

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: Scott R. Niehaus, Village Manager

DATE : March 28, 2023 (BOT) Date: April 6, 2023

SUBJECT: PC 23-04: Text Amendment regarding fences in the B5 Central Business District

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a text amendment to Sections 155.205(A)(2)(f) of the Lombard Village Code to amend the allowable fence types within the B5 Central Business Zoning District.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the April 6, 2023 Board of Trustees agenda for first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

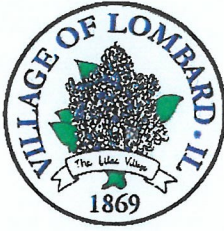
MEETING DATE: April 6, 2023

SUBJECT: **PC 23-04, Text Amendment regarding fences in the B5 Central Business District**

Please find the following items for Village Board consideration as part of the April 6, 2023 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 23-04; and
3. An Ordinance granting approval a text amendment to Section 155.205(A)(2)(f) of the Lombard Village Code to amend the allowable fence types within the B5 Central Business Zoning District.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the April 6, 2023 Board of Trustees agenda for first reading.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
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www.villageoflombard.org

April 6, 2023

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

"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. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 23-04, Text Amendments regarding fences

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a text amendment to Sections 155.205(A)(2)(f) of the Lombard Village Code to amend the allowable fence types within the B5 Central Business Zoning District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 20, 2023. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Acting Chairperson Giuliano asked if any additional person would like to speak in favor or against this petition, or for public comment.

Hearing none, Acting Chairperson Giuliano asked for the staff report.

Ms. Ganser presented the IDRC report for PC 23-04, which was entered into the public record in its entirety. She said that in 2013 (PC 13-11), staff took forth a text amendment to amend fence type in the downtown, B5 zoning district. Code language was added which prohibited barbed wire, and also wood or PVC fences. Recently, Kinder Care Day Care installed a solid wood fence around the outdoor play area for the children. Kinder Care cited privacy and safety reasons for the type of fence. Upon review of Code, staff noted this type of fence (wood or

PVC) would only be allowed around a dumpster enclosure or in a transitional landscape yard. As such, staff is bringing forward a text amendment to allow wood and PVC fences in the downtown. Other regulations remain unchanged.

Chairperson Giuliano opened the meeting to discussion by the Plan Commissioners.

Commissioner Invergo asked if a downtown property could only place a solid fence in the rear. Ms. Ganser clarified that a solid fence can be place in the downtown now, even in the front of the building. She noted this text amendment only changes the fence style. She said many buildings in the downtown are built up to the property line so fences are rare in the downtown.

Chairperson Giuliano asked what type of fence PVC is and Ms. Ganser said it's a vinyl fence.

Chairperson Giuliano asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Sweetser, and a second by Commissioner Invergo, the Plan Commission voted 4-0 to recommend that the Village Board approve the petition associated with PC 23-04.

Respectfully,

VILLAGE OF LOMBARD

Leigh Giuliano, Chairperson
Lombard Plan Commission

March 20, 2023

Title

PC 23-04

Petitioner

Village of Lombard

Property Location

B5 Central Business Zoning
District (downtown Lombard)

Approval Sought

Text amendment

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner is requesting a text amendment to Sections 155.205(A)(2)(f) of the Lombard Village Code to amend the allowable fence types within the B5 Central Business Zoning District.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendment.

Fire Department:

The Fire Department has no comments regarding the proposed text amendment.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment.

Planning Services Division:

In 2013 (PC 13-11), staff took forth a text amendment to amend fence type in the downtown, B5 zoning district. Code language was added which prohibited barbed wire, and also wood or PVC fences. Recently, Kinder Care Day Care installed a solid wood fence around the outdoor play area for the children. Kinder Care cited privacy and safety reasons for the type of fence. Upon review of Code, staff noted this type of fence (wood or PVC) would only be allowed around a dumpster enclosure or in a transitional landscape yard.

As such, staff is bringing forward a text amendment to allow wood and PVC fences in the downtown. Other regulations remain unchanged.

Proposed language is below, which would allow wood or PVC fencing in the downtown.

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

(i) 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, **wood or PVC**; pillars may be constructed of masonry materials.

b. Solid fences: Brick, masonry, ~~or~~ pre-cast materials, **wood or PVC** with ~~a~~ **the** 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 Chapter 150 of the Village Code.

~~d. Solid fencing made of wood or PVC shall only be permitted as required by § 155.707 (transitional yard requirements), or § 155.710 (refuse screening) of the zoning ordinance.~~

e **d**. Landscape hedgerows shall be permitted within the B5 District.

~~f e~~. Barbed wire or razor wire is expressly prohibited.

(ii) 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 subsection 155.418(C)(14) or (15) of the zoning ordinance.

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

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

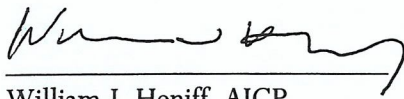
- 1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to B5 downtown property throughout the Village.
- 2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
- 3. The degree to which the proposed amendment would create nonconformity;*
Nonconformities would not be created.
- 4. The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment makes the ordinance more permissive only related to downtown fence. Staff notes that prior to 2013 a wood or PVC fence could be placed in the downtown.
- 5. The consistency of the proposed amendment with the Comprehensive Plan; and*
The proposed amendments would be consistent with the Comprehensive Plan and assist downtown businesses looking to install a fence.
- 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 the Zoning Ordinance to address new ideas.

FINDING & 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 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 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 23-04.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TEXT AMENDMENT TO
SECTIONS 155.205(A)(2)(F) OF THE LOMBARD VILLAGE
CODE TO AMEND THE ALLOWABLE FENCE TYPES WITHIN
THE B5 CENTRAL BUSINESS ZONING DISTRICT**

PC 23-04; Text Amendments regarding fences

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

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

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on March 20, 2023, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the text amendment; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested text amendment 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 155.205(A)(2)(f) of the Lombard Zoning Ordinance shall be amended as follows:

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

(i) 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, wood or PVC; pillars may be constructed of masonry materials.

- b. Solid fences: Brick, masonry, or pre-cast materials, **wood or PVC** with a **the** 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 Chapter 150 of the Village Code.
 - d. ~~Solid fencing made of wood or PVC shall only be permitted as required by § 155.707 (transitional yard requirements), or § 155.710 (refuse screening) of the zoning ordinance.~~
 - e d. Landscape hedgerows shall be permitted within the B5 District.
 - f e. Barbed wire or razor wire is expressly prohibited.
- (ii) 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 subsection 155.418(C)(14) or (15) of the zoning ordinance.
- (iii) Permitted height. No fence or wall shall be erected, placed, or maintained to a height exceeding six feet in the B5 District.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2023.

First reading waived by action of the Board of Trustees this _____ day of _____, 2023.

Passed on second reading this _____ day of _____, 2023.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2023.

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____
Re: PC 23-04
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Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2023.

Elizabeth Brezinski, Village Clerk