

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

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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.*

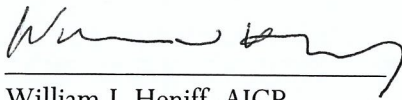
The Village has a history of amending the Zoning Ordinance to address new ideas.

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