **155.205 FENCES, WALLS, AND HEDGES**

#### **A. Fences and Walls**

##### **2. Fences or Walls in Business and Office Districts**

###### **a. Fence or Wall Materials**

The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6') and less than eight feet (8') above the ground. No electrified fences shall be permitted. Fences or walls within fifteen feet (15') of any building must be of fire resistant type construction, as approved by the ~~Bureau of Inspectional Services~~ Building Division and Fire Department. Materials for fences or walls in the clear line of sight area shall meet the requirement of Section 155.205(A) (2) (e) of this Chapter.

###### **b. Permitted Location**

Fences or walls may be erected, placed, or maintained along a lot line or within a required yard in business or office district, except as otherwise restricted by Section 155.205(A)(2)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.

###### **c. Permitted Height**

1. No fence or wall shall be erected, placed, or maintained to a height exceeding eight feet (8') in any business or office district.
2. Fences or walls in the required front or corner side yard shall not exceed four feet (4') in height.
3. Wherever the rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence or wall shall be four feet (4').

###### **d. Fence Installation**

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street. Additionally, all fences at commercial businesses for the purpose of surrounding seating areas shall be in compliance with the Illinois Accessibility Code and the applicable Federal Americans with Disabilities Act (ADA) Standards.

**e. Fences or Walls in the Clear Line of Sight Area**

No fences or walls more than two feet (2') in height shall be located within the clear line of sign area, as defined in Section 155.802 of this Ordinance, unless it meets all of the following criteria:

1. Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
2. Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
3. Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet (8') above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet (2') in height.
4. Supporting members are no greater than six inches (6") in width.

**f. Fences or Walls within the B5 District**

In addition to the provisions listed in Section 155.205 (A)(2) above, all fences and walls located within the B5 District shall meet the following additional provisions:

**1. Fence or Wall Materials**

All fences in the B5 District shall be constructed of the following materials:

- a. Open Fences: Aluminum, wrought iron, cast iron or welded steel; pillars may be constructed of masonry materials
- b. Solid Fences: Brick, masonry or pre-cast materials with a decorative side facing the exterior of the property in which it is located.
- c. Chain link fencing shall only be permitted for construction fencing purposes, as required by Section 150 of the Village Code.
- d. Solid fencing made of wood or PVC shall only be permitted as required by Section 155.707 (transitional yard requirements) or 155.710 (refuse screening) of the Zoning Ordinance.
- e. Landscape hedgerows shall be permitted within the B5 District
- f. Barbed wire or razor wire is expressly prohibited.

**2. Permitted Location**

Fences or walls may be erected, placed, or maintained along a lot line or within the property. Walls or fencing of parking spaces within parking lots shall only be permissible if said spaces were granted a conditional use, as set forth within Section 155.418 (C)(14) or (15) of the Zoning Ordinance.

**3. Permitted Height**

No fence or wall shall be erected, placed, or maintained to a height exceeding six feet (6') in the B5 District.

## FINDINGS & RECOMMENDATIONS

Staff has prepared requisite responses to standards for text amendments, which can be found as Attachment A. Staff finds that the proposed amendments are consistent with the objectives of the Zoning Ordinance. The amendments are also consistent with the intent of the Comprehensive Plan in general and the Lombard Downtown Revitalization guidebook, a component of the Plan adopted in 2011.

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 13-11.

Inter-Departmental Review Group Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

**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 fence amendments be approved, it would apply to all properties in the B5 District.

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

The Downtown Lombard B5 District does not have clear line of sight regulations, as the intent of the district is to encourage pedestrian scale development with buildings located up to the front property line. Solid fences could also be placed up to the property lines. However, the Zoning Ordinance does not specify a required or prohibited material for fences. Staff believes that fence regulations located in the district should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way and many neighboring properties. Staff believes that chain link fences and other types of undesired fencing should be specifically excluded as a permissible fencing material in the downtown area to avoid a potential negative visual impact.

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

The proposed amendment will create non-conformities for those properties that are using fences that do not adhere to the enumerated acceptable design. For example, 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. However, the amendments would allow for selected wood or PVC fences where required elsewhere by code.

Lastly, the proposed regulations would preclude fencing of parking areas, unless such areas are granted a conditional use for an outdoor parking lot. This provision would preclude or minimize multiple fences to restrict or designate parking rights on a property.

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; however, staff believes that 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 in general and the Lombard downtown Revitalization guidebook in particular. The amendments will enhance the character of the downtown by prohibiting or removing chain link fences and other like fence types, which deteriorate over time. Moreover, decorative fencing can be deemed as an aesthetic attribute to the downtown property.

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. In 2009, the Village prohibited chain link fencing in residential front yards to avoid any negative visual impacts imposed by such fences. This series of amendments is intended to balance the desire and need for fencing in a pedestrian oriented area and adding an aesthetic component.