

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – FENCES

DECEMBER 21, 2015

Title

PC 15-28

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

Text amendment to Sections 155.205(A)(1)(c)(ii)(b): amending the fencing opacity requirements in the clear line of sight area; Section 155.802: amending the definition of fence-open construction and fence-solid construction (and any other requisite companion amendments and references for clarity) of the Village of Lombard Zoning Ordinance.

Prepared By

Tami Urish
Planner I

DESCRIPTION

The Village has a history of amending its Zoning Ordinances to address evolving circumstances presented by petitioners, fence companies, or through discussions with Village representatives. Following up from the October 28, 2015 workshop of the Lombard Zoning Board of Appeals, staff is bringing an amendment pertaining to the opacity of fences to provide for flexibility of design. Additionally, amendments to the definition of a fence-open construction and fence-solid construction are offered for further clarity. The proposed text amendments do not change the maximum height of fences.

The amendments would apply to fences in all zoning districts.

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.

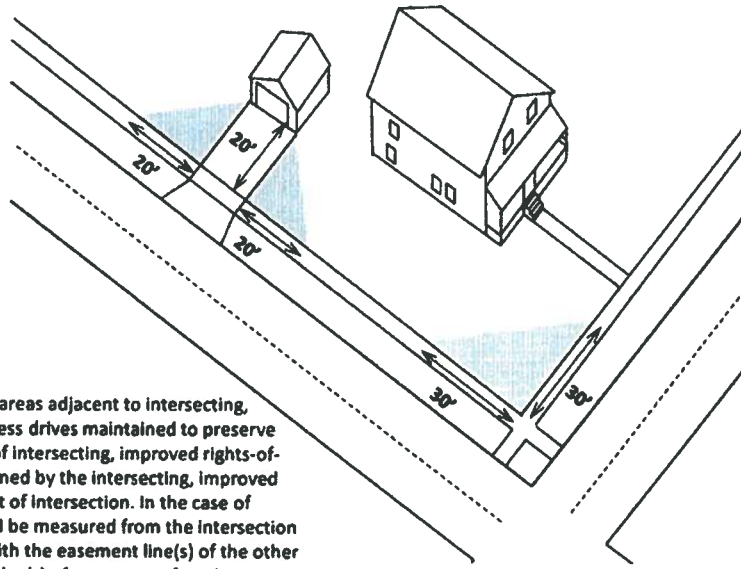
Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Planning Services:

Over the years staff has spoken to numerous residents who due to driveways or corner lots, require a fence that is seventy-five percent (75%) open. Section 155.205 (A)(1)(e) notes that fences in a clear line of sight must be of open construction. The following graphic shows where the clear line of sight triangle is in relation to a driveway and a corner lot.

Clear Line of Sight Area



Clear line of sight areas are triangular-shaped areas adjacent to intersecting, improved rights-of-way, private streets, or access drives maintained to preserve clear visibility at the intersection. In the case of intersecting, improved rights-of-way, the clear line of sight area is the area formed by the intersecting, improved rights-of-way lines 30 feet away from the point of intersection. In the case of private streets, the clear line of sight area shall be measured from the intersection of the easement line(s) of the private street with the easement line(s) of the other private street, the improved right-of-way, or edge(s) of pavement of a private driveway or access drive. In the case of private residential driveways intersecting with improved rights-of-way or streets, the clear line of sight area is the area formed by the intersection of the edge of pavement of such private drive with the improved rights-of-way or street, 20 feet away from the point of intersection.

Staff reviewed the 2007 staff White Paper on fences, as well as contacting surrounding municipalities, and fence companies. When contacting fence companies, staff found there is no standard in fence design. While a fence company can design most anything, they all noted that 75% opacity was high and can be difficult to engineer with a vinyl fence.

An open fence varies with municipalities from 33% open to 75% open, with many municipalities regulating at 50%. This was the case in the 2007 White Paper, as well as current staff research. Communities with 50% opacity were: Carol Stream, Darien, Glen Ellyn, DuPage County, Lisle, Oak Brook, and Westmont. Communities with 75% opacity were: Lombard, Villa Park, and Woodridge. Those with less than 50% were: Downers Grove, Hinsdale, Wood Dale, and Wheaton. The spreadsheet is attached.

Staff notes that tightening fence regulations would be difficult to enforce. Fence permits were not required until 2000. Restricting fences in the clear line of sight triangle would increase the number of non-conformities. The Village has had opacity regulations on fences as early as the 1970s. Per the 1978 Zoning Ordinance fences in the front yard were to be 50% open though fences were not allowed in the clear line of sight triangle. This continued until a 1999 text amendment when fences were allowed in the clear line of sight triangle with the opacity of 75%.

Staff reviewed a 50% open space requirement, but found that a property owner could set the boards in a manner that the fence could appear 100% closed when backing out of a driveway when a fence is at a corner.

Staff is proposing to change the definition of an open fence from 75% to 66%. As an example, a fence with three inch boards would have six inches between each board in order to maintain the 66% open fence. Staff notes that safety is still a concern in the clear line of sight triangle and does not support closed fences. The below pictures are from the 2007 White Paper. Staff believes that a fence at 66% opacity still provides an adequate level of openness for safety.

Staff does not recommend any changes to the four feet maximum height and those requests would still require a public hearing through the Zoning Board of Appeals.



75% Open with Narrow Pickets



75% Open with Wide Pickets



66% Open with Narrow Pickets



66% Open with Wide Pickets



50% Open with Narrow Pickets



50% Open with Wide Pickets



33% Open with Narrow Pickets



33% Open with Wide Pickets

EXISTING & PROPOSED REGULATIONS

New Text

~~Deleted Text~~

Chapter 155: ZONING

§155.205 – Fence, walls, and hedges.

(A) *Fences and walls.*

(1) *Fences or walls in residential districts.*

- (a) *Fence or wall materials.* Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. Materials for fences or walls in the clear line of sight area shall meet the requirements of subsection 155.205(A)(1)(e) of this Chapter.
- (b) *Permitted locations.* Fences or walls may be erected, placed, or maintained along a lot line or within a required yard on a residentially zoned property, except as otherwise restricted by subsection 155.205(A)(1)(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.*
 - (i) Fences or walls in any residential district shall not exceed six feet in height, except that where a lot in a residential district abuts railroad right-of-way or property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such railroad right-of-way or business, office, or industrial district on the residential lot may reach, but not exceed, eight feet in height.
 - ii. Fences or walls in required front and corner side yards shall not exceed four feet 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 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 (chain-link fences being specifically excluded);
- b. The fence, at any point greater than two feet in height, must be a minimum of ~~75~~ 66 percent open space in total for every one foot 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 in height in the required front or corner side yard.

§155.802 DEFINITIONS

Fence-open construction is a fence which has over its entirety at least ~~75~~ 66 percent of its surface area in open space which affords a direct view through the fence.

Fence-solid construction is a fence which has over its entirety less than a minimum of ~~75~~ 66 percent open space in total for every one foot of linear dimension. Chain link fences with slats do not constitute a solid fence.

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;*

The proposed text amendment is generally applicable to all fences and is not property specific in any way.

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 text amendment is to allow increased flexibility in the design of fences while maintaining the safety of pedestrians utilizing the sidewalks.

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

Staff is unaware of any existing legal conforming uses that would be made nonconforming by the proposed text amendment.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed text amendment is more permissive in the amount of opacity of a fence in the clear line of sight areas of driveways and intersections in addition to corner side yards. However, the degree of decrease of the opacity of a fence is nine percent (9%). The difference from seventy-five percent (75%) to sixty-six (66%) as looking through a fence for potential obstacles is minimal as illustrated.

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*

Fences are not discussed in the Comprehensive Plan. The proposed text amendment would be would not be contrary to anything in 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 petitioners 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.

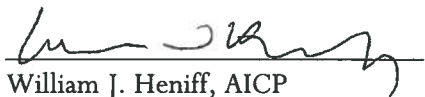
FINDINGS & RECOMMENDATIONS

Staff finds the proposed text amendment to be consistent with the objectives of the Zoning Ordinance. The proposed text 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 15-28.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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