

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – FENCES IN CLOS OF ALLEYS

December 20, 2021

Title

PC 21-26

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.205 (A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity.

Submittals

1. Exhibit A: Fence Exhibit
2. Exhibit B: Alley Status Map

Prepared By

Tami Urish
Planner I

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Sections 155.205(A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity. The proposed amendments would authorize the placement of fences within the clear line of sight (CLOS) areas of a private driveway intersecting with an alley to be solid construction and a maximum height of six (6) feet in residential zoning districts. The existing provisions restrict fences to be a minimum of 66% open construction or a maximum of two (2) feet in height and solid construction within CLOS areas of driveways.

The proposed text amendment is intended to add language that would provide an exception for driveways intersecting alleys only.

INTER-DEPARTMENTAL REVIEW**Building Division:**

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

Planning Services Division:

The Village proposes to add text to Section 155.205 of the Village Code pertaining to solid construction of fences in CLOS areas of driveways intersecting with alleys only, and in residential districts only. The proposed amendments will not remove restrictions for other driveway provisions. See Exhibit A on the next page.

EXHIBIT A



Background

The Village has a history of amending its Zoning Ordinances to address evolving circumstances presented by the public or through discussions with Village representatives. Earlier this year, a text amendment was approved to allow fences in the corner side yard to be six feet in height with the exception of reverse corner lots. Many residents had cited lack of privacy as a complaint with regard to fences. To address this concern further, fences in alleys were reviewed.

Alleys essentially function as an extended driveway by allowing for one way only maneuvering for the subject properties and not considered a thoroughfare for general traffic. As garages are usually located on the lot line and are within the CLOS as vehicles housed in the garages are backing directly onto the alley. The addition of fencing perpendicular to a garage is not further impacting the sight line for other approaching vehicles or pedestrians. Unlike streets, sidewalks are not part of an alley way network.

There are approximately one hundred (100) properties adjacent to alleys in the Village and, of those, about half are single family homes. Please see Exhibit B: Alley Status Map. The other properties with apartments, duplexes or other multi-family configurations that are adjacent to alleys appear to utilize this frontage for parking spaces.

The proposed text amendment is intended to add language that allows the height of fences to be six (6) feet and solid in CLOS areas adjacent specifically to alleys only. This would not apply to the CLOS area at the intersection of alleys and streets as Exhibit A illustrates.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**.

ARTICLE III. - GENERAL PROVISIONS

§ 155.205 - Fences, 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 yards shall not exceed four feet in height. Fences in required front yards shall not be constructed of chain link (with or without slats).
 - (iii) Wherever the rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence or wall within the required rear yard shall be four feet.
 - (iv) On a through lot within the R0, R1 or R2 Single-Family Residence District that takes driveway access from the same right-of-way as both adjacent properties, the lot line opposite the access right-of-way shall be treated as a rear lot line and allowed a maximum fence height of six feet. This provision shall not apply if either of the adjacent properties takes driveway access from a right-of-way other than that accessed by the subject property.
 - (v) Maximum height, as prescribed by this section, shall be permitted to vary by up to three inches to allow for grade changes; clearance under fences for maintenance, footers or other obstacles customary to the use intended to be fenced; or reasonable human error. Fence posts or decorative finials may not cause the fence to exceed the maximum height limitation by more than three inches.
- (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.

- (e) Fences or walls in the clear line of sight area. No fences or walls more than two feet in height shall be located within the clear line of sight area, as defined in § 155.802 of this Chapter, unless it meets all of the following criteria:
- (i) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
 - (ii) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
 - (iii) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet in height.
 - (iv) Supporting members are no greater than six inches in width.
 - (v) **Fences adjacent to private residential driveways that intersect with an alley shall be permitted to be of solid construction.**

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

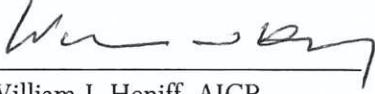
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendments are applicable to all properties adjacent to alleys of residential properties in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendments are consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendments will be more permissive than the existing regulations.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be 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 the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

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 21-26.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in black ink, appearing to read 'William J. Heniff', written over a horizontal line.

William J. Heniff, AICP
Director of Community Development

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EXHIBIT B

