

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Timothy Sexton, Acting Village Manager

DATE: January 7, 2014 (B of T) Date: January 16, 2014

TITLE: PC 13-21; Text Amendment to the Zoning Ordinance -- Fences

SUBMITTED BY: Department of Community Development *WJA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing text amendments to Sections 155.205 (A)(1)(c)(ii)(b) regarding fences where a corner side yard abuts another corner side yard. (DISTRICTS - ALL)

The Plan Commission unanimously recommended approval of the proposed text amendment.

Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ 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: Timothy Sexton, Acting Village Manager

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

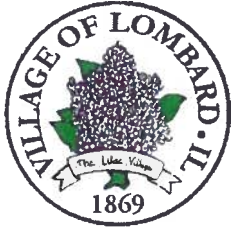
DATE: January 16, 2014

SUBJECT: **PC 13-21; Text Amendment to the Zoning Ordinance – Fences**

Please find the following items for Village Board consideration as part of the January 16, 2014 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-21; and
3. An Ordinance granting approval of the proposed text amendment to allow for a solid fence of two feet (2') or less in residential lots where a corner side yard abuts another corner side yard.

The Plan Commission unanimously recommended approval of the proposed text amendment. Staff requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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www.villageoflombard.org

January 16, 2013

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Acting Village Manager
Timothy Sexton

"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 13-21; Text Amendment to the Zoning Ordinance - Fences

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 Sections 155.205 (A)(1)(c)(ii)(b) regarding fences where a corner side yard abuts another corner side yard.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 16, 2013. Sworn in to present the petition was Matt Panfil, AICP, Senior Planner. The staff report was submitted to the public record in its entirety.

Mr. Panfil stated that this item is a minor change to the current fence regulations. Currently, 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, the fence, in its entirety, is required to be a minimum of seventy-five percent (75%) open space. The phrase, "in its entirety" prevents the use of "puppy guards" on lots where a corner side yard abuts another corner side yard.

"Puppy guards" are an option offered by manufacturers of open-style fences that narrow the gap between the rails at the base of a fence that so small animals cannot get through the fence.

Staff finds 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 has prepared an amendment that clarifies the use of said puppy guards is permissible both in the clear line of sight area and in a corner side yard which abuts another corner side yard which is currently prohibited.

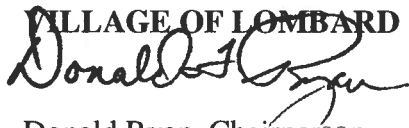
The language recommended by staff reads:

The fence 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.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Mrofcza moved and a second by Commissioner Flint, the Plan Commission voted 6 to 0 that the Village Board **approve** the proposed text amendments associated with PC 13-21.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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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.

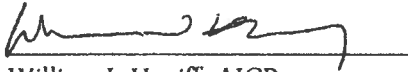
FINDINGS & RECOMMENDATIONS

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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ORDINANCE _____

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

(PC 13-21; Text Amendment to the Zoning Ordinance - Fences in Corner Side Yards)

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 a text amendment 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 16, 2013 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 205 (A)(1)(c)(ii)(b), of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§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, which abuts another corner side yard, may be increased to 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 a comparable material (chainlink fences being specifically excluded);

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

Where properties adjoin railroad right-of-way and the street for which the lot has frontage does not cross said railroad right-of-way, fences or walls along the property line adjoining and paralleling said railroad right-of-way may be six feet (6') in height in the required front or corner side yard.

SECTION 2: 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 _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014.

Passed on second reading this ____ day of _____, 2014.

Ordinance No. _____

Re: PC 13-21

Page 3

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Janet Downer, Deputy Village Clerk